

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: April 19, 2012

SUBJECT: Overview of Land Development Code Subdivision Regulations

STAFF CONTACT: Anthony Starr, AICP, Planning Director

ATTACHMENTS: 1. PowerPoint

SUMMARY OF REQUEST:

The Land Development Code (LDC) was adopted on September 19, 2007 and combined all of the land development ordinances into one document. Since its adoption, the LDC has been reviewed each year and amended as needed by the Board of Commissioners. The last amendments occurred on September 21, 2011 and included a reformatting of the subdivision section and reduced several subdivision regulations.

The Planning Board approves major subdivisions of 35 to 299 lots/units. Since there are a number of new Planning Board members who may not be familiar with the subdivision regulations and existing members not familiar with recent amendments, Staff is providing a quick overview of the subdivision regulations. The Planning Board will be reviewing its first major subdivision since December 2010 at this same meeting following the presentation.

PLANNING BOARD ACTION REQUESTED:

No Board action required.

Overview of Land Development Code Subdivision Regulations



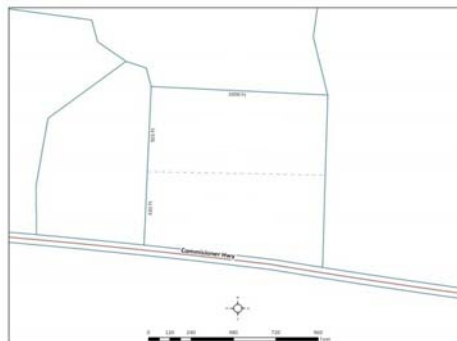
Henderson County Planning Board Meeting
Thursday, April 19th, 2012

Presentation by: Anthony Starr, AICP, Planning Director

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Overview

- Simple Subdivision Definition: *Any division of land which creates a new parcel or lot is a subdivision.*
- A subdivision **does not** equal a residential development.



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G.S. 153A-335 “Subdivision” defined:

For purposes of this Part, "subdivision" means **all divisions** of a tract or parcel of land **into two or more lots, building sites, or other divisions** when any one or more of those divisions are created for the **purpose of sale or building development** (whether immediate or future) and includes all division of land involving the dedication of a **new street or a change in existing streets**;

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G.S. 153A-335 “Subdivision” defined:

However, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The **combination or recombination** of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
- (2) The division of land into **parcels greater than 10 acres** if no street right-of-way dedication is involved.
- (3) The **public acquisition** by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- (4) The division of a tract in single ownership the entire area of which is no greater than **two acres into not more than three lots**, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.

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Subdivision Types

1. Nonstandard –ex. pump station, sign lot, common area, etc. *Reviewed by staff.*
2. Special Subdivision – Residential (5 or fewer lots)
Reviewed by staff.
3. Minor Subdivision – Residential (6 to 10 lots) *Reviewed by staff.*
4. Major Subdivision – Residential, commercial, office institutional, industrial or mixed-use (10 or more lots)
Residential subdivisions 11 to 34 lots and any commercial, office institutional, industrial or mixed-use subdivisions 34 or fewer lots reviewed by TRC. Subdivisions of 35-299 lots reviewed by Planning Board. 300 or more lots reviewed by the BOC.
5. Exempt – Recombination, 10 ac lots, public acquisitions, and 2 into 3 rule *Reviewed by a plat review officer*

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Special Subdivisions

- Adopted in lieu of family subdivisions
- Special subdivisions are required to meet the density requirements of the applicable zoning district
 - Exception: Insufficient acreage to meet the density regulations of the zoning district, up to 5 lots may be created provided each lot is at least ½ acre in size (21,780 sq. ft.)

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Road Standards

- All lots must be accessed by a road.
- The type of road depends on the number of lots.

Table Classification by Number of Residential Lots Served					
Road Classification	Subdivision Collector	Subdivision Local	Limited Local	Private Driveway Easement	Alley
Number of Residential Lots Served	50+	6 to 49	1-5	1-5	1-49

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Road Standards

TABLE 3.3. STANDARDS						
REQUIREMENTS		PRIVATE ROAD CLASSIFICATION				
		Subdivision Collector	Subdivision Local	Limited Local	Private Driveway Easement	Alley
Number of Residential Lots Served		50+	6 to 49	1-5	1-5	1-49
<i>Right-of-Way Width (ft.)</i>	<i>Roads (feet)</i>	50	45	30	-	20
	<i>Cul-de-sac (radius)</i>	-	50	50	-	-
<i>Easement Width (ft.)</i>		-	-	-	30	-
<i>Sight Distance on Vertical Curves (ft.)</i>		150	110	110	-	-
<i>Center Line Curve Radius (ft.)</i>		110	90	90	-	-
Maximum Grade %	Stone Only	12	15	15	-	-
	Paved Surface	16	18	18	-	-
Minimum Travelway Width (ft.) (two-way road)		18	16	16	-	12
Minimum Travelway Width (ft.) (one-way road)		12	12	12	-	12
Shoulder Width (each side, two-way road) (ft.)		6	4	2	-	-
Shoulder Width (each side, one-way road) (ft.)		2	2	2	-	-
Stone Base (ABC) Compacted (in.)		8	6	6	-	-
Asphalt		<i>(1½ of S-9.5B or BST)</i>				
Cut and Fill Slope		2:1	1.5:1	1.5:1	-	-
Ditch Slope		4:1	3:1	3:1	-	-
Vertical Clearance (ft.)		13.5	13.5	13.5	13.5	13.5

❖ Private road standards may be reduced in certain circumstances as outlined in the LDC.

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Road Standards

- Vehicle turnarounds shall be provided at the end of all dead-end roads that exceed 300 feet. (loop roads are encouraged where possible)
- The review agency may require turnarounds at:
 - Intermediate locations along dead-end roads greater than 2,500 feet
 - The end of a phase of a project
 - Intermediate location along any road that exceeds 1,500 feet in length

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Standards Applicable to All Subdivisions

- Road frontage and existing off-site access
- Lot designs (applicable to new lots)
- Certificate of Understanding
 - Signed by the property owner
 - Acknowledge that all lots created will count toward the total number of lots permitted under density regulations, and upgrading existing improvements (i.e.. roads) may be necessary in order to expand
- Subdivision names and name signs

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Standards Applicable to All Subdivisions

- Additional regulations and overlay districts to be considered for all subdivisions.
 - Slopes exceeding 60 percent or greater
 - Flood damage prevention regulations
 - Water supply watershed overlay district
 - Protected mountain ridges
 - Soil erosion and sedimentation control regulations
 - Stormwater management regulations
 - Perennial & Intermittent surface water buffers
 - Gate ordinance (required for gated entrances with access to 2 or more homes)

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Additional Standards for Major Subdivisions

1. Subdivisions of 35 or more lots shall:
 - a) Provide a minimum of 2 entrance roads (exceptions apply)
 - b) No more than 35 lots within a subdivision shall be accessed by a dead-end road, cul-de-sac or turnaround or a series of these except where a stub road is proposed as a future connection.
2. Soil erosion and sedimentation control plan
3. Farmland preservation district setback
 - 100 foot setback for all buildings or structures
4. Street tree requirements
 - 1 tree per 50 feet of new road constructed
 - Tree credits allowed for existing trees depending on tree caliper

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Additional Standards for Major Subdivisions

5. Water supply system

- a) Where a subdivision is located entirely or partially within the RAA (rural agriculture area) in the comprehensive plan the applicant shall:
 - i. Provide a community well system, or
 - ii. Provide reasonable documentation there is sufficient water supply to support 60% of the proposed lots

- b) A subdivision with 300 or more units:
 - i. May be required to connect to municipal water supply if located within 2 miles of an existing system , and
 - ii. Is required to connect if located within 5,000 feet of an existing system and the distance is equal to or less than the product of 100 feet multiplied by the number of proposed lots.

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Additional Standards for Major Subdivisions

6. Sewer supply system

- a) A Subdivision with 300 or more units:
 - i. May be required to connect to a municipal sewage system if located within 1 mile of an existing system, and
 - ii. Is required to connect if within 2,500 feet of an existing system and the distance is equal to or less than the product of 50 feet multiplied by the number of proposed lots.

7. Fire protection requirements

- a) Install a min of 1 hydrant per 1000 feet of linear road (if severed by a public water supply)
 - ❖ In-house sprinkler systems for each dwelling unit may be used in lieu of hydrant
- b) Install a dry fire hydrant system
- c) If a subdivision is neither served by a public water supply system nor has or is adjacent to an adequate permanent surface water supply it will be reviewed to:
 - i. Determine if alternative measures to ensure adequacy of fire protection exist
 - ii. May require applicant to install alternative fire protection measures

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Additional Standards for Major Subdivisions

8. Pedestrian access

- a) A subdivision with 100 or more lots or a density equal to or greater than 2 units per ac, is required to have sidewalks or walking trails.
 - i. Provide 1 linear foot of sidewalk or walking trail for every linear foot of improved or newly proposed road

9. Subdivision setback & buffering

- a) Required if subdivision is outside of a community service center node (identified in CCP) and within a residential zoning district.
 - i. 50 foot structure setback from any external road not classified as a local road
 - ii. B2 buffer required along collector, thoroughfare, boulevard, expressway or freeway road classifications. (B2 buffer = 30-foot width)

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Additional Standards for Major Subdivisions

10. Traffic impact study (TIS)

- a) Required for subdivisions proposing 100 or more lots/units.
- b) Required for any new residential or nonresidential development (including expansion or change to an existing development) proposed to generate an average daily traffic count of 1,000 plus vehicles per day of 100 plus trips during peak traffic hour.

11. Emergency services impact report

- a) Required for subdivisions proposing 100 or more lots/units or subdivisions proposing 50 or more lots/units located more than 5 miles from a fire station.

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Conservation Subdivisions

- Benefits of conservation subdivision designs:
 - Protects natural and sensitive features and community character
 - Provides the ability to get density bonuses
 - Reduces areas disturbed
 - Reduces the amount of roads needed which minimizes the cost to the developer/owner
 - Property owner can continue existing agriculture operations and subdivide the property for the maximum density allowed with an additional 5 percent density bonus

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Conservation Subdivisions

- Conservation subdivision allow for increased density when open space areas are set aside. This is not required but is an option to developers.
- Conservation subdivision standards:
 - Minimum of 25% shall be retained as open space
 - 3 types of environmentally sensitive areas (primary conservation, secondary conservation, & all other areas)
 - Density bonuses related to percent of open space preserved (may increase the number of homes by 10-20 percent)
 - Agricultural preservation density bonus of 5 percent for sustaining existing on-site agriculture. (agriculture density bonus is in addition to open space density bonuses)

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Conventional Subdivision Design

- Major subdivision of 35 to 299 lots that **do not** meet the conservation subdivision standards **require** a Conditional Zoning Districts (CD) or a development agreement
- Conditional zoning districts:
 - Applied to property by rezoning request/application
 - Legislative decision by BOC
 - Applies special limitations & conditions on the use of an individual development project
 - Conditions agreed upon by Commissioners and petitioner
 - Rezoned property is identified on Official Zoning Map
 - After 3 years, Planning Board may examine progress
 - Where no progress made, the Planning Board shall forward a report to the Commissioners and may recommend that the property be reclassified to another district

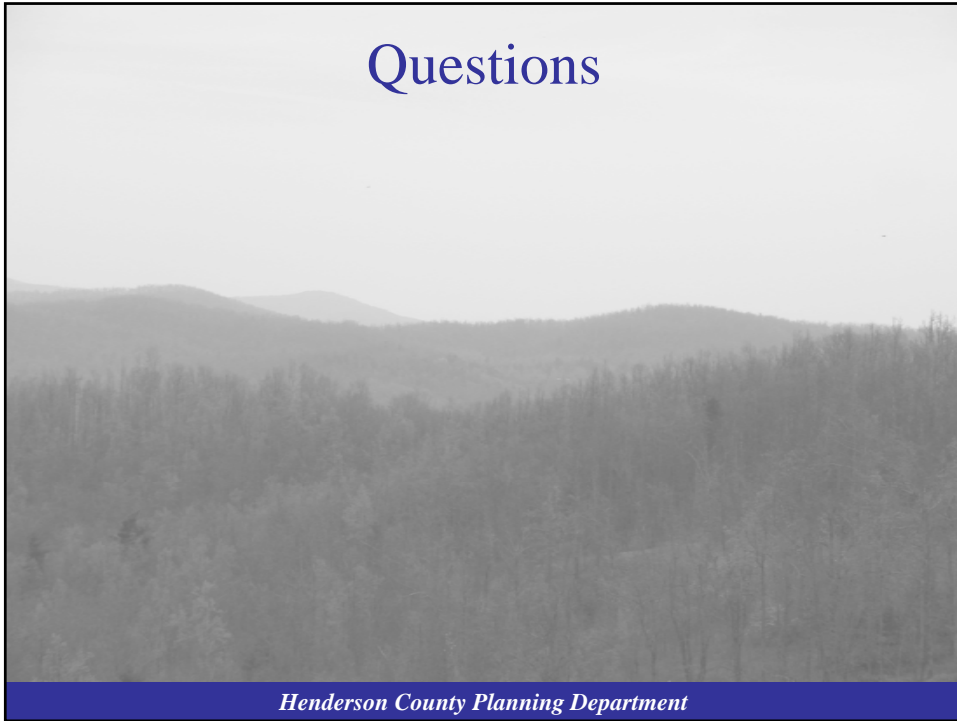
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Improvement Guarantees (IG)

- Not a requirement.
- Option to allow a developer to record a final plat and sell lots prior to infrastructure improvements (including roads).
- 3 types of IG methods:
 - Cash deposit
 - Letter of credit
 - Performance or surety bond
- IG amount is 125 percent of the cost to complete the work as determined by engineered cost estimates

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Questions



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