

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinance:

AN ORDINANCE No. 20-46

CA18-0005: Development Review Procedures

To amend County Code ("Code Amendment") Chapter 20, Zoning, Article 4, Subdivision Approval Procedures, Division 4, Preliminary Plat Review, Sec. 20-4.4.1. Required preliminary plat information, and Division 6, Record Plats, Sec. 20-4.6.1. Record plat requirements, to include depictions and notes required by the Chesapeake Bay Act related to limitations on development in the Resource Protection Area (RPA), that plats served by on-site sewage systems shall depict primary and 100% reserve drainfields, certification that the record plat conforms to the preliminary plat, if applicable, and in bold on all plats the language "PERMITTED DEVELOPMENT IN THE RESOURCE PROTECTION AREA (RPA) IS LIMITED TO WATER DEPENDENT FACILITIES OR REDEVELOPMENT IN THE RPA, INCLUDING THE 100-FOOT WIDE VEGETATED BUFFER" and "SEWAGE TREATMENT SYSTEM PUMP OUT IS REQUIRED EVERY FIVE (5) YEARS IN ACCORDANCE WITH SPOTSYLVANIA COUNTY CODE CHAPTER 6A-10(B)(1)". Additional amendments include changing the term planning director to Director of Planning.

PUBLIC HEARING:

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the Code Amendment with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, good subdivision practice and general welfare are served by approval of the Code Amendment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 20, Article 4, Division 4 and Division 6, be and are hereby **amended** and reordained as follows:

Sec. 20-4.4.1. - Required preliminary plat information.

- (a) Required submittals for all residential preliminary plats submitted pursuant to article 4 of this chapter. Unless modified by the director of planning in accordance with subsection (b) below (applicable to subdivisions with fifty (50) or fewer lots only), a preliminary plat shall contain or be accompanied by the following information and plans: (the applicant may choose to submit the preliminary plat and site plan as one (1) submission, entitled "Residential Development Plan" and shall contain the minimum submission requirements as detailed in the site plan application checklist as well as the preliminary plat application and checklist).
- (1) If the proposed subdivision is part of a larger lot, a map of such lot and a narrative description of the development plans for such lot;
 - (2) A final preliminary plat, drawn to scale of 1 = 200 for tracts over fifty (50) acres and 1 = 100 for smaller parcels, on a sheet(s) no larger than twenty-four (24) by thirty-six (36) inches, prepared by an engineer or surveyor, in a standard format prescribed by the director of planning and including the following information unless otherwise agreed by the director of planning:
 - (i) Proposed name of subdivision;
 - (ii) Name, address of owner and applicant;
 - (iii) Name, signature, license number, seal and address of engineer or surveyor, as applicable, involved in plat preparation;
 - (iv) Title block denoting type of application, tax map sheet, lot number, street location, and date of original;
 - (v) A vicinity map at a scale of 1 = 2,000 showing location of lot with reference to surrounding properties, streets, municipal or county boundaries, etc., within one-half (½) mile;
 - (vi) A list of revisions and dates;
 - (vii) Signature block for the director of planning;
 - (viii) Preparer's certification blocks;
 - (ix) Boundary survey showing bearings and distances with error of closure that meets current surveying practices as administered by the state;
 - (x) Total acreage of lot to be subdivided (or square feet, if less than an acre);
 - (xi) The location of any required or proposed improvements or easements.
 - (xii) Size and location of any existing structures, applicable setbacks and building lines;
 - (xiii) Conceptual phasing plan of development, if any;
 - (xiv) Topographic contours with a minimum of ten-foot contours from USGS map or other more accurate source, except for lots less than two (2) acres, a minimum of two-foot contours shall be shown;
 - (xv) Water bodies and USGS perennial and intermittent streams;
 - (xvi) Watershed boundaries;
 - (xvii) Wetlands boundaries based on a field delineation in accordance with Federal standards.
 - (xiii) Historic landmarks, historic district boundaries, Virginia natural heritage sites, and known historic features, including without limitations, Civil War resources, such as, earthworks, trace roads, stonewalls and fences;
 - (xix) Cemeteries, graves, objects or structures marking a place of burial shall be delineated clearly within a conservation easement and a minimum of a ten-foot access easement.
 - (xx) 100-year floodplain boundaries as shown on FEMA maps, dated February 18, 1998 or latest maps or revisions;

- (xxi) Approximate location and description of wooded areas, hedgerows and tree lines, including individual freestanding trees greater than eight-[inch] caliper and individual trees greater than 15-[inch] caliper in hedgerows and woodlands, and significant physical features;
 - (xxii) The location and area of any buffer area required under the County's Chesapeake Bay Act Ordinance;
 - (xxiii) Existing and proposed street layout;
 - (xxiv) Existing and proposed street names and widths;
 - (xxv) General description of water supply system;
 - (xxvi) Description and approximate location of proposed sewer system, including primary and 100% reserve drainfield(s) for on-site sewage treatment systems;
 - (xxvii) Existing and proposed easements, rights-of-way or land reserved for or dedicated to public use and/or areas to be held in common ownership;
 - (xxviii) Existing and proposed points of connection with public water and sewer;
 - (xxix) The approximate location and area of any sewage disposal site, including required reserve areas, and confirmed by a field investigation by a soil scientist together with the approximate location of the house site, and two (2) copies of the soil reports prepared by a soil scientist with the AOSE certification number and original signature or VDH certification letter, provided engineering has been complete.
 - (xxx) Areas with slopes exceeding fifteen (15) percent based on existing topographic data.
 - (xxxi) A schedule of applicable zoning districts and requirements, including lot area, width, depth, setbacks, building coverage, open space, parking, etc.;
 - (xxxii) Lot lines, zoning and principal uses of all existing lots or parcels within one hundred (100) feet identified on the most recent tax map sheet;
 - (xxxiii) Soils data, indicating at a minimum the existence of any highly erodible or highly permeable, moderate and/or high shrink/swell or hydric soils. Shrink/swell soils data shall include a report prepared by a soils professional in accordance with the county's shrink/swell soils testing policy;
 - (xxxiv) Chesapeake Bay Preservation Area data required by chapter 6A.
 - (xxxv) The boundaries of any mapped dam break inundation zones.
- (3) If the application involves a residential subdivision, the final preliminary plat shall contain the following additional information:
- (i) Lot layout including lot numbers and setback lines and, if greater than one (1) acre, approximate sizes;
 - (ii) Minimum lot width at street;
 - (iii) Total number of lots to be created and minimum and average area of lots in square feet (or acres for lots of greater than one (1) acre);
 - (iv) Table of minimum yard requirements.
- (b) Minimum submittal requirements for subdivision preliminary plats submitted pursuant to article 4 of this chapter. The director of planning is authorized to waive requirements for optional preliminary plats for subdivisions with fifty (50) or fewer lots except that all applications for subdivision approval shall include at least:
- (1) A boundary survey, including bearings and distances with error of closure that meets current surveying practices as administered by the state;

- (2) Total area of the lot to be subdivided;
 - (3) Lot layout including lot numbers and approximate dimensions and sizes and total number of lots to be created;
 - (4) Minimum and average lot areas;
 - (5) Chesapeake Bay Preservation Area features and requirements.
- (c) The director of planning shall base a decision to waive information requirements for subdivisions on the character, location and potential impact of the proposed subdivision of land and the information needed to determine compliance with the minimum requirements of this chapter.
- (d) Required submittals for all nonresidential subdivision preliminary plats submitted pursuant to article 4 of this chapter. Preliminary plats are required for subdivisions with fifty-one (51) lots or more and optional for subdivisions of fifty (50) or fewer lots. A preliminary plat shall contain or be accompanied by the following information and plans:
- (1) A boundary survey, including bearings and distances with error of closure that meets current surveying practices as administered by the state;
 - (2) Total area of the lot to be subdivided;
 - (3) The location of any required or proposed improvements or easements and an indication of whether the easements will be private or dedicated to public use. This shall include rights-of-way, lands reserved for public use, and any areas to be owned by an owners or tenants association or otherwise held in common ownership;
 - (4) Conceptual phasing plan of development, if any;
 - (5) Water bodies, wetlands, and USGS perennial and intermittent streams;
 - (6) Existing and proposed street layout including widths and proposed names. Include all travel ways.

(Ord. No. 20-38, 1-12-10; Ord. No. 20-43, 9-9-14; Ord. No. 20-46, xx-xx-xx)

Editor's note— Ord. No. 20-43, adopted September 9, 2014, changed the title of section 20-4.4.1 from "Required final preliminary play information" to "Required preliminary plat information." The historical notation has been preserved for reference purposes.

Sec. 20-4.6.1. - Record plat requirements.

An application for record plat approval shall be prepared in accordance with the standards for plats under § 42.1-82 of the Code of Virginia, shall be drawn to the size and scale specified by the subdivision agent and shall contain or be accompanied by such information, plans and number of copies as required by the subdivision agent. At a minimum, the application shall be accompanied by:

- (a) A record plat containing a current boundary survey or reference to a boundary survey:
 - (1) A certificate signed by the surveyor or engineer responsible for preparation of the plat, the state highway engineer where compliance with Virginia Department Of Transportation standards are an issue, and the county health official if individual wells and on-site wastewater-sewage treatment facilities are to be used; (plat shall depict primary and 100% reserve drainfields and application shall ~~provide-include~~ two (2) copies of the soil reports prepared by a soil scientist with a valid AOSE certification and shall have an AOSE certification signature block completed by the AOSE on record plat).
 - (2) A signed and notarized owner's consent and certificate indicating the source of title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title.

- (3) Approval certificates for the director of planning certifying that the record plat conforms to the approved preliminary plat, if applicable, and the subdivision agent;.

- (4) In bold type the following notices:

NOTICE: THIS PLAT SHALL BECOME NULL AND VOID AND BE OF NO FURTHER FORCE AND EFFECT IF THE PLAT IS NOT RECORDED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF SPOTSYLVANIA COUNTY WITHIN SIX (6) MONTHS OF THE DATE OF APPROVAL.

APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL BE AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME.

PERMITTED DEVELOPMENT IN THE RESOURCE PROTECTION AREA (RPA) IS LIMITED TO WATER DEPENDENT FACILITIES OR REDEVELOPMENT IN THE RPA, INCLUDING THE 100-FOOT WIDE VEGETATED BUFFER.

- (5) In bold type the following notice on plats that include lots served by on-site sewage treatment systems:

SEWAGE TREATMENT SYSTEM PUMP OUT IS REQUIRED EVERY FIVE (5) YEARS IN ACCORDANCE WITH SPOTSYLVANIA COUNTY CODE CHAPTER 6A-10(B)(1).

- ~~(56)~~ When the plat is of land acquired from more than one (1) source of title, the outline and area of each of the several tracts shall be indicated upon the plat, within an insert block, or by means of a dotted boundary line upon the plat;.

- ~~(67)~~ A notation by the preparer of the plat specifying which of the lots shown thereon contains moderate or high potential shrink/swell soils, based upon the soils analysis and results thereof depicted on the preliminary plat;.

- (b) Executed covenants and restrictions for common areas as required under article 7 of this chapter;
- (c) The articles of incorporation or other organizational documentation for the homeowners' association;
- (d) The by-laws of the homeowners' association;
- (e) A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the homeowners' association;
- (f) A recommended time schedule for the maintenance of major facilities, including streets, street signs, pools, sidewalks, parking areas and buildings;
- (g) A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program;
- (h) A copy of the deed of conveyance and a title certificate or, at the discretion of the director of planning, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the Commonwealth of Virginia, assuring unencumbered title for all lands proposed to be conveyed to the county, other appropriate governmental agency, or other organization, including the homeowners' association;
- (i) An executed deed of dedication and easement conveying to the county land in fee simple and easements for public/county purposes which are depicted on the record plat; and

- (j) An executed subdivision agreement and improvement guarantees as required under article 6 of this chapter.

(Ord. No. 20-38, 1-12-10; Ord. No. 20-46, xx-xx-xx)