Subdivision Regulations Rewrite
Worksession 1
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.
Timeline

• 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.

• Presentation to the Planning Board 3-19-15 and release of Public Hearing Draft

• Planning Board Public Hearing 4-30-15
Worksession Objectives

1) Revisit major changes proposed in the Public Hearing draft.

2) Review new changes made in response to comments from the public hearing (highlighted in red).
Article I. In General

Division 50.1. Purpose

Division 50.2. Interpretation and Defined Terms

- Rules of Interpretation added
- Defined terms modified and expanded
Division 50.3. General Requirements

• Farm dwellings in the AR zone must be on 25 acre parcels to qualify exemption from platting.
• Construction of one detached dwelling on pre-1958 parts of lots.
• Public transfer exemption applies to parcels.
• Reconstruction under the new zoning ordinance permitted on any tract of land.
Division 50.3. General Requirements

- Advanced dedication or donation of master planned roads permitted without a plat.
- Farm dwelling exemption also requires availability of density and a TDR.
- Planning Board may defer action on a proposed subdivision plan application if all or part of the plan is located in the boundaries of a pending Master or Sector Plan Amendment without finding that the proposal conflicts with the pending Master or Sector Plan Amendments.
Article II. Subdivision Plans

Division 50.4. Preliminary Plans

• Application processing and hearing schedule that mimics the new zoning ordinance - 120 days with the ability to request Planning Director and Planning Board extensions.

• Agency approvals needed before the Planning Board may act on a Preliminary Plan.

• Planning Board findings to approve a Preliminary Plan.
Division 50-4. Preliminary Plans

Technical Review standards:

• Board may find that the recommendations of a Master or Sector Plan are “no longer appropriate” in review of a preliminary plan although the same finding is not permitted for a site plan.

• Deleted the requirements for a separate resubdivision analysis.
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Worksession 2
Division 50-4. Preliminary Plans

Technical Review standards:
• Private roads are permitted, but they must be located in a private road right-of-way and built to the same standards as a public road of the same classification.
  o Board has ability to permit non-standard right-of-way width for environmental and compatibility reasons for all road classifications.
Division 50-4. Preliminary Plans

Technical Review standards:
• No APF exemption for religious institutions that generate peak hour vehicle trips that exceed the limits of the Subdivision Staging Policy traffic test.
• APF traffic test extension criteria for mixed use development based on number of vehicle trips generated.
• Board finding that a Master or Sector Plan recommendation is “no longer appropriate” can only be made if a site plan under 59-7.3.4 is not needed.
Division 50-4. Preliminary Plans

Technical Review standards:

• Provisions for major and minor amendments to preliminary plans; major requires Planning Board hearing and minor may be acted upon on the Board’s consent agenda.

• Planning Director may approve a request to amend a validity period phasing schedule for a preliminary plan and for a determination of adequate public facilities if the overall validity period is not extended; only Planning Board may extend the overall validity periods.
Division 50-4. Preliminary Plans

Technical Review standards:

• Board may reinstate and extend an expired preliminary plan.

• Board may find substantial conformance with a Master or Sector Plan when density limits of the plan are exceeded to permit MPDUs and workforce housing units.

• Board may permit an applicant to provide an offsite location for a necessary public use if the applicant’s preferred location is deemed unsuitable by the Board.
Division 50-4. Preliminary Plans

Technical Review standards:

• Private road rights-of-way may be created on a record plat as either a separate parcel, or in an easement through the platted lot.

• Board may extend the APF validity period of one lot in a multi-lot subdivision if the applicant provides sufficient evidence to determine the amount of the previously approved development attributed to the lot.
Article II. Subdivision Plans

Division 50-5. Pre-Preliminary Submission

Division 50.6. Administrative Subdivision Plans

• Planning Director approves the plan unless there is community opposition.
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Division 50.6. Administrative Subdivision Plans

• Creates lot(s) for:
  o an existing place of worship or other institutional use on an unrecorded parcel;
  o up to 5 residential dwellings in the AR zone;
  o up to 3 residential dwellings in the RE-2, R, RC and RNC zones; or one lot in any residential zone that is created from the entirety of an unrecorded parcel created prior to 10/8/85; and
  o consolidation of existing lots, or a lot and a part of a lot in non-residential zones
Division 50.7. Minor Subdivision

• Creating private institutional lots and lots in the AR zone are now Administrative Subdivision Plans.
• May not plat a parcel containing an existing dwelling per the zoning in effect when the dwelling was constructed; must apply the reconstruction provisions of 59-7.7.1.
• Administrative Subdivision Plan approval needed to consolidate non-residential lots.
Article III. Plats

Division 50.8. Plats-Generally

• Review of plats within 90 days of acceptance; action on the Planning Board consent agenda within 30 days from the receipt of the plat mylar.

• Added provisions for abandonment of land dedicated to the Commission and other public entities.
Article IV. Administration

Division 50.9. Waivers from this Chapter

• Board may waive any provision of the Chapter upon finding that due to practical difficulties or unusual circumstances of a plan, the application of a specific requirement is not needed to ensure public health, safety and welfare; and the intent of the requirement is still met.
Division 50.10. Administrative Procedures

• Board may require bonding and surety for all necessary improvements, including private streets.
Next Steps

• Modify the draft as needed based on discussion
• Approval and transmittal to the County Council by the end of July