

STAFF REPORT ON PETITION FOR LAND SUBDIVISION REGULATIONS TEXT AMENDMENT

**SRA 2016-2: AMENDMENT TO ARTICLES 2-3(B) & 3-5(B);
NON-BUILDING MINOR SUBDIVISIONS**

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: (Text ~~dashed through~~ indicates a deletion, and text underlined indicates an addition to the existing Land Subdivision Regulations.)

2-3 MINOR SUBDIVISION CLASS - The class of minor subdivisions shall be those subdivisions of land which are generally of minor planning significance to the community's development. Minor subdivisions include only those subdivisions defined as follows:

2-3(b) NON-BUILDING MINOR SUBDIVISION - Shall be primarily for the purpose of assisting developers in acquiring land for future urban subdividing without having, at this time, to meet the requirements for a major subdivision. Except for alteration to existing buildings, or except for construction allowed by a recorded Display House Minor Subdivision Plan or an approved Final Development Plan, no new building development shall be permitted for residential, commercial, or industrial activity. Whenever such new development is desired, the developer must submit a major subdivision or development plan or a Display House Minor Subdivision Plan. Each division resulting from a non-building minor subdivision plan shall be at least the minimum lot size of zoning classification for the property, or one (1) ten (10) acres in size, whichever is greater.

3-5 ADDITIONAL INFORMATION AND REQUIREMENTS FOR MINOR PLANS - The following additional information and requirements shall be applicable to the type of minor subdivision so indicated:

3-5(b) NON-BUILDING PLANS - The following note shall be required to be placed upon the plan:
"The divisions created by this subdivision shall be used for non-building purposes. Except for alteration to existing buildings, no new construction shall be permitted for any residential or non-residential activity (except for that allowed for a portion of this property by the recording of a Display House Minor Subdivision Plan) unless and until a major subdivision or development plan is approved by the Planning Commission and ~~recorded~~ certified by the Commission's Secretary."

STAFF REVIEW:

At the request of the Division of Planning staff, the Planning Commission has initiated this amendment to the requirements for Non-building Minor Subdivision Plats. This amendment was requested by the staff, due to the increase in requests from the private sector to record plats for land ahead of the completion of public infrastructure, such as roads and sewers, over the past eight or nine years. If adopted, these changes would allow minor "non-building plats" to effectively fill this role.

The procedure established decades ago for land development anticipated non-building plats to allow developers to "take down" pieces of larger farm tracts, to allow for seasonal development of larger subdivisions. Those tracts must be at least ten (10) acres in size, regardless of the zoning designation of the parcel in question, and the Minor Class of Subdivisions do not require Planning Commission review or approval. However, since the Great Recession, the staff has seen few of these types of plats, as smaller and smaller parcels are now involved in these private "take down" transactions between developers and land owners.

There has been an upswing in Final Record Plats involving transactions such as this, with many involving parcels of less than ten acres in size. A significant number of these Record Plats have requested for waivers of the Subdivision Regulations to allow their recording, thereby allowing the associated property transfers to occur. The staff has not always recommended these types of waivers, despite their more recent increase in frequency.

This amendment will allow the minimum lot size for Non-Building Plats to be reduced to the greater of the minimum of one acre, or that required by the zone in which the property is located. For instance, an A-R zoned property would need to be a minimum of 40 acres in size, where a tract in a Light Industrial (I-1) zone would need to be at least one acre. A plat for this purpose could be submitted to the staff, and reviewed in a matter of days (usually) instead of being subject to the typical six-week review process required for all Final Record Plats, whether or not they require any waivers to the Subdivision Regulations.

An associated change with this text amendment is to allow Final Development Plans to substitute for Final Record Plats, in the required note that must appear on a Non-Building Plat. Again, this note anticipated the need for this plat for residential subdivisions. More often in this century, a property is just as likely to have a Final Development Plan, as a Final Record Plat. These are the prerequisites for building permits for apartment complexes, commercial developments and shopping centers, light industrial facilities, adaptive reuse projects, and the like. Record Plats are usually only a prerequisite to a property transfer, or to a single family residential subdivision.

This amendment is designed to update these minor types of plats, which have fallen out of favor, and to reduce the number of waivers to our Subdivision Regulations for routine “take down” plats. It is the staff’s hope that these updated provisions will allow a timely update to the interim steps for developers that will save them time and money with the steps necessary to acquire and/or transfer small parcels of urban land in advance of more routine development approvals by the Planning Commission.

The Staff Recommends: **Approval**, for the following reasons:

1. The proposed text amendment is a timely relaxation to the Land Subdivision Regulations regarding the process to “take down” an undeveloped parcel of land in advance of more routine development approvals by the Planning Commission.
2. These types of minor subdivision plats have been little used in recent years, due to their lot size limitations and the need for a follow-up Final Record Plat. These two changes to the requirements for Non-Building Plats should make it easier for developers to acquire and dispose of smaller tracts in advance of their development, without violating any provisions of the Zoning Ordinance relating to the minimum lot sizes in each zone.

WLS/TAM/JWE/BJR

4/5/2016

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