

SUBDIVISION REGULATIONS

Description:

The character of a municipality can be greatly altered through the subdivision of its land. Subdivision regulations guide how land is divided into smaller parcels and ensures that when development does occur, lots, streets, and infrastructure are properly and safely designed, and the municipality's land use objectives are met.

The subdivision process starts with a proposal by an applicant to subdivide land according to a plat, which is a map illustrating the topography and existing vegetation in the area to be subdivided; the proposed drainage plans and layout of lots and streets; details about the existing and proposed water and sewer infrastructure; and other information about how the development will alter the landscape of the area to be subdivided and the area surrounding it.

The subdivision process influences how a municipality will look and function after development occurs. In addition, the subdivision of large tracts of land often induces related development nearby. A municipality may use subdivision regulations to encourage a particular type of development in a certain district, such as a senior housing project.

Benefits:

- The aim of subdivision regulations is to protect the health and safety of residents by ensuring that projects will be located on buildable lots that have soil conditions and terrain that will support the proposed type of sewerage system, with a safe and adequate water supply, and with proper drainage and flood control.
- Subdivision review can be used to influence the design of local streets—for example, to reduce their transit speeds and to ensure access by emergency vehicles.
- Through subdivision regulation, land for park land, or money in lieu of park land, can be required to meet the increased demand for recreation facilities created by the approved subdivision. These recreational and open space goals should be identified in a municipality's comprehensive plan.
- While subdivision regulations are greatly strengthened when they work in conjunction with zoning, subdivision review is an important tool for municipalities that do not have a zoning ordinance in place. Through subdivision review, communities can, to a degree, still plan for pedestrians, incorporating trails and sidewalks that encourage exercise and that lessen automobile-dependency.

Impediments or barriers to development or implementation:

- Subdivision regulations alone (without a zoning ordinance in place) cannot control the uses of the property within the subdivision, nor can they establish minimum lot sizes, setbacks, or building design standards.
- Only those elements specifically listed in the regulations may be reviewed. The reviewing board has no ability to review elements not listed unless the regulations authorize that review.

Resource—statutory authority:

- Subdivision review; approval of plats; development of filed plats:
 - Town Law, §276;
 - Village Law, §7-728;
 - General City Law, §32.
- Subdivision review; approval of plats; additional requisites:
 - Town Law, §277;
 - Village Law, §7-730;
 - General City Law, §33.

Resource—written and web:

- Randal G. Arendt (June 1, 1996), *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington, DC: Island Press.