

PROCEDURE FOR OPENING OLD FILE MAP

Q.- Who prepares the overall development plan?

Answer: 243-3 General Procedures

- A. Upon receipt of an application, the Board shall review and consider the proposed development. After a public hearing, the Board may approve, conditionally approve or disapprove of the development.
- B. The Board shall begin its considerations by studying:
 - 1) An overall development concept for the entire OFM subdivision plat that is compatible with the Master Plan, the Zoning Ordinance and this article, including the street system, grading and surface water drainage, land parcelization, environmental features, open space and program of development.
 - 2) The feasibility of the applicant's proposed development.
 - 3) A preliminary cost estimate for surveying, planning, engineering, construction etc to determine the potential financial obligation of the applicant and subsequent individual building site owners.
- C. In reviewing an application, the Board shall consider whether the proposed development is consistent with its overall development concept and other preliminary determinations.
- D. Before approving an application, the Board shall require that provision be made for the construction of public improvements. Any assurances, agreements, offers of dedication etc shall be submitted.
- E. The Board shall fix a time and place for a public hearing.

243-4 Public Improvement Standards

- A. The Board shall require that all public improvements be constructed to standards applicable to new land subdivisions.
- B. The Board may not require conformance with Town standards for the construction of public improvements in the initial stage of the development, provided that §243-6 (**Program for financing public improvements**) is utilized to assure eventual construction that conforms to Town standards.
- C. If the Board determines that the public improvements shall be constructed to Town's standards in the initial stage, the Board may require that such public improvements be constructed before granting final approval, or that a performance bond sufficient to cover the full cost be furnished to the Town.
- D. If the Board determines that the public improvements need not be constructed to Town's standards in the initial stage, the Board may require that the minimum road improvement meet the Town private road standard, or that a performance bond sufficient to cover the full cost be furnished to the Town.
- E. The Board may modify or waive, subject to appropriate conditions, provisions of 243-4A if such requirements are not in the interest of the public health safety or general welfare due to special circumstances existent in a particular OFM.

243-5 Program for development by sequential development sections

- A. The Board is empowered to approve a program for development of OFM subdivision plats by sequential development sections.
- B. No partial development of OFM plat shall be approved unless it conforms to the approved program for development and the sequence of development.
- C. In approving a sequential program of development, the Board shall consider the program for and timing of overall public improvements such as recharge basins or storm drains required for adequate functioning of a development section, but may be located outside such development section.
- D. The first development section in a program of development shall cover a portion of the plat that has direct access to an improved public road. The Board shall determine the number of building sites to be included in the first section being guided by two objectives:
 - 1) To obtain eventual construction of all public improvements within the development sections to Town standards within a reasonable period of time, and
 - 2) To achieve a fair and equitable apportionment of the total estimated costs among the building site owners within the first development section.
- E. The second and succeeding development sections shall cover a portion of the subdivision plat which has direct access to a road improved to at least the Town private road standard. The Board shall determine the area and number of building sites as per D above.
- F. In approving development in a section, where the Board finds that the development costs exceed the aggregate financial obligations of the applicant/owners, the Board may authorize the issuance of a specific limited number of building permits within such first section without requiring road construction to Town standards.

In lieu of such road construction, the Board may permit the building site owner to construct a temporary access constructed to driveway standards.

UNDERSTANDING TOWN CODE: Chapter 243 OLD FILED MAPS

243-1 B: Requires appropriate design and public improvement construction – similar to review and approval of proposed NEW land subdivision.

243-1C: States that all building sites shall be integral elements of the OFM and all owners shall be the subdivider for the purpose of discharging the responsibilities of the development.

243-1 D: States that all financial obligations of the subdivider shall be borne by the building site owners in the OFM subdivision on a fair and equitable basis. Obligations shall include: All initial costs for surveying, planning and engineering, and all costs for public improvement construction and other expenses necessary in the development of new land subdivisions that conform to Town standards.

243-1E: States that the Building Department shall only issue a permit to owners of a building site with a full development right. Any such owner of a building site shall have discharged his financial obligation as subdivider and satisfied such other requirements that the Planning Board may have imposed.

243-1F: This section describes the procedures set to apportion funding of public improvements over a period of time, so that financial obligations can be shared equitably between building site owners. If one owner chooses to apply for development approval alone, such owner will have to bear the additional costs as the Planning Board cannot grant approval for the development of a subdivision plat without essential work being done by the applicant.