Subdivision Regulations Rewrite

• Overview of new structure and summary of content
• Discussion of significant changes
• Board approval to release the hearing draft
• Set public hearing date
What is Subdivision?

- Division or assemblage of a piece, or pieces of land for the purpose of sale or development.

⭐ Process by which proposed lot and road layouts are determined by the Planning Board prior to the submission of a record plat.
Purpose of Subdivision

• Establishment of value/entitlements
• Change of use

Incentives to follow the process

• Record plat as a precursor to sale of property
★ Building permit
Subdivision Review Tools

- Chapter 59 – Zoning Ordinance
- Chapter 22A – Forest Conservation Law and Regulations
- Subdivision Staging Policy (APFO)
- Property deeds
- Master Plans
- Development Review Procedures Manual
- Chapter 50 – Subdivision Regulations
Subdivision Regulations Rewrite

• Started informally at the same time as the process to revise the zoning ordinance, and in earnest since May, 2014.


• First Public Draft Released 12-23-15.
Objectives

• Improve organization and ease of reference;
• Increase review and approval efficiency;
• Codify current interpretations; and
• Modernize language that has not been rewritten in over 50 years.
Improved Organization

Current Table of Contents

Article I. In General.

Article II. Plats.

Article III. Approval and Amendment of Subdivision Plans.

Draft Table of Contents

Article I. In General.

Division 50.1. Purpose
Division 50.2. Defined Terms
Division 50.3. General Requirements

Article II. Subdivision Plans.
Division 50.4. Preliminary Plan
Division 50.5. Pre-Preliminary Plan
Division 50.6. Simplified Preliminary Plan
Division 50.7. Minor Subdivisions

Article III. Plats.
Division 50.8. Plats-Generally

Article IV. Administration.
Division 50.9. Waivers from this Chapter
Division 50.10. Administrative Procedures
Article I. In General

• Division 50.1. Purpose
• Division 50.2. Defined Terms
• Division 50.3. General Requirements
  – Limit exception to platting for farm dwellings to parcels that are at least 25 acres in size
  – Expanded pre-’58 exception to parts of lots
  – Added exception for reconstruction of detached dwellings
Article II. Subdivision Plans

- Division 50.4. Preliminary Plan
  - 120-day review clock for preliminary plans; agency recommendations required 45 days before hearing date
  - Agency approvals needed
  - Planning Board findings for approval of a preliminary plan
  - Technical review
Technical Review: Relation to Master Plan

- Finding that events have occurred to render the relevant master plan recommendation “no longer appropriate”
Technical Review: Resubdivision

Current Language

• Applies in any residential zone;
• Applies to townhouse lots
• Criteria:
  – Street frontage;
  – Alignment;
  – Size;
  – Shape;
  – Width;
  – Area; and
  – Suitability for residential use.

Goals of the Draft Language

• Apply only to lots for SF detached dwellings in residential zones;
• Include only quantifiable criteria;
• Continue to protect existing neighborhood character; and
• Significantly reduce, if not eliminate waivers.
New Resubdivision Provisions

Options considered:

★ Keep resubdivision analysis but apply only to lots created for detached dwellings in the R-40, R-60, R-90, R-200 and RE-1 zones, and limit the criteria for analysis to the 3 required by State law (frontage, alignment and lot area/size).

➢ Keep resubdivision analysis but apply only to lots created for detached dwellings in the R-40, R-60, R-90, R-200 and RE-1 zones, and limit the criteria for analysis to existing quantifiable criteria plus those required by State law (frontage, alignment, lot area/size, lot width and buildable area).

➢ No resubdivision analysis
Technical Review: Roads

New provisions:

• Removed out-of-date road standards
• Right-of-way parcels required for private roads
• Standard right-of-way widths with ability for the Board to modify
• Road construction standards apply to both public and private roads
Private Road ROW

Issues:

• Review authority/expertise needs to be established for certification of design and construction – recommend amending Chapter 49 to grant authority to DPS/DOT to verify certification of the road from engineer.

• Restrictive covenant needed to provide for liability, future subdivisions and APF tests (LATR).
Technical Review: Adequate Public Facilities

• Uses associated with religious institutions that generate peak-hour vehicle trips are not exempt;

• Revised extension criteria for mixed-use development;
  – Current language – separated into residential (DUs) and non-residential (FAR/SF);
  – Not clear how to calculate when dealing with mixed-use, residential and non-residential uses (SF? DUs? Both?);
  – Proposed language – calculate based on trips;
Article II. Subdivision Plans

- Division 50.5. Pre-Preliminary Submission
- Division 50.6. Simplified Subdivision Plan
- Division 50-7. Minor Subdivisions
Simplified Subdivision Plan

- New review/approval process, requires Planning Director instead of Planning Board approval; and

- Options for review/approval include:
  - Lots for existing institutional uses and places of worship because of the level of review needed;
  - Up to 5 lots in the AR because pre-preliminary plans should not create entitlements; and
  - Up to 3 lots in the RE-2 and Rural Residential zones; and 1 lot in any residential zone created by platting a parcel that existed before the requirement that building permits only be issued on platted lots.
**Minor Subdivisions**

- Moved private institutional lots and lots in the agricultural zone to the Simplified Subdivision Plan process.
- No platting of a parcel containing an existing dwelling under the zoning standards in effect when the dwelling was constructed.
- Limit consolidation to one-family detached residential lots to avoid loss of potential road improvements for non-residential lots that are going to redevelop and do an APF with site plan.
Article III. Plats

• Division 50.8. Plats-Generally
  – Added application processing and hearing schedule; including a 90-day review period and the requirement that a hearing date be established within 30 days of the submittal of the final plat mylar, with provisions for requesting extensions
Article IV. Administration

• Division 50.9. Waivers from this Chapter
  – Grounds for waiver
Waiver Provisions

Old Section 50-38

(1) The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

Draft Division 50-10

A. To grant a waiver, the Planning Board must find that:

1. due to practical difficulty or unique circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;

2. the intent of the requirement is still met; and

3. The waiver is:
   a. the minimum necessary to provide relief from the requirements; and
   b. consistent with the purposes and objectives of the General Plan.
Article IV. Administration

• Division 50-10. Administrative Procedures
  – Bonding and surety for public and private road improvements
Next Steps

• Modify the draft as needed based on today’s discussion
• Release for review and comments prior to the Planning Board hearing
• Hearing date of April 23, 2015 or April 30, 2015
• Board work sessions in May
• Approval and transmittal to the County Council by early June