

3. ADMINISTRATIVE PROCEDURES

3.5 CREATION OF NEW LOTS/DIVISION OF LAND

3.5.1 REVIEW REQUIRED

No land within the Town of Hillsborough planning jurisdiction shall be subdivided, or re-subdivided and offered for sale, gifted, exchanged, or in any other way conveyed until a plat thereof has been approved as herein provided. No plat shall be recorded by the Orange County Register of Deeds until this approval is entered in writing on the face of the plat as herein provided.

3.5.2 THE REVIEW REQUIRED IS DETERMINED BY THE NUMBER OF NEW LOTS TO BE CREATED AS FOLLOWS:

- 3.5.2.1 Exempt plats: Staff review, must meet standards in Section 3.5.3 below.
- 3.5.2.2 Minor subdivisions: Staff review to create 4 or fewer lots.
- 3.5.2.3 Major subdivisions: Staff review to create 5-19 lots.
- 3.5.2.4 Special subdivisions: Staff review to create 20 or more lots within a Planned Development District; Special Use Permit review by the Board of Adjustment to create 20 or more lots when the property to be subdivided is not within a Planned Development District.
- 3.5.2.5 Conservation subdivisions: Staff review to create 20 – 99 lots with reduced lot sizes and additional open space within a Planned Development District; Special Use Permit review by the Board of Adjustment to create 20 or more lots, but less than 100 lots 20-99 lots with reduced lot sizes and additional open space when the property to be subdivided is not within a Planned Development District.

3.5.3 EXEMPT PLATS

- 3.5.3.1 Property owners or their authorized agents must present a paper or recordable map to the Planning Department for determination of whether the action created by the recording of the map meets the Ordinance standards to be exempt.
- 3.5.3.2 If the proposal meets the exemptions listed in this Ordinance or in North Carolina General Statutes, Section 160D-802(a), the Planning Director shall sign an exemption note on the face of the recordable map before it is recorded.
- 3.5.3.3 In addition to the divisions of land identified in North Carolina General Statutes§160D-802(a), the following divisions of land shall not be included within the definition of the term “subdivision” and shall not be subject to this Ordinance: (1) the division of land for the purpose of creating a lot for use as a site for a utility pump station; (2) the recordation of a plot of lots created by deeds recorded in the Orange County Registry prior to March 13, 1978; (3) the creation of a lot to be conveyed to the Town or to a non-profit entity for the purpose of creating public parks or public open space, provided that the plat and the deed creating such parcel shall specifically state that the parcel created may not be used for any other purpose, (4) the division of land owned by a governmental entity to facilitate the conveyance of a portion of said land to another governmental entity for governmental or public use, and (5) the recordation of a plat consistent with Section 7.3.3, *Multiple Detached Dwellings on a Single Parcel*.

- 3.5.3.4** If the proposal does not meet the exemptions, the Planning Director shall return the unsigned map to the property owner or authorized agent with a written description of why the map does not qualify to be exempt.

3.5.4 MINOR SUBDIVISION

Property owners or agents must present a paper map to the Planning Department to review any division of land into 4 or fewer lots from a single tract of land in any five (5) year period. If a new public road is proposed as part of the project, the subdivision shall be reviewed as a Major Subdivision. The Planning Director has the authority to refer a minor subdivision involving a new or existing private road to the Technical Review Committee. If no public or private road right of way or construction is part of the proposal, the Planning Director may approve the minor subdivision by signing the approval certificate on the recordable map.

The application will be processed according to the procedure details in Section 5.2.49, *Subdivisions, Minor*, or 5.2.47, *Subdivision, Major or Special*, as applicable.

3.5.5 MAJOR SUBDIVISIONS

Divisions of land resulting in the creation of between five (5) and nineteen (19) new lots from a single tract of land in any five (5) year period shall require major subdivision approval from the Planning Director.

3.5.5.1 Sketch Plan

Before submitting an application, the applicant shall submit a sketch design plan, the elements of which are discussed in the *Administrative Manual*. In reviewing the proposal, the Planning Department may consider existing development in the area, compatibility with the comprehensive plan for the Town, and the suitability of the land to avoid the unnecessary expense of redesigning unacceptable subdivision proposals. The Planning Department shall make available to the applicant maps, studies, and reports which indicate land suitability including maps of flood prone areas, soil, conditions, location of historic sites and unique natural areas.

3.5.6 SPECIAL SUBDIVISIONS

Unless otherwise stated in Section 3.5.2 of this Ordinance, ~~Divisions~~ divisions of land resulting in the creation of twenty (20) or more new lots from a single tract of land in any five (5) year period shall require a Special Use Permit, with review criteria as set forth in Section 5.2.46, *Subdivisions, Major or Special*.

3.5.6.1 Sketch Plan

Prior to submitting a Special Use Permit application, the applicant shall submit a sketch design plan, the elements of which are discussed in the *Administrative Manual*. In reviewing the proposal, the Planning Department may consider existing development in the area, compatibility with the comprehensive plan for the Town, and the suitability of the land to avoid the unnecessary expense of redesigning unacceptable subdivision proposals. The Planning Department shall make available to the applicant maps, studies, and reports which indicate land suitability including maps of flood prone areas, soil, conditions, location of historic sites and unique natural areas.

3.5.6.2 Special Use Permit Required

When the property to be subdivided is not within a Planned Development District, The preliminary plan will be processed according to the Special Use Permit procedure and details found in Section 3.8.

3.5.7 CONSERVATION SUBDIVISIONS (SECTION 9.2 FOR DEFINITION)

Unless otherwise stated in Section 3.5.2 of this Ordinance, Divisions ~~divisions~~ of land into twenty (20) or more new lots from a single tract of land in any five (5) year period, with special features as set forth in Section 5.2.48 for conservation subdivisions, shall require a Special Use Permit.

3.5.7.1 Sketch Plan

Prior to submitting a preliminary plat, the applicant shall submit to a sketch design plan, the elements of which are discussed in the *Administrative Manual*. In reviewing the proposal, the Planning Department may consider existing development in the area, compatibility with the comprehensive plan for the Town, and the suitability of the land to avoid the unnecessary expense of redesigning unacceptable subdivision proposals. The Planning Department shall make available to the applicant maps, studies, and reports which indicate land suitability including maps of flood prone areas, soil, conditions, location of historic sites and unique natural areas.

3.5.7.2 Special Use Permit Required

When the property to be subdivided is not within a Planned Development District, The preliminary plan will be processed according to the Special Use Permit procedure and details found in Section 3.8.

3.6 FUTURE LAND USE PLAN AND COMPREHENSIVE PLAN AMENDMENTS

3.6.10 EFFECT OF DENIAL OR WITHDRAWAL

An applicant may withdraw his or her application for an amendment at any time by written notice to the Planning Director. However, application fees will not be refunded if notice of the legislative hearing has already been sent to the newspaper. An applicant may also refile their application after withdrawal or denial at any time.

3.7 UNIFIED DEVELOPMENT ORDINANCE AND MAP AMENDMENTS

3.7.14 EFFECT OF DENIAL OR WITHDRAWAL

An applicant may withdraw ~~his or her~~their application for an amendment at any time by written notice to the Planning Director. However, application fees will not be refunded if required notice of the legislative hearing has already been sent to the newspaper. An applicant may also refile their application after withdrawal or denial at any time.

~~When the Town Board shall have acted upon an application or the application shall have been withdrawn after the first notice of the public legislative hearing thereon, the Town shall not accept another application for the same or similar text or Official Zoning Map amendment, affecting the same property or a portion of it, until the expiration of a one (1) year period, extending from the date of action or withdrawal. The Town Board may on its own motion, however, initiate an amendment of this nature prior to the expiration of the one (1) year period.~~

3.8 SPECIAL USE PERMIT

3.8.16 EFFECT OF DENIAL OR WITHDRAWAL

~~When the Board of Adjustment shall have denied an application or the application shall have been withdrawn, by written notice, after publication of the first evidentiary hearing notice required in Section 3.8.11, *Notice of Evidentiary Hearing*, the Planning Director shall not accept another application for the same or similar Special Use, affecting the same property or a portion thereof, until the expiration of one year from the date of denial or withdrawal.~~

An applicant may withdraw their application at any time by submitting written notice to the Planning Director. However, application fees will not be refunded if required notice of the evidentiary hearing has already been sent to the newspaper. An applicant may also refile their application after withdrawal or denial at any time.