

EXPIRATION OF SUBDIVISION PLANS

FAQ

(Frequently Asked Questions)

Construction of recorded subdivision plans shall begin within 5 years of the original recordation date and continue progressing toward completion.

What is the Intent of the Regulation?

To ensure that existing unbuilt subdivisions comply with current subdivision and land development standards.

What is the Process?

Kent County will notify applicants and landowners subject to expiration 1 year prior to expiration and again 6 months prior to expiration.

What is Commencement of Construction?

Commencement of Construction means – a building permit or other state permit (DeIDOT, Kent Conservation District, DNREC, etc) has been secured and construction under said permit is visible upon inspection. Such work must start with a good-faith intention to continue until completion. General earth moving is not considered commencement of construction.

What are my Options as a Landowner / Developer?

- Demonstrate that construction has commenced prior to date of expiration
- Apply to the Department for re-approval of the project for an additional 5 year period:
 - Staff will review the plan to determine if the plan meets current standards, if the plan requires minor revisions in order to comply with current standards, or if the plan must be resubmitted as a new application subject to all appropriate review procedures, regulations, and fees.
 - Plans meeting current standards or requiring minor revisions may be re-approved administratively.
 - Plans requiring significant redesign shall be subject to Regional Planning Commission and Levy Court review as applicable.
- Land owners and applicants are encouraged to contact the staff as soon as possible after receiving the notification letter to discuss options for re-approval.
- Expired subdivision plans shall be deleted from the Kent County property records and eliminated from the assessment records.