Model Subdivision and Land Development (SALDO)

Subdivision/ Land Development Presentation Overview

- Purpose of Subdivision/ Land Development Ordinances (SALDO)
- Municipalities Planning Code
- Process
- Design Concepts
- Engineering and Construction
- New Model Ordinance Elements

Why Subdivision and Land Development Regulations?

- Guides the process of developing and reviewing subdivision and land development plans.
- Establishes uniform standards for adequate public improvements.
- Ensures the creation of developable lots.
- Implements the recommendations of the comprehensive plan.
- Prevents the imposition of development costs on the municipality.
Concept of Police Power

The power incident to state and local government to impose restrictions upon private property to promote health, safety, morals, and general welfare

- Not arbitrary and capricious
- Rational nexus—regulations must relate to public purposes
- Provide equal protection
- Government cannot confiscate without compensation

Zoning and Subdivision/Land Development Ordinances

Zoning

- Site specific
- Controls Use, Density, building coverage, and dimensions
- Lacks flexibility

SALDO

- Uniform municipal-wide
- Process oriented
- Flexible
- Contains design and improvement criteria

Definition of Subdivision

- Creation of lot lines dividing a tract into two or more parcels.
- Change of lot lines—either moving or deleting them.
- Purpose can be sale, lease or transfer now or in the future.
A subdivision is needed to create lots for a single family development

Definition of Land Development

- Various improvements on land
- Single lot with two or more houses
- Single non-residential structure
- Division of space in a building
- Any subdivision including lot consolidations
- Does not include one residential structure on a lot

A land development plan is required for this fast food restaurant
A land development plan is required for this large mixed use development.

Subdivision and Land Development Process

Municipalities Planning Code Provisions for SALDO

- Definitions (Section 107)
- Review process and required time frame (Section 503)
- Approval/Denial procedure (Section 508)
- Ordinance content (Section 503)
- Modifications to subdivision code allowed with governing body approval (Section 512)
- Process for developers to provide off-site transportation improvements (Article V-A)
Organizing the Process

- Plan filing and review policies are essential.
- Every application should be handled uniformly.
- Signed and completed paper work should be carefully managed.
- An organized process keeps everyone up to date and avoids mistakes.
- The goal should be to keep the process fair, uniform, clear, and transparent.

Due Process

*Due process should be taken into account in administering the SALDO including:*

- Adequate notice
- Advance disclosure
- Opportunity for the public to be heard
- Thorough fact finding
- Open deliberation
- Fair and reasoned recommendation

Participants in the Subdivision/Land Development Process

- Manager
- Engineer
- Elected officials
- Municipal Planning Commission
- County Planning Commission
- Solicitor
- Land Owner
- Consultants
- Developer
- Media
- Public
- Civic Groups
SALDO Review Process

- Two phases: preliminary and final plan review
- 90-day review period for each phase
- Planning Commission recommendations to governing body occur within the review process
- Governing body approves or denies prior to 90-day period expiration unless developer grants an extension
- Administrative process should be established by the municipality and uniformly adhered to - the MPC allows flexibility in process except for review time frame

Plan Consultation

Preliminary Plan Review
Final Plan Review

Approval/ Denial Procedure

- Procedure outlined in Section 508 of the MPC.
- Decision of governing body shall be conveyed in writing to the applicant at least 15 days following decision.
- If the plan is denied, a decision shall be accompanied by description of defects, specific requirements that have not been met, and appropriate citations.
- Failure to act on a plan in required time frame can result in deemed approval.

Subdivision and Land Development Design
Community Trail Building

Infill Development

Site Design Elements
- Building Healthy Neighborhoods and Vibrant Commercial Areas
- Designing with Nature
- Establishing Open Space and Recreation Systems
- Cultivate Natural Landscapes
- Develop Safe and Functional Streets
- Managing Stormwater Effectively
- Layout Safe and Convenient Parking Lots and Driveways
Site Elements Continued

- Blaze New Pathways for People
- Install Sustainable and Appropriate Scaled Infrastructure
- Promote Energy Conservation and Alternative Energy Development

Building Healthy Neighborhoods and Vibrant Commercial Areas

- Create lots suitable for their intended use.
- Establish a human scale.
- Develop harmonious spatial relationships.
- Locate buildings in a way to foster interaction of users.
- Provide access and visibility for businesses.
- Design great retail spaces.
- Preserve special places.

Building Great Commercial Areas
Minimize land disturbance.
Protect riparian corridors, woodlands, wetlands, floodplains, Steep slopes.
Minimize grading.
Prevent erosion and sedimentation.
Use resources as amenities.
Recycle brownfield sites.
Understanding Site Resources

Open Space and Recreation Systems

- Designate suitable open space areas.
- Protect natural resources in open space areas.
- Provide a variety of recreation opportunities.
- Interconnect open space areas.
- Enhance access to open space and recreation land.

Location and Function of Open Space
Cultivate Natural Landscaping

- Mitigate for tree loss during development construction.
- Select tree species that are appropriate for site conditions.
- Protect existing trees on site.
- Use landscaping to buffer land uses.
- Choose landscaping that will shade roads and parking lots.
- Use native landscape materials.

Trees Change Everything

Safe and Functional Streets

- Develop a functional street hierarchy.
- Avoid potential traffic conflicts.
- Promote interconnected roadways.
- Limit the number of cul-de-sacs.
- Encourage shared access.
- Implement traffic-calming measures.
- Require appropriate street paving widths.
- Design for public transportation and alternative transportation opportunities.
- Plan for future road connections.
Effective Stormwater Management

- Minimize land disturbance.
- Utilize natural drainage systems.
- Infiltrate stormwater first.
- Provide adequate on site retention to minimize flooding.
- Manage surface stormwater to address water quality.

Beyond Stormwater Basins
Parking and Internal Circulation

- Parking should be convenient.
- Create safe and attractive parking lots and access drives.
- Establish shade in parking lots.
- Use vegetation to buffer parking lots.

Parking Lot Elements

Pathways for People

- Interconnect trails and sidewalks.
- Design for a variety of users.
- Sidewalks and pathways should connect important community facilities.
- Pathways should provide both recreation and transportation opportunities.
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Trails Built into Communities

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Sustainable Infrastructure

- Scale infrastructure to the development and community needs.
- Design should account for long-term use and maintenance.
- Address requirements of future infrastructure owners.
- All lots should demonstrate adequate water supply source.
- Protect groundwater sources.

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Spray Irrigation Systems

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Wise Energy Use

- Orient streets on an east-west axis to enable better solar access on building roofs.
- Provide shade along streets and parking lots to lower heat.
- Design within a site’s microclimate.
- Encourage use of alternative energy facilities.

LEED Buildings in the Suburbs

Engineering and Construction
**Off Site Road Improvements**

- Off site improvements involve portions of roads not intersecting the property being developed.
- Developers cannot be required to make off-site improvements.
- Municipalities can establish off-site road improvement funds subject to specific requirements of Section V-A of the MPC.

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**Impact Fees**

- Fees for public improvements can be collected for recreation in lieu of providing facilities in new developments (Section 503.11 of the MPC).
- Transportation fees can be collected to address off-site transportation impacts if a municipality has established a transportation improvement district (Article V-A of the MPC).
- Other impact fees cannot be required, though off-site improvements or fees are often voluntarily agreed to by developers in exchange for other considerations.

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**Modifications**

*The governing body of a municipality may grant relief from specific requirements in the SALDO for good reasons*

- Addressed in Section 512.1 of the MPC.
- All requests shall be in writing.
- Approved by the governing body to relieve hardship or to improve the overall design benefiting the public with recommendation of the planning commission.
- A written record of the modifications shall be kept—should be noted on final plans.
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Model Subdivision and Land Development Ordinance

Content of Subdivision Ordinance

- Purpose
- Definitions - all key terms defined
- Plan contents - specific plan submission requirements
- Review Process - the municipal review process
- Design Criteria - site design and overall layout requirements
- Engineering Criteria - detailed engineering requirements for various improvements
- Financial guarantees

Types of Standards Used in SALDOS

- Performance - describes the acceptable impact or conditions resulting from the completed subdivision or land development. How this is achieved is up to the designer.
  - i.e., trash dumpsters shall not be visible from the property boundaries
- Prescriptive - specific dimensional or material standards that are expected to address potential impacts or conditions.
  - i.e., an opaque fence six feet in height shall be placed around the trash dumpster area
Minor Subdivisions or Land Developments

- MPC has specific exclusions.
- Can minimize the review process for low impact plans.
- Courts have excluded certain types of potential developments from review requirements.
- Lot line adjustment, simple conveyance, minor subdivision, mortgage subdivision, and minor land development.
- De minimis land development.

Sketch Plans

- Not defined in the MPC.
- Cannot be required.
- Voluntary sketch plans can afford a great opportunity to discuss and resolve large design issues prior to expensive engineering work.
- Voluntary pre-application sketch plan review process could be done with consent of the applicant.

Notification of Subdivision or Land Development

- Posting of properties notifies neighbors of proposed plans.
- Size of the sign
- Sign location
- Information on the sign
Resubmission
- Formalizing a subdivision and land development plan revision.
- Making sure only one plan is being reviewed at one time.
- Extension of review time.
- Fees and escrows

Development Disclosure
- Disclosure at property sale
- Proposed public improvements
- Future roads
- Open space use
- Limitations on property use
- Temporary cul-de-sacs

Open Space
- Designation of type
- Ownership
- Deed restriction
- Location and configuration
Recreation Land Dedication
- Location
- Land characteristics
- Municipal acceptance
- Fee-in-lieu of dedication

Preservation and Protection of Vegetation
- Forest management
- Protection measures
- Replacement criteria

Pathways and Bike Lanes
- Connection to trail system and community facilities
- Design for users
- Fit into landscape and surrounding uses
- Ownership and maintenance
Landscaping
- Street trees
- Property buffers
- Site element screens
- Special vegetation requirements

Engineering and Construction Standards
- Detailed engineering specifications
- Public infrastructure materials
- Construction technique

Special Studies
- Traffic Studies
- Stormwater
- Groundwater Impact
Model Subdivision and Land Development (SALDO)