

## **SECTION 6 - APPROVAL OF PLATS**

(Repealed and Replaced 9/12/06)

### **6-1 APPROVAL REQUIRED BEFORE SALE**

1. Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the Commission for the approval of the subdivision plat and submit sixteen (16) copies of the preliminary plat including the lot, street and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded.
  - a. The following are the platting requirements for administratively approved minor subdivisions:
    - i. Title on plat specifying that it is a Minor Subdivision Plat;
    - ii. Property lines of the new lot shown with bearings and distances;
    - iii. Total area of the new lot (square feet and acreage);
    - iv. Total area of the parcel from which the minor subdivision was taken (residual of pre-existing tract);
    - v. Tax map number of the pre-existing parcel;
    - vi. The location of the proposed drainfield (primary and reserve);
    - vii. The current zoning of the property;
    - viii. The deed book and page numbers of the parent tract of land;
    - ix. The location of any lakes, rivers, and/or streams on the subject parcel, the County may require the site specific delineation of the RPA boundaries for final approval;
    - x. The location and dimensions of all access points or driveways from the state road. Lots being served by a 50 foot ingress/egress easement shall show the easement;
    - xi. The location of any easements and public rights-of-way;
    - xii. If fronting on a state maintained road, a minimum dedication of twenty-five (25) feet from the centerline is required for public use;
    - xiii. The surveyor's name, address, telephone and fax numbers, and seal with certificate number on each plat;
    - xiv. An executed surveyor's certificate;
    - xv. A dotted line delineating the required building setbacks;
    - xvi. The location of all existing structures lying within or partially overlapping the required building setbacks on the new or residual parcel;
    - xvii. Provide appropriate notes as provided on page 3 of this packet for CBPAs and future subdivisions;
    - xviii. Owner's Consent and Dedication provided on the plat.
  - b. The following sections outline the process and platting requirements for major subdivisions.

### **6-2 PRELIMINARY SKETCH**

1. The subdivider may, if he so chooses submits to the Commission twenty-one (21) copies of a preliminary sketch of the proposed subdivision prior to his preparing

engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the Commission to advise the subdivider whether his plans, in general, are in accordance with the requirements of this ordinance. The Commission, upon submission of any such preliminary sketch, shall study it, and advise the subdivider wherein it appears that changes would be necessary. The Commission may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the Commission with the preliminary plat.

The preliminary sketch shall contain the following information:

- i. A completed land development application along with the appropriate review fees. All checks shall be made payable to the Treasurer of Caroline County;
- ii. Drawn on white paper or print of topographic map
- iii. Scale shall be one hundred (100) feet to the inch
- iv. Location, width and names of all existing and proposed streets and public right-of-ways.
- v. Location and dimensions of all lots, parks, playgrounds and other proposed uses of the land.

### **6-3 PRELIMINARY PLAT**

1. The subdivider shall present twenty-one (21) copies of an engineered preliminary plat. The preliminary plat shall include the following information:
  - a. A completed land development application along with the review fees. All checks shall be made payable to the Treasurer of Caroline County.
  - b. If the proposed subdivision is part of a larger lot, a map of such lot and a narrative description of the development plan(s) for such lot.
  - c. A 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 Planning Commission including the following information;
    - 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 mile;
    - vi. A list of revisions and dates;
    - vii. Signature block for the Director of Planning, Director of Public Utilities, Virginia Department of transportation and Virginia Department of Health.
    - 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 Commonwealth of Virginia.
- 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 two (2) foot contours from USGS map or other more accurate source;
- 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.
- xxviii. 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 (10) foot access easement.
- xx. One-hundred-year floodplain boundaries as shown on FEMA maps, dated December 1, 1987 or latest maps or revisions;
- xxi. Location and description of wooded areas, hedgerows and tree lines, including individual freestanding trees greater than eight (8) caliper and individual trees greater than fifteen (15) caliper in hedgerows and woodlands, and significant physical features;
- xxii. Location and area of any buffer area required under the County's Chesapeake Bay Act Ordinance (including RPA designations on each lot).
- 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;
- xxvii. Existing and proposed easements, alleys, 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,, curve data table 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;

If the application involves a major residential subdivision, the final preliminary plat shall contain the following additional information:

- i. Lot layout including lot numbers and setback lines
- ii. Minimum lot width at street;
- iii. Total number of lots to be created and minimum and average area of lots in square feet and acres;
- iv. Table of minimum yard requirements;

#### **6-4 ADDITIONAL DOCUMENTS**

1. A document or documents setting forth the plans, designs and specifications of any physical service improvements to be constructed within the subdivision by or on behalf of the subdivider which document or documents shall incorporate sufficient information to enable the Commission to fully discharge its duties under this chapter.
2. The instrument or instruments of dedication required by State Law.
3. To eliminate the necessity of many separate documents, plans and sketches, the subdivider may incorporate into a single document, plan or sketch, in support of the preliminary plan or plat, all or any part of the additional information required herein, provided the sheet sizes specified are adhered to as required by the clerk.

#### **6-5 PROCEDURE**

1. The subdivider shall submit the preliminary plat to the Commission for review and comment at the time construction plans are submitted for approval by the Director of Planning. Construction plans must include all site plans for the subdivision including the infrastructure and overall development of the site as shown on the proposed preliminary plat.
2. The Commission shall complete action on the preliminary plat within sixty (60) days of submission or within thirty-five (35) days after receipt of the approvals from all state agencies. If the Commission does not approve the preliminary plat, the Commission shall set forth in writing, which may be by formal letter or legible markings on a copy of the preliminary plat, the reasons for such denial and shall identify the corrections or modifications that permit approval. The subdivider may also be advised of the character and extent of public improvements that will have to be made, and an estimate of the cost of construction or improvements and the amount of performance bond which will be required as a prerequisite to

approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the Commission may retain, at the subdivider's expense, a duly licensed engineer, or may require that a formal estimate of the cost of improvements be furnished by the subdivider.

**6-6 EFFECT OF PRELIMINARY PLAT APPROVAL**

The effect of final preliminary plat approval is to authorize:

1. Land-disturbing activities, provided that the following have been obtained: (i) a permit from the Erosion and Sediment Control Program Administrator under the requirements of Chapter 45 of the County Code, (ii) Chesapeake Bay Preservation Ordinance approval under Article 15, Section 17 of the Caroline County Zoning Ordinance, and, (iii) site plan approval under Article 15, Section 15 of the Caroline County Zoning Ordinance.
2. The submission of an application for final plat approval for the entire residential subdivision or a section of the subdivision, provided that:
  - i. a complete application for final plat approval is filed within twelve (12) months of preliminary plat approval; and
  - ii. if final plat approval is sought for only a section of the subdivision, the section must contain the following minimum number of lots:

Lots Shown on Preliminary Plat	Required Minimum
Less than 100	10 Lots
Over 100	10 percent or twenty-five lots, whichever is less

**6-7 SECURITY FOR PERFORMANCE; PENALTIES**

1. In administering security for performance and approval of final plat(s) the governing body may authorize the Director of Planning as their duly authorized agent.
2. In lieu of the requirement of Subsection 6-9 (a) (1) of this ordinance, a subdivider may furnish to the governing body a certified check, cash escrow or performance bond in the amount of the estimated costs for construction within the subdivision of all streets, curbs, gutters, sidewalks, bicycle trails, drainage or sewerage systems, waterlines as part of a public system or other improvements. Such certified check, cash escrow or performance bond shall be posted upon such terms and conditions as the Director shall require, except that the Director shall require in all cases that such certified check, cash escrow or performance bond be posted on condition that such facilities are to be completed on or before a date certain in a manner satisfactory to the Director acting on behalf of the governing body and that such certified check, cash escrow or performance bond be available to the governing body and not expire until the satisfactory completion of the

facilities, regardless of whether the target date for completion shall have passed. On any performance bond, surety may be required satisfactory to the Director as agent for the governing body, which surety shall be obligated for the life of the bond or, in the event the suretyship expires before proper completion of construction such surety shall be automatically renewable or shall provide for such notice by surety to the governing body at least sixty (60) days prior to termination of the suretyship.

3. In the event the governing body has accepted the dedication of a road or street for public use and such road or street, due to factors other than its quality of construction, is not acceptable into the State Highway system, then the governing body may require the subdivider or developer of the subdivision wherein such road or street is located to post with the governing body a maintenance and indemnifying bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the maintenance of such road or street until such time as it is acceptable into the State Highway system. Maintenance of such road or street shall be deemed to mean maintenance of the streets, curbs, gutters, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water, or debris, so as to keep such road reasonably open for public usage.
4. Any certified check, cash escrow or performance bond or other performance guarantee provided for under this section shall be released in whole or part within thirty (30) days after such receipt of written notice by the subdivider or developer of completion of all or part of any facilities required to be constructed unless the governing body notify such subdivider or developer in writing of any specified defects or deficiencies in construction and suggested corrected measures prior to the expiration of said thirty (30) day period; provided, however, that the governing body shall not be required to release such certified check, cash escrow or performance bond or other performance guarantee in an amount in excess of ninety percent (90%) of the actual cost of construction for which the bond, etc., was taken until such facilities have been completed and accepted by the governing body or appropriate State agency.
5. The subdivider shall maintain his certified check, cash escrow or performance bond until all improvements are completed in a manner satisfactory to the governing body, and if necessary, shall renew or reinstate the same from time to time, as may be required by the governing body, until satisfactory completion. In the event a subdivider sells or conveys the land subdivided or proposed for subdivision, or in the event a subdivision is to be developed by a person or entity other than the subdivider, the foregoing provisions of this Subsection 6-5B shall be applicable to such successor in interest to the subdivider or to such developer, to the same extent that said provisions are applicable to the subdivider.
6. Failure by any subdivider, developer, or successor in interest to a subdivider to obtain and maintain such certified check, cash escrow, performance bond, or other performance guarantee as provided for in Subsection 6-5B shall be

punishable in the same manner as provided for in Subsection 7-2 of this Ordinance.

**6-8 NO GUARANTEE**

Approval by the Commission of the preliminary plat does not constitute a guarantee of approval of the final plat.

**6-9 FINAL PLAT**

1. The subdivider shall two (3) Mylar and one (1) paper copies of the engineered final plat to the Director of Planning for his approval. Upon approval, the Director shall forward one (1) Mylar copy to the Commissioner of Revenue, return one (1) Mylar copy to the applicant and retain the remaining copies. It is the applicant's responsibility to submit the final approved plats to the Clerk of the Circuit Court for recordation.
2. A completed land development application along with the review fees. All checks shall be made payable to the Treasurer of Caroline County.
3. An application for record plat approval shall be prepared in accordance with the standards for plats under Section 15.2-2240 of the Code of Virginia, shall be 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 including the following information;
  - i. A record plat containing a current boundary survey with all distances and bearing must balance and close within an accuracy of not less than one (1) in ten thousand (10,000);
  - ii. Location, size and dimensions of ALL lots, common areas, easements, and other improvements;
  - iii. The final plat in all respects conform to the requirements of the approved preliminary plat and shall further conform to all requirements of this ordinance and of law of the Commonwealth of Virginia;
  - iv. 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 facilities are to be used;(shall provide 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);
  - v. 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;
  - vi. Approval certificates for the Director of Planning, Director of Public Works and the Director of Fire and Rescue;

- vii. 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 CAROLINE 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.**
- viii. 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;
- ix. 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;
- x. Executed covenants and restrictions for common areas;
- xi. The articles of incorporation or other organizational documentation for the homeowners' association;
- xii. The by-laws of the homeowners' association, if any;
- xiii. 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;
- xiv. A recommended time schedule for the maintenance of major facilities, including streets, street signs, pools, sidewalks, parking areas and buildings;
- xv. A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program;
- xvi. 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;
- xvii. 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;
- xviii. An executed subdivision agreement and improvement guarantees;

#### **6-10 WHEN FINAL PLAT MAY BE APPROVED, RECORDATION, ACCEPTANCE OF DEDICATION**

1. Before any final subdivision plat may be signed and released by the Director of Planning for recording purposes, the subdivider shall either, (1) complete, subject to inspection and approval by the Director of Planning, construction of all streets, curbs, gutters, sidewalks, bicycle trails, drainage or sewage systems, waterlines as part of a public system or other improvements and certify to the governing body, with such proof as may be required, that the construction costs have been paid to the person constructing such facilities, or (2) furnish to the governing body a certified check,

cash escrow or performance bond in accordance with Subsection 6-5B of this ordinance.

2. No final subdivision plat shall be approved until the Director of Planning determines that the subdivider has complied with the requirements of this chapter and the requirements of State law.
3. The approval of the final subdivision plat by the Director of Planning shall be made manifest on the face thereof.
4. Recordation of the deed or deeds of dedication and the final plat signed and released by the Director of Planning for recording purposes shall constitute acceptance by the governing body of dedication for public use of any right-of-way within the subdivision so dedicated by the subdivider.