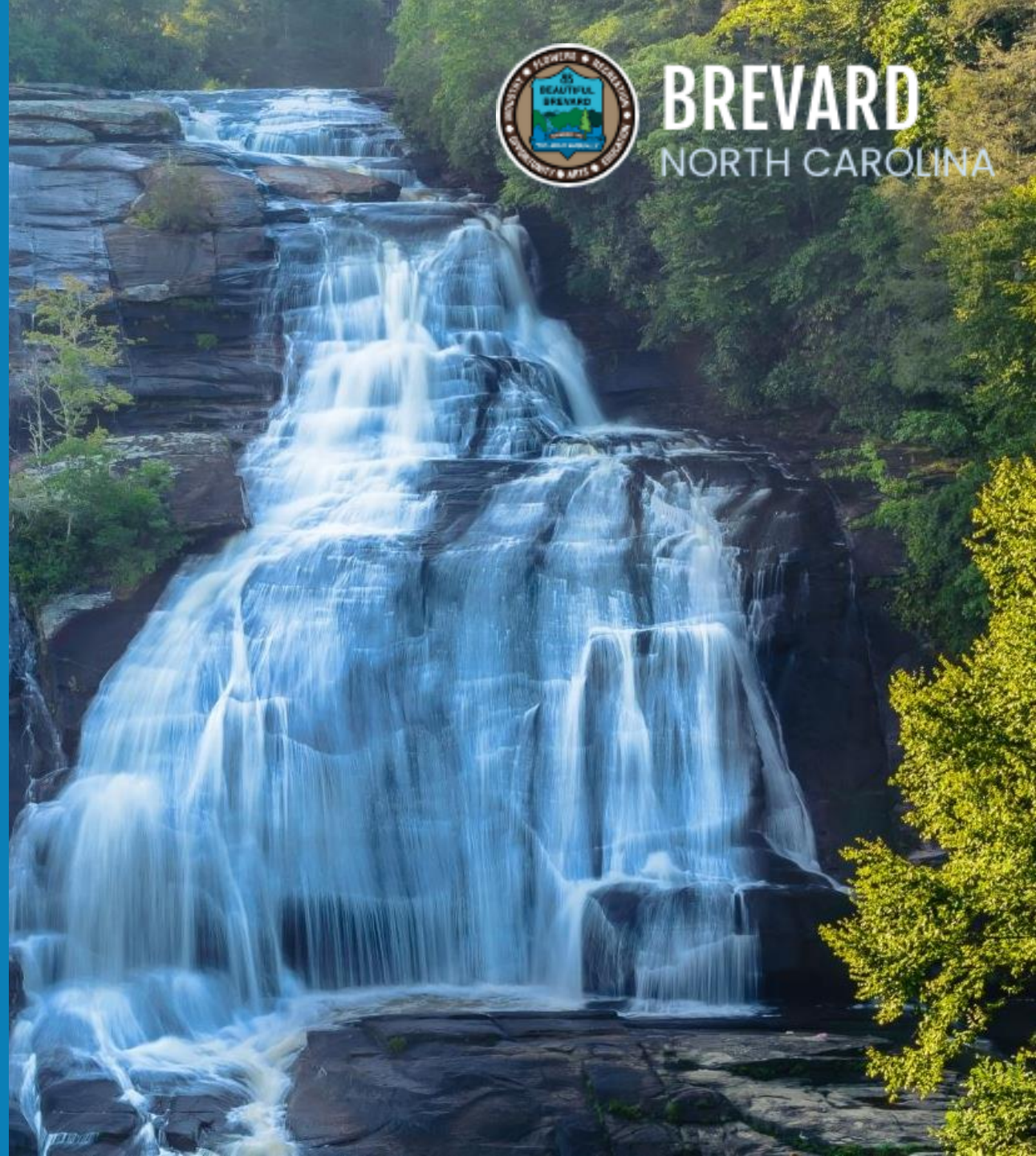
Subdivision & Group Development Public Hearing

City Council | May 20, 2024

Emily Brewer, AICP

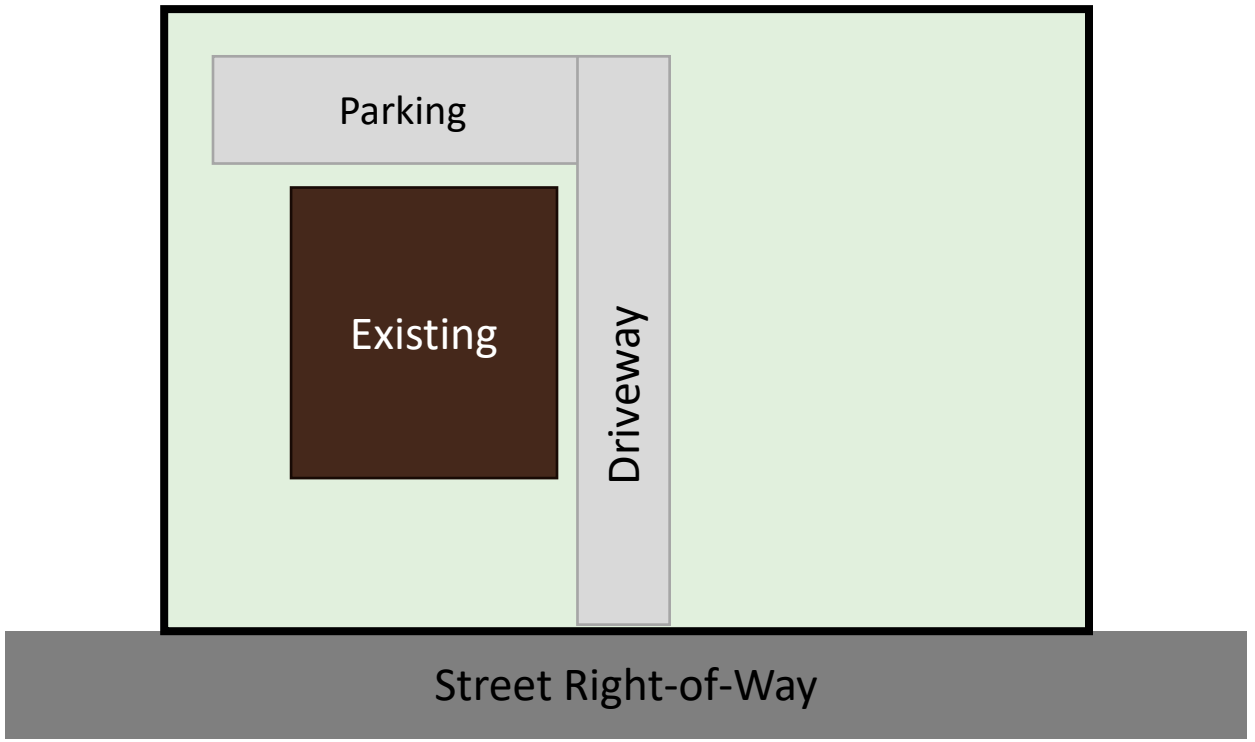


Purpose of Subdivision Regulations

- Provide for the orderly growth and development of the City and its extra-territorial jurisdiction;
- Protect and enhance property ownership and land values;
- Maintain conditions essential to the public's health, safety, and general welfare;
- Facilitate adequate provision of public services; and
- Facilitate the further re-subdivision of larger tracts into smaller parcels of land for development.

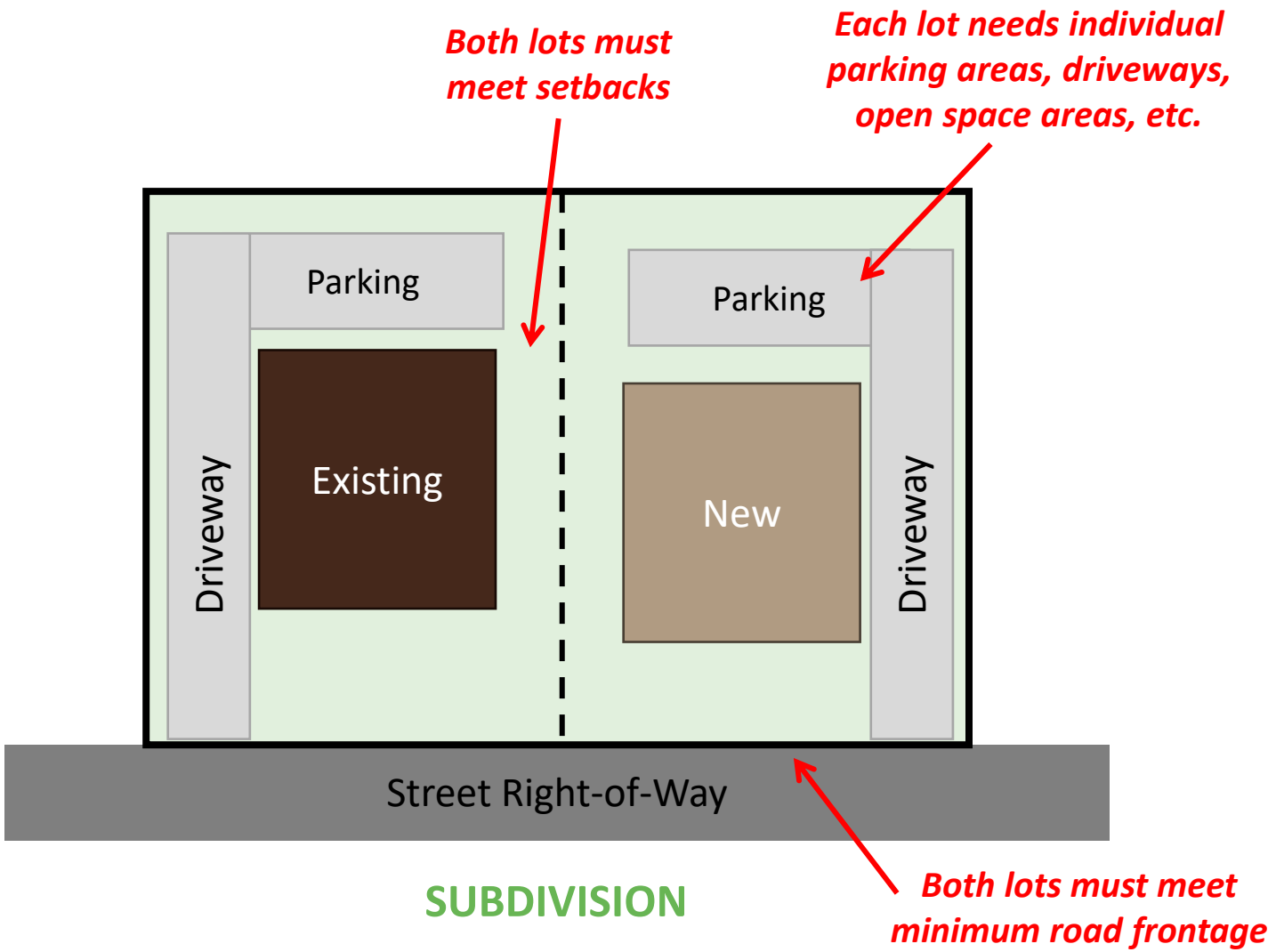
Illustration

- Business owner wants to add another building to the lot (could be an expansion or a new business)
- Do we want them to subdivide or allow multiple principal buildings on the same site?



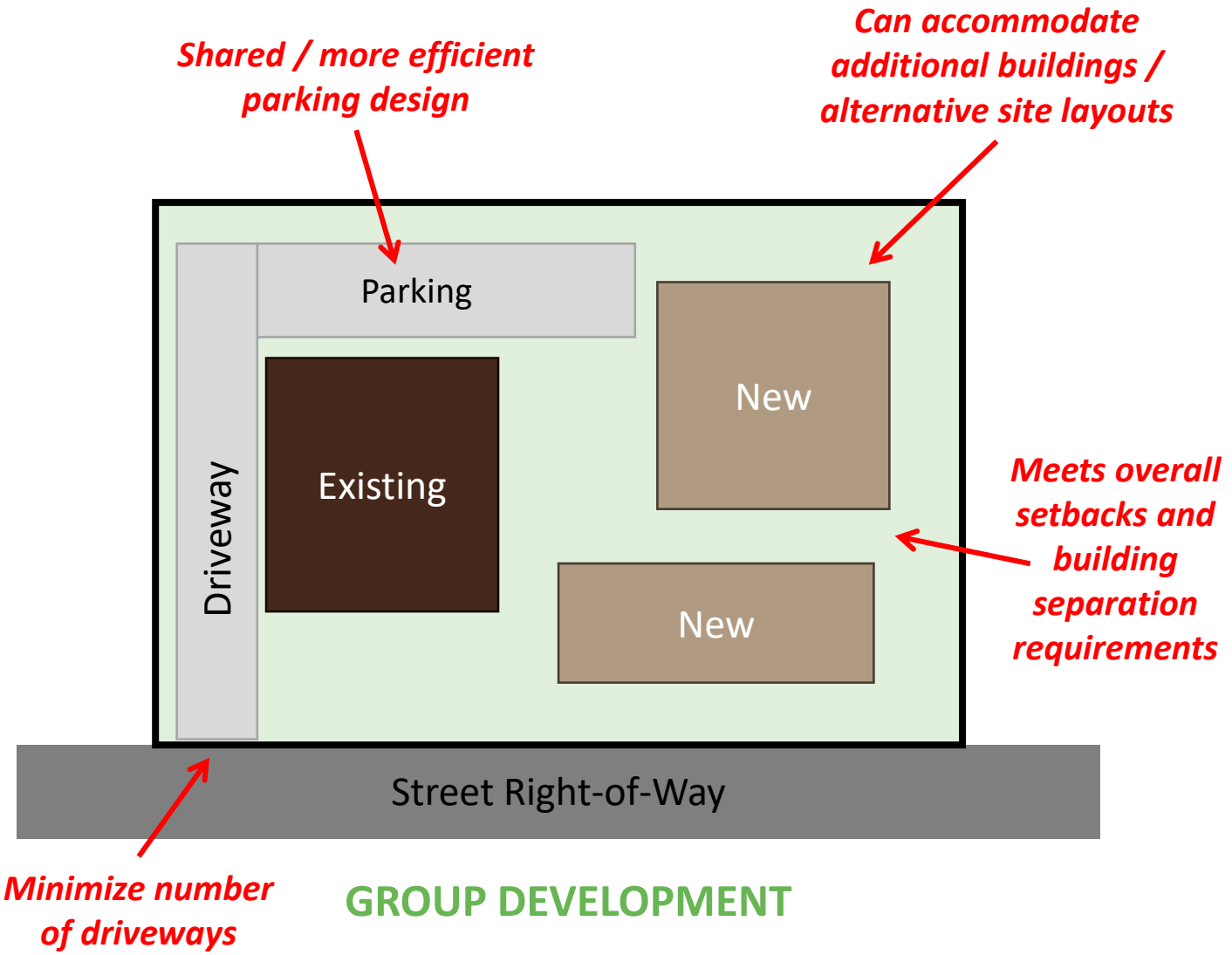
Illustration

- Business owner wants to add another building to the lot (could be an expansion or a new business)
- Do we want them to subdivide or allow multiple principal buildings on the same site?



Illustration

- Business owner wants to add another building to the lot (could be an expansion or a new business)
- Do we want them to subdivide or allow multiple principal buildings on the same site?



Group Development or Subdivision?

GROUP DEVELOPMENT = ONE PARCEL*

- Higher density projects that can share development requirements (parking, driveways, landscaping, stormwater, etc.)
- Businesses / developments that require multiple principal buildings

SUBDIVISION = MULTIPLE PARCELS

- Large parcels that may not be fully utilized
- New infrastructure to meet development requirements (frontage, etc.)
- Lower density residential (single-family and duplex)

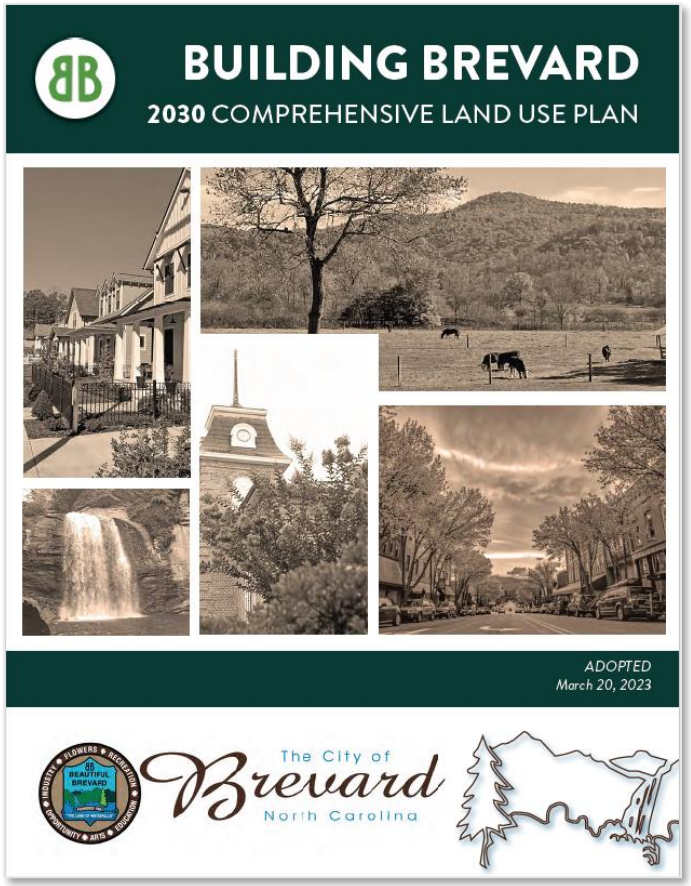
Amendments to regulations for both types of development!

**Or one parent parcel with other interior lots established depending on ownership model*

Building Brevard 2030 Policy Analysis

GOAL 2: Encourage a **development pattern** that respects Brevard's sense of place and prioritizes **livable communities**.

- **LUH-4**: Identify areas across the city that are **best positioned** to accommodate **future growth**.
- **LUH-9:** Evaluate and amend development ordinances to facilitate **infill development** on vacant and underdeveloped parcels, as well as **revitalization** of developed parcels.
- **LUH-19**: Enhance **communication** of land use planning efforts, policy development, **approvals** and **processes**.



Amendment Development Timeline

- **October 24th:** Staff introduced the Planning Board to subdivision regulations, challenges and opportunities for improvement
- **January 23rd:** Staff presented a framework for the text amendment – subdivisions and group developments
- **February 27th:** The Board reviewed the draft of the group development regulations
- **March 26th:** The Board reviewed the full proposed text amendment and unanimously recommended in favor of adoption
- **April 23rd:** Some additional changes to the text amendment were presented and the Board recommended in favor of adoption.

Summary of Proposed Amendments

1. Group Development Regulations
2. New Missing Middle Housing Type – Cluster Home Development
3. Location of Off-Street Parking in Group Developments
4. Types of Subdivisions
5. Variances to Subdivision Regulations
6. Subdivision Approval Procedures
7. Minimum Lot Size
8. Private Roads for Subdivisions
9. Plat Requirements & Certifications
10. Connectivity Index Requirements

Group Development Regulations

- *"Any land development subject to a site plan that includes **two or more principal buildings** on a single parcel (or grouping thereof)"*
- Current ordinance has no specific regulations for this type of development
- Considerations included in amendments:
  - Use limitations (e.g., cluster home developments can only be 1 to 4 unit residential buildings)
  - Access (e.g., emergency access, interior roadway width)
  - Connectivity (e.g., all buildings and parking lots must be connected by pedestrian walkways)
  - Type of ownership (e.g., individual lots with shared ownership or a multi-tenant development) in single-ownership)
  - Other requirements (e.g., setbacks, shared common space)

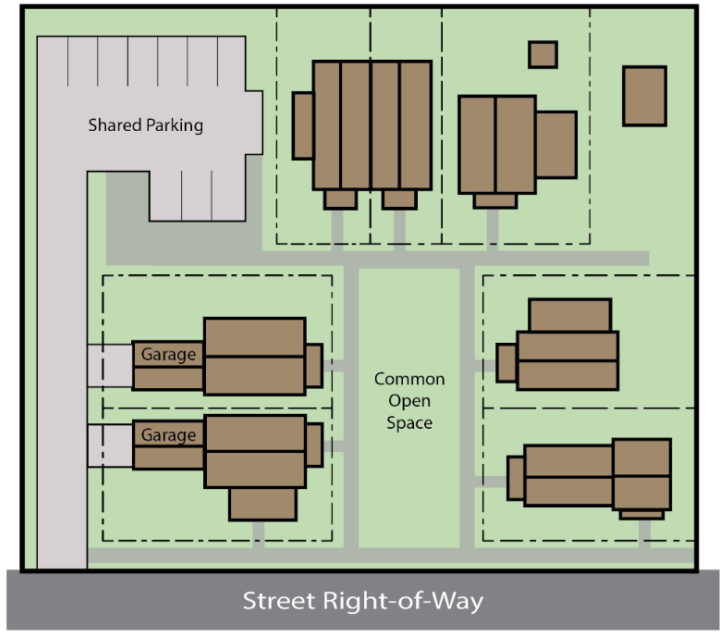
Group Development Regulations

- Establishes different types of group developments with different permissions and standards

CATEGORY	GROUP DEVELOPMENT	ZONING DISTRICTS						
		GR	RMX	NMX	DMX	CMX	IC	GI
Residential	All residential group developments, except as listed below	PS	PS	PS	PS	PS	PS	—
	Cluster Home Development	PS	PS	PS	—	—	PS	—
	Neighborhood Development	PS	PS	—	—	—	—	—
	Manufactured Home Park	MHD	MHD	MHD	MHD	MHD	MHD	MHD
Non-Residential	All non-residential or mixed-use group developments, except as listed below	—	PS	PS	PS	PS	PS	PS
	Shopping Centers	—	—	PS	PS	PS	—	—

Cluster Home Development

- Small lot residential development where:
  - multiple dwellings clustered around a common open space
  - designed in a cohesive whole
  - maintained in shared stewardship
- Can be operated as a rental property under single ownership or as individual lots with shared ownership of common areas / infrastructure
- Opportunities:
  - More diverse housing options
  - Denser development at a community-scale
  - More efficient and creative uses of peculiar parcels (e.g., lacking adequate road frontage, topographic challenges)





Location of Parking in Group Developments

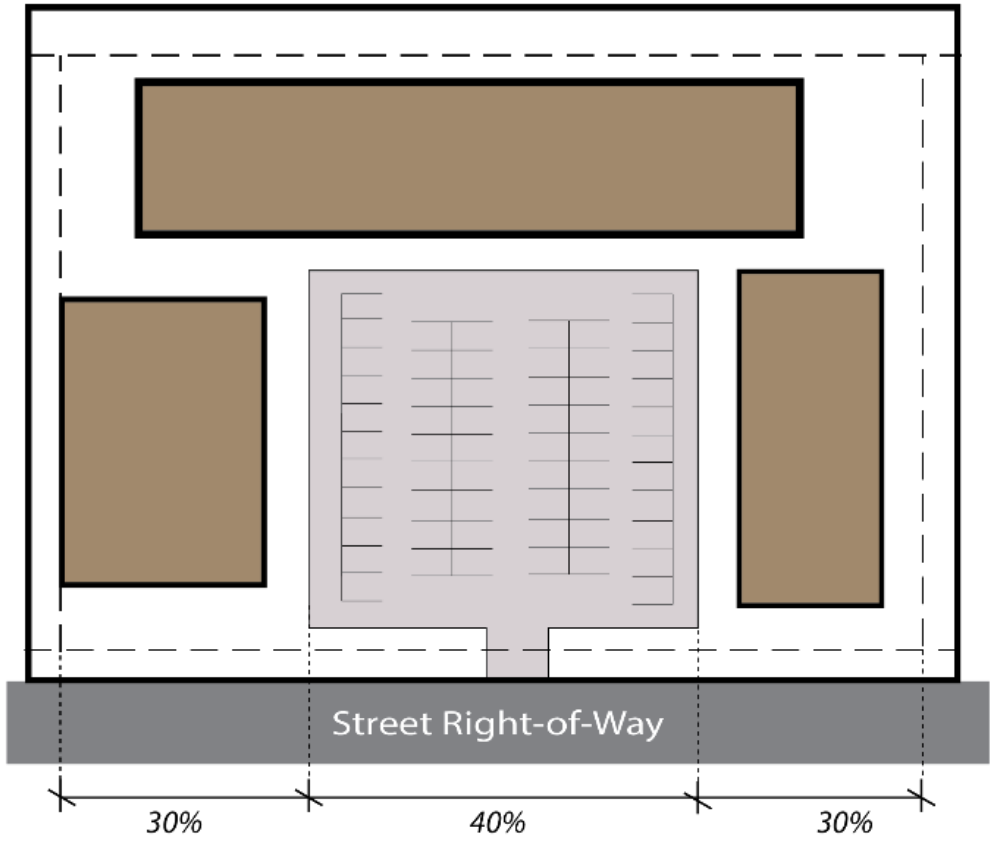
Current:

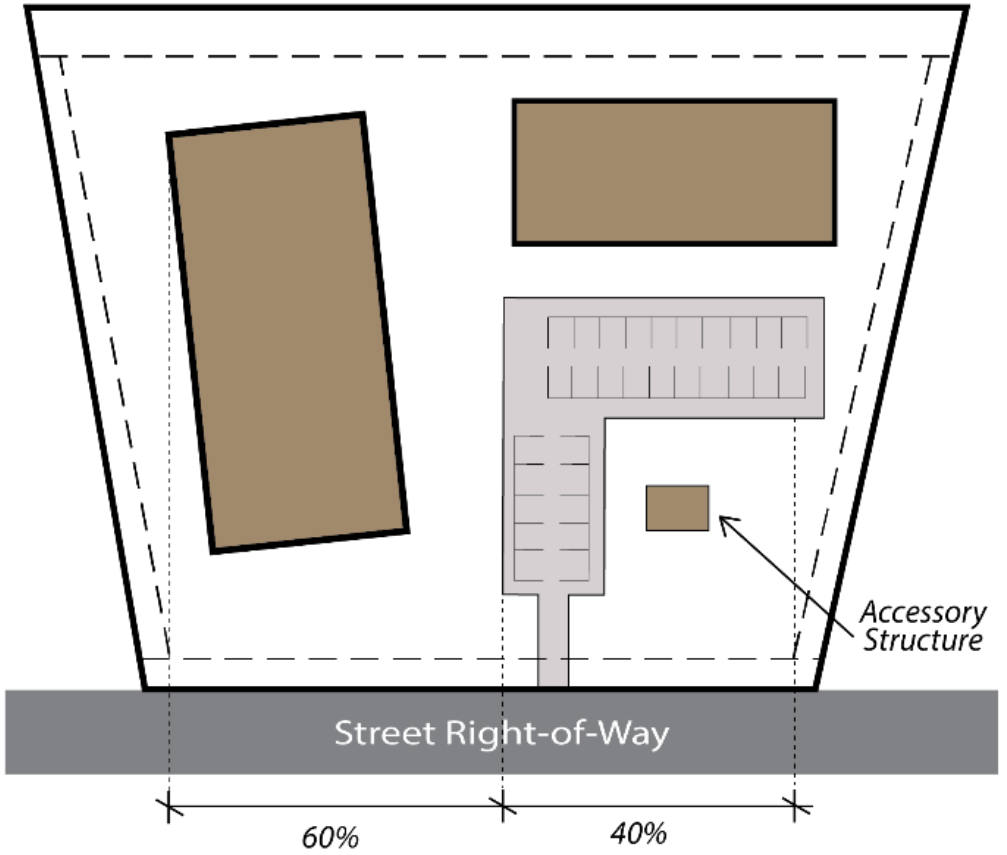
- UDO Section 10.7: off-street parking shall not be permitted between any principal structure and the street upon which such structure fronts.
  - Passed in response to a growing concern that the placement of parking for developments was hindering the view along major thoroughfares.
  - Did not consider placement of more than one principal structure on a lot or any other unique lot configurations.

Proposed:

- If parking is located between a principal building and the street in a group development, no more than 40% of the street frontage may be occupied by parking.
  - Allows for some buildings to be placed behind parking, but the primary view along frontage is not parking
  - Administrator may require additional landscape buffers and screening to further obstruct the view of the off-street parking areas

Location of Parking in Group Developments





Types of Subdivisions

New definitions and subsections for exempt, minor and major subdivisions to clarify the processes and submittal requirements

- **Exempt Subdivisions**: Defined by NC General Statutes
- **Minor Subdivision**: Creates a maximum of 8 lots and doesn't propose new public infrastructure
  - Expedited review (no Technical Review Committee or infrastructure)
- **Major Subdivision**: Creates more than 8 lots and/or proposes new public infrastructure
  - Required to go to the Technical Review Committee for review
  - Must submit a preliminary plat and install or guarantee requirement improvements before approval

Variances to Subdivision Regulations

- The Board of Adjustment is allowed to grant variances to a municipality's ***zoning*** regulations. Any other land use and development regulations (including subdivision regulations) ***may*** be varied if given authority in the ordinance (NCGS 160D-705)
- Many subdivision standards should not be varied because they are about health, safety, welfare and to ensure adequate provision of services
- But, current ordinance does not differentiate the zoning regulations and subdivision regulations
- Proposed amendments separate the subdivision regulations from zoning standards and establishes limited variance authority

Subdivision Approval Process

- Subdivision approval is a ***ministerial act*** → plat is required to be approved if it meets all requirements
- Administrative or quasi-judicial, depending on the content of the regulations
  - Administrative – clear, objective standards
  - Quasi-judicial – requires some level of judgement based on *evidence*
- Cannot be legislative or purely discretionary – even if the decision is made by City Council
  - *Guilford Financial vs. City of Brevard (2003)* – Council did not follow quasi-judicial procedures, denied a subdivision without sufficient evidence, and the Courts overturned
- Proposed amendments are entirely administrative (not quasi-judicial)

Summary of Proposed Amendments

1. Group Development Regulations
2. New Missing Middle Housing Type – Cluster Home Development
3. Location of Off-Street Parking in Group Developments
4. Types of Subdivisions
5. Variances to Subdivision Regulations
6. Subdivision Approval Procedures
7. Minimum Lot Size
8. Private Roads for Subdivisions
9. Plat Requirements & Certifications
10. Connectivity Index Requirements