

# Proposed Subdivision Ordinance Changes

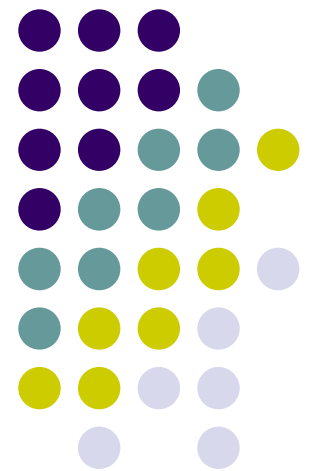
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February 2006 – March 2008

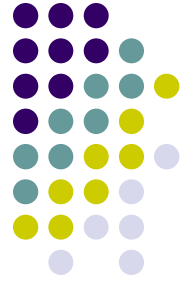
Infrastructure Review

Advisory Board

March 5, 2008



# Subdivision Ordinance - Purpose



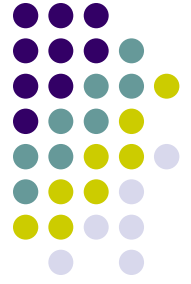
- **February 15, 2006, at 8:30 a.m.**

## New Business

### **1. Subdivision Ordinance Revision Process**

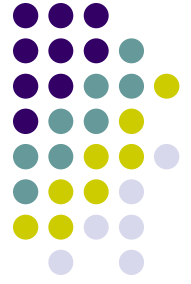
- Tony Everson turned the meeting over to Jeff Schmitt, Assistant Planning Director, “who introduced the topic of today’s meeting saying that he would like to review the procedures for processing the subdivision ordinance. “

# Subdivision Ordinance - Purpose



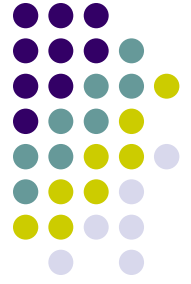
- **November 1, 2006, at 8:30 a.m.**
- 1. Subdivision Ordinance Revision**
- “After being asked why we were redrafting the subdivision ordinance, Robert Ellis, Assistant City Engineer, explained to the Board that the initial purpose of redoing the Subdivision Ordinance was because the language was in conflict with other ordinances and was in conflict with the Engineering Design Standards (EDS). He explained that the revision would result in the ordinance and EDS mirroring each other. Robert then explained that once the Board began making edits there was a request to completely revisit the whole process.”

# Subdivision Ordinance - Purpose



- “Regulate the subdivision of land”
- “Coordinate streets/roads [and other utilities] with other subdivisions”
- Conformity with Zoning Ordinance and Engineering Design Standards **15A.01.050**
- lot and block layout
- What purpose does it serve you ?

# Subdivision Ordinance - Background

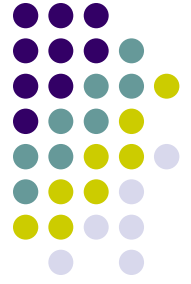


- **August 15, 2007, at 8:30 a.m.**
- Consensus of the Board to proceed with Option 1, which included a Concept Plan, Preliminary Plan, Developer Engineering Plan, Plat, and the Construction Plan.
  - Chapter 13
  - Subdivision Table 1

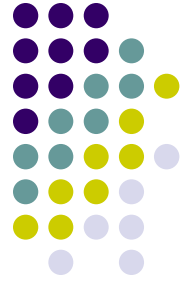
## **Action Items**

- Finalize revisions to Chapter 8 of the EDS.

# Subdivision Ordinance - Background

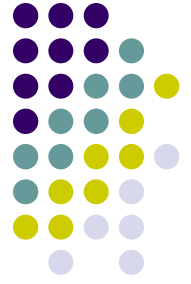


- **December 5, 2007, at 8:30 a.m.**
  - Engineering Design Standards Ch. 8
    - Motion was approved



# Development Toolbox

- Annexation - into the City
- Future Land Use Amendment – infrastructure (general land uses)
- Zoning - land from rural to urban land uses (specific uses and form design)
- Subdivide – land from large tracts to buildable tracts
- Engineering Design Standards [EDS] – construct public utilities per approved specifications
- Building Codes – construct facilities per approved specifications



# Subdivision Issues

- Four Step Process - now has too many deferrals and lacks standards
- Sketch / Concept Plans
- Transfer of Ownership Plat – standards/process
- Preliminary Plan Amendments
- Condo / Common Properties
- Drainage – need to know design requirements early
- Access – when approved?
  - 30 lots
- (Administrative Plats) i.e. replats and cemetery Lots

# Subdivision Ordinance – Purpose [Proposed benefits]



- “Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the subdivision plan; therefore, no building permits shall be issued based on the approval of the preliminary plan. “
- “Following the approval of the preliminary plan, if the developer wishes to proceed, development engineering plans shall be submitted to the City Engineer for review and acceptance.”

Slide 9

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js1

Proposed vs. existing ?

pljs, 2/25/2008

# Subdivision Ordinance – Purpose [benefits]



- “The plat shall be in conformance with an approved development engineering plan (not) preliminary plan, if required.” -
- “No owner of any land shall transfer or sell any land by reference to, exhibition of, or by the use of a subdivision plan before a plat of said land has been approved and recorded. “

Slide 10

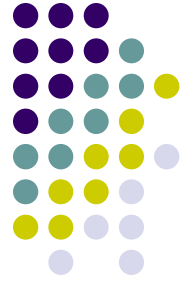
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js2

or in conformance with final plans?

pljs, 2/25/2008

# Process – Current vs. Proposed



## Current Process

- Sketch Plan
- Preliminary Plan
  - PC and City Council approval
- Final Plans
- Plat
- Construction Plans

## Proposed Process

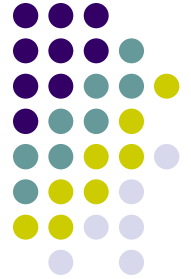
- Concept Plan
- Preliminary Plan
  - PC and City Council approval
- Development Engineering Plan
- Plat
- Construction Plans

## Proposed Option

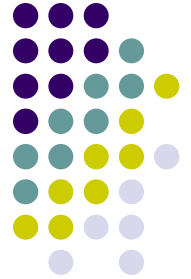
- Concept Plan
- **Development Agreement**
- Construction Plans

# Chapter 13 - EDS

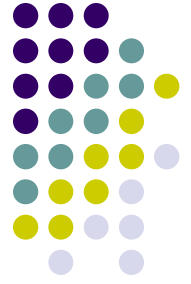
- Approved
- Terminology
- Criteria



# Chapter 8 - EDS



- Approved – City Council March 10, 2008
- Criteria
- Handouts



# Subdivision Ordinance

- Preliminary Plan
- Submittal and Process
  - All elements as required, shall be scheduled for a hearing
  - If plan does not meet the criteria, a one month deferral may be recommended to the Planning Commission and specific required information listed.
    - Per Table 1

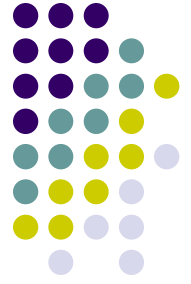


# Subdivision Ordinance

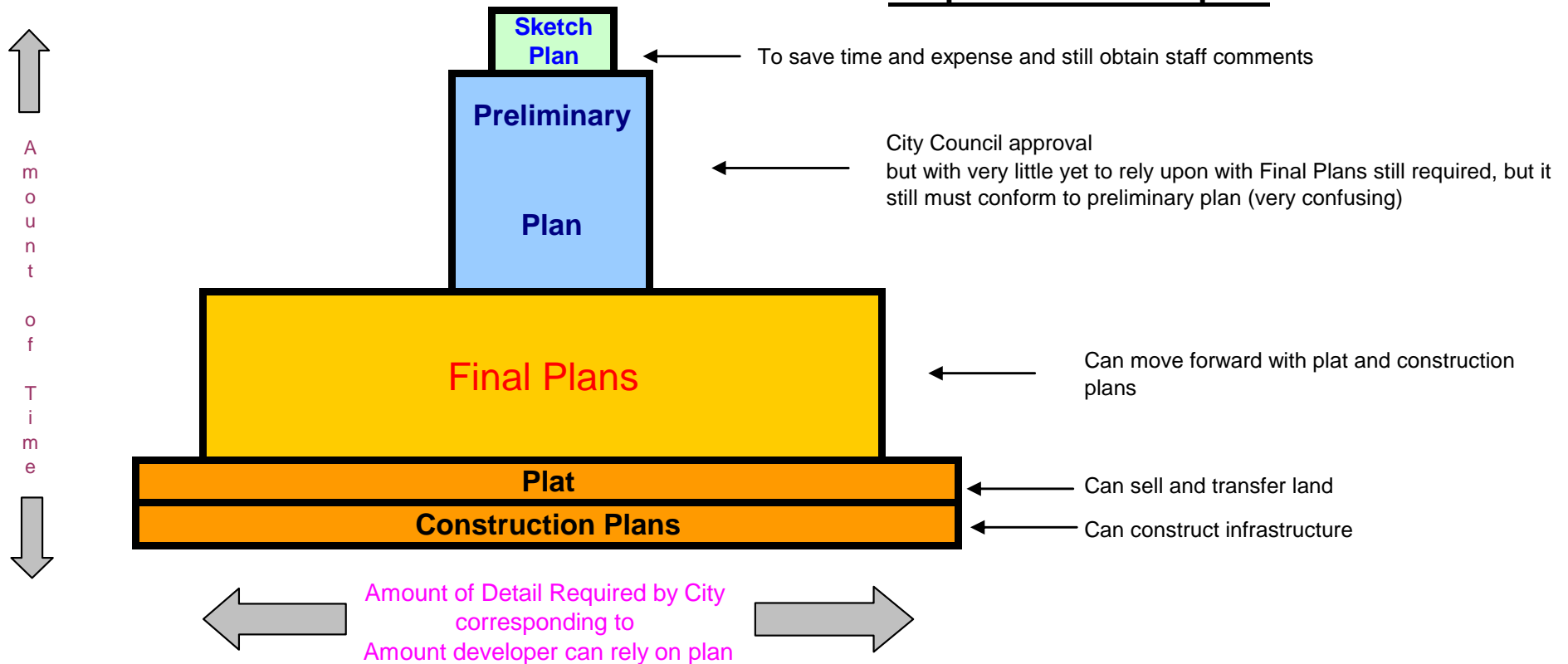
- Preliminary Plan
- Submittal and Process
- Table 1

Element	Approval Criteria
Proposed Name of Subdivision	The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjoining to an existing subdivision.

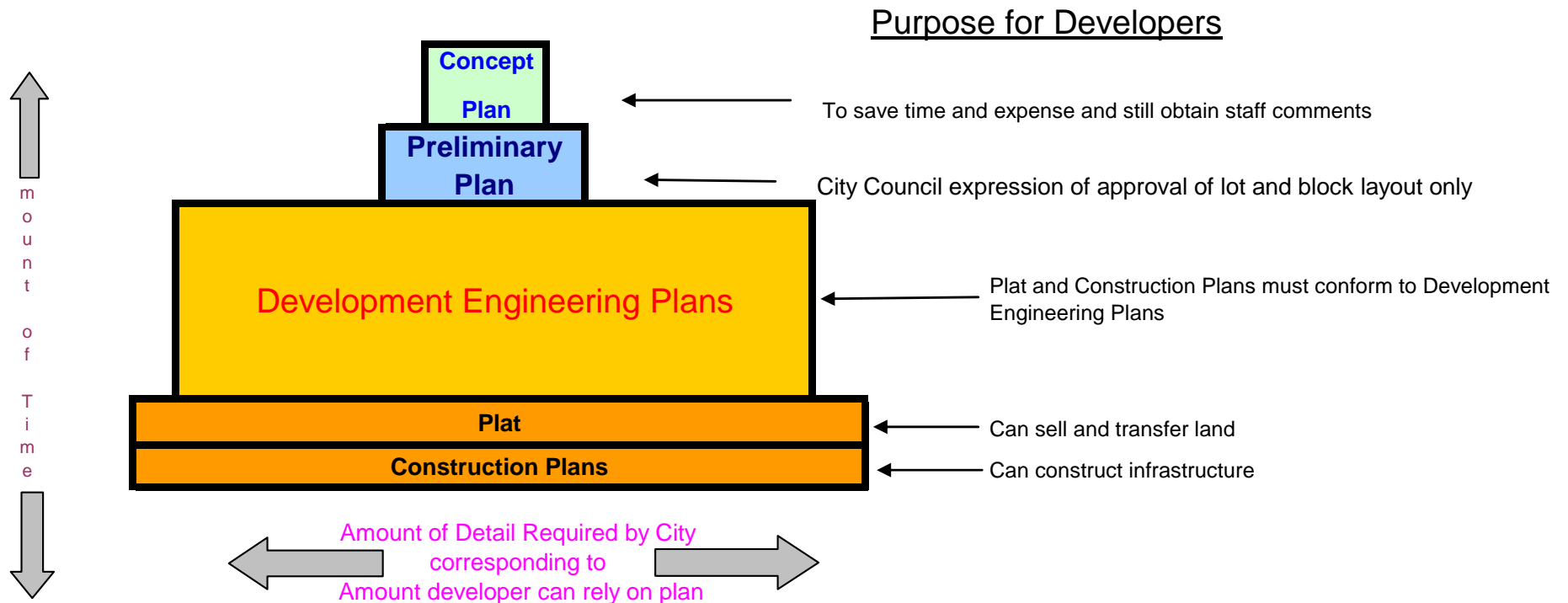
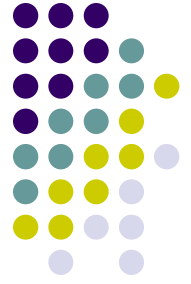
# Building Blocks of Subdivision Ordinance – Current Process



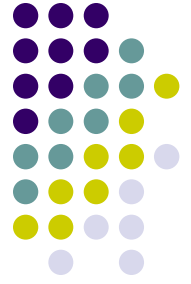
## Purpose for Developers



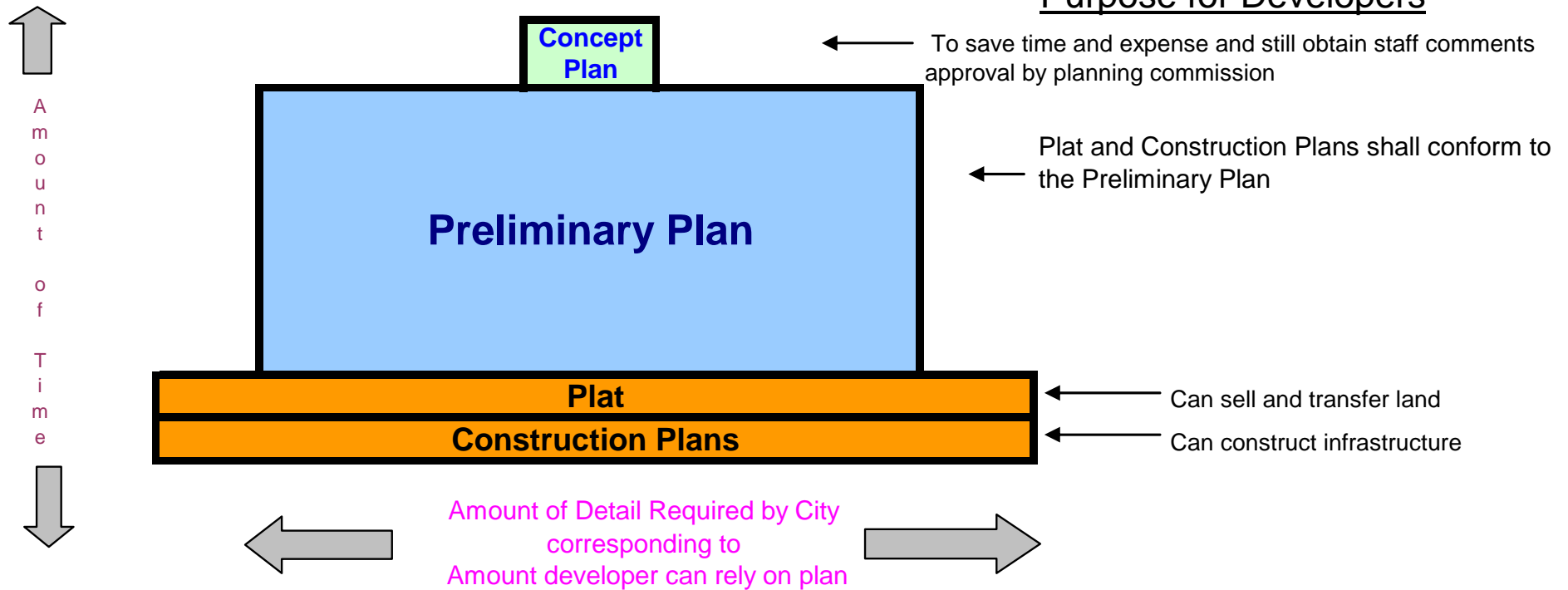
# Building Blocks of Subdivision Ordinance – Proposed Process



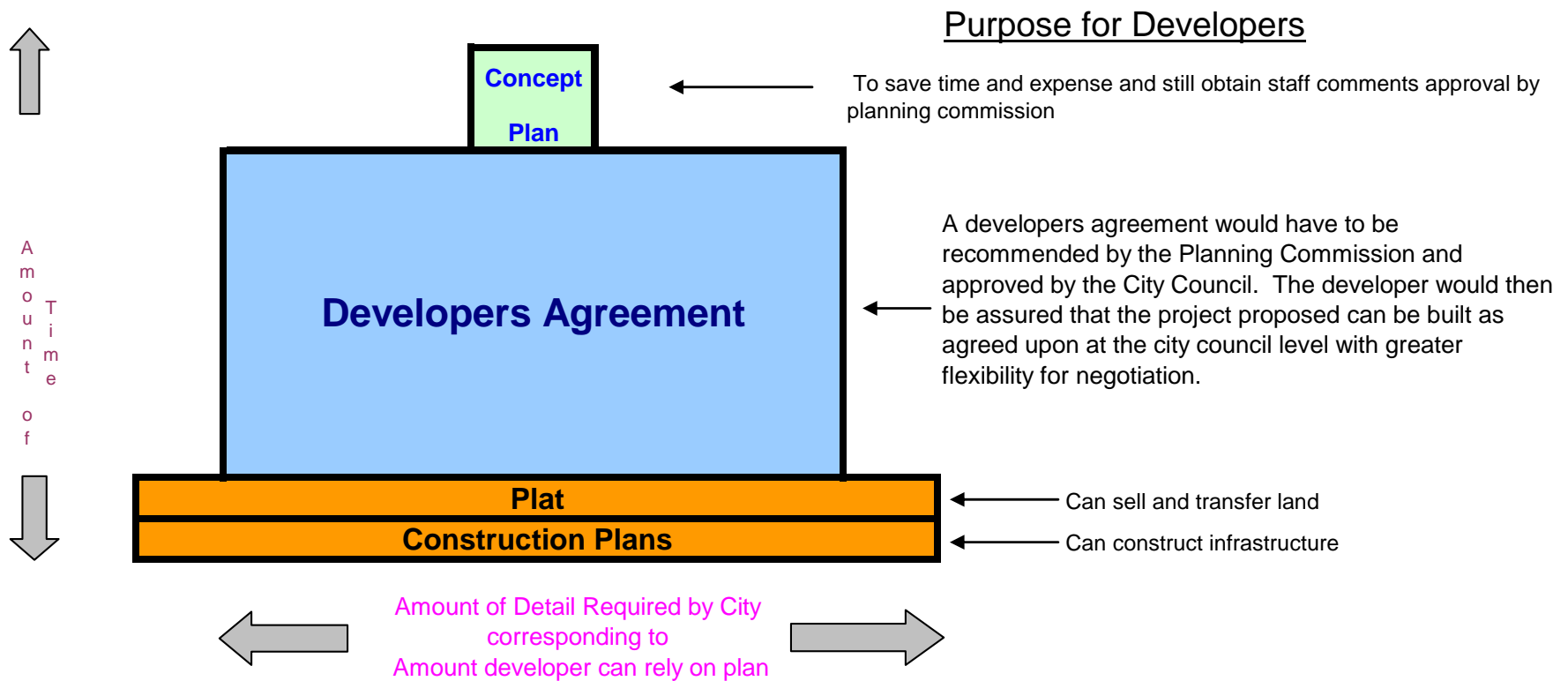
# Building Blocks of Subdivision Ordinance – Typical Process



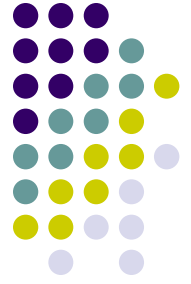
## Purpose for Developers



# Building Blocks of Subdivision Ordinance – Developer’s Agreement Option



# Sketch Plan to Concept Plan Process



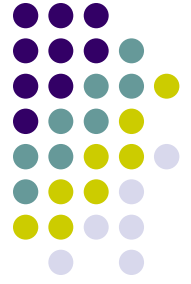
- **Current**
  - Sketch Plan not used much and does not have any standards
- **Proposed**
  - Concept Plan with standards for review that is highly encouraged to work out issues informally

# Process – EDS / Subdivision



- Where's access approval ?
- Where's drainage approval?

# Subdivision Ordinance - Streets



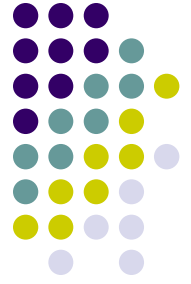
- Property Owners Need to Dedicate Right of Way
  - Arterials – 100'
  - Collectors – 80' or 66'
  - Locals – 60'
  - Private
  - Cul-de-sacs

# Subdivision Ordinance - Drainage



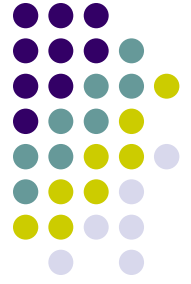
- Drainage ways allow for the coordination of flow through subdivisions

# Preliminary Plan Process



- **Current**
  - Requires approval by both Planning Commission and City Council that many times takes a significant amount of time prior to getting to a public hearing
  - The purpose of an approved Preliminary Plan by City Council is ambiguous at best and the number of deferrals that take place currently are burdensome to staff and developers
  - Submittal standards are not clarified
- **Proposed**
  - Create a true “preliminary plan”
    - Approval is deemed as an expression of approval of the lot and block layout **only** which is submitted as a guide to the preparation of the Development Engineering Plan and the Plat
  - Does not confer an applicant any vested rights until the Development Engineering Plan is completed.
  - Clarified submittal standards

# Amendments to Preliminary Plan



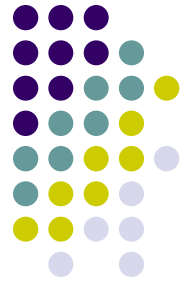
- **Current**

- Minor Amendment – administratively approved
- Major Amendment – Planning Commission and City Council approval needed

- **Proposed**

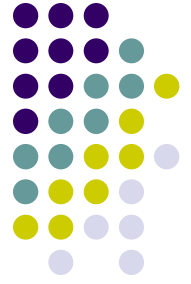
- Amendment only needed when changes have an external impact – Planning Commission approval needed
- No Minor Amendments required.
  - Adjustments will occur to the final lot and block layout of the Development Engineering Plan.

# Development Agreement Option



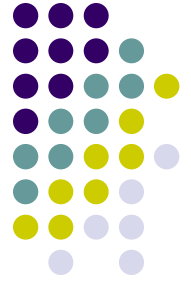
- **Current** – No Development Agreement option
- **Proposed** – Development Agreement option
  - Development Agreement Advantages
    - They allow greater latitude than other methods of approval to advance local land use policies in sometimes new and creative ways;
    - They allow the city greater flexibility in imposing conditions and requirements on proposed projects; and
    - They afford project proponents greater assurance that once approved, their projects can be built.

# Final Plans/Development Engineering Plans



- **Current** – Final Plans
  - Final Plans with more final engineering plans required
  - Need to be comply with Engineering Design Standards
  - Final Lot and Block layout is submitted to conform with engineering plans
- **Proposed** – Development Engineering Plans
  - Same as current except the Planning Office must review the final lot and block layout as a part of the review process
  - More of the requirements put into the Engineering Design Standards [EDS]

# Subdivision Ordinance Standards



- **Current**

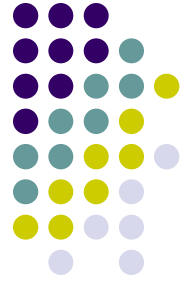
- Difficult to know which set of standards apply to which process (Zoning, Preliminary, Final, Plat, EDS) causing many delays

- **Proposed**

- Set-up the standards to coincide with the process
  - Preliminary Plan Standards
  - Development Engineering Plans

# Administrative Plats

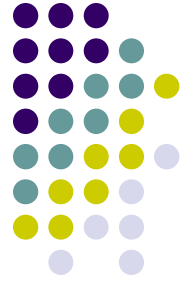
## Preliminary Plan and Final Plans not required



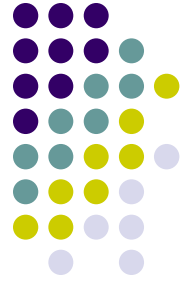
- **Current**
  - Replats
    - No clear guidance
    - Occurs in too many situations where additional infrastructure is planned
    - Required for all building permits in which the description of parcel is different than platted lot lines
- **Proposed**
  - Replats
    - Only for a reconfiguration of the existing recorded plat or decrease the number of recorded lots (replat must certify vacation of existing plat)

# Administrative Plats

## *Continued*



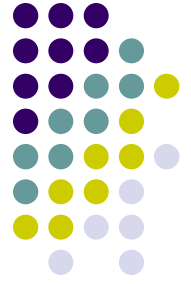
- **Current**
  - No other exceptions provided
- **Proposed**
  - *Minor Subdivision for 3 new plats that do not require additional infrastructure.*
  - Transfer of ownership is a minor plat, but requires a different owner's certificate
  - No city plat process required for cemetery burial plats
  - No plats required for Add-on agreements
    - Formally links a group of plats to form a building eligibility parcel for zoning and addressing.
  - No plats required for Boundary line adjustments
    - Allows a building permit when a legal description of a parcel is different than the platted lot lines, but only for minor land alterations – survey needed



# [Administrative ?] Plats

- Legally Binding Contract
- Filed with County Register of Deeds
- Title Company / Property Owners
- Requirements for Plats in Ordinance
  - Platted lots must be consistent with previously approved Development Engineering plans

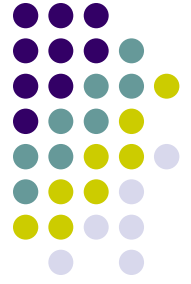
# Subdivision of Land



- Common areas: Common areas, as used in this ordinance, unless the context otherwise requires and unless otherwise provided in the master deed or lease, includes:
  - The land whether fee simple or leased, on which the building or buildings stand;
  - The land which is used to access the building or buildings;
  - All other elements of the property rationally of common use or necessary to its existence, upkeep, and safety.

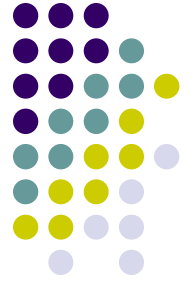
## APPENDIX A. CERTIFICATES

# Subdivision Ordinances - Blocks

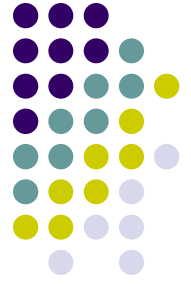


- Separated by Streets
- Consisting of Lots
- Distance traveled by car, foot or bike prior to having the option or ability to change directions
  - 1,500 ft. 1,000 ft.
  - Examples
- Separates land uses
  - Commercial and residential, not on same block

# Subdivision Ordinance - Utilities



- Coordination of Utilities between Subdivisions
- Coordination of Pipe Size
- Coordinate Location
- Coordinate Efficiently



# Subdivision Ordinance

- Our proposed outcome:
  - Future Public Hearings (Planning Commission, City Council)
  - Amendment of the Ordinance
    - Improved Process
    - Clarification of Subdivision Standards
- Your proposed outcome:
  - ?