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4 PROCEDURE FOR SUBDIVISION APPROVAL

4-A PRE APPLICATION CONFERENCE REQUIREMENT

(11/18/14)

(11/18/14) No less than seven (7) days prior to filing an application, a pre-application conference shall be held between the Applicant and the Zoning Administrator. The Applicant shall provide for review a concept or draft subdivision plat showing the subject property, general lot layout, and the main elements to be proposed as a part of the application. The draft plat and any additional materials provided by the Applicant shall be retained by the Zoning Administrator as the initial public record for the application.

4-B APPLICATION

(12/17/91)

(11/18/14)

A complete application for subdivision approval shall contain at least the following:

4-B-1 The applicant's name and address, and, where the applicant is not an individual, the form, date, and place of formation of the applicant.

4-B-2 Environmental Inventory and Impact Statement.

4-B-3 Consumer Disclosure Statement.

4-B-4 Preliminary Plat.

4-B-4-a Twenty-one blue line or black line prints (fifteen copies on 11 by 17 inch paper and six copies on 24 by 36 inch paper), a digital or electronic copy of the plat (Portable Document Format (PDF), and digital files (as described below) shall be submitted. For digital data standard transfer media will be accepted including CD, DVD, email or ftp.

(3/20/90)

(10/18/11)

1. The digital files shall be provided in one of the following formats:
 - DXF (AutoCAD ASCII Drawing Exchange File)
 - ArcGIS shapefile
 - ArcGis Personal geodatabase
2. The digital files shall provide individual layers for the following features:
 - Site boundary
 - Parcel lot lines
 - Lot numbers
 - Tax Map numbers
 - Streets and Roads
 - Road Right of Ways
 - Road names
 - Building footprints
 - Utilities and Lines
 - Easements
3. The digital files shall be submitted in the following projection:

Projected Coordinate System:	NAD 1983 State Plane Virginia North FIPS 4501 Feet
Projection:	Lambert Conformal Conic
False Easting:	11482916.66666666
False Northing:	6561666.66666667

Central Meridian: -78.50000000
 Standard Parallel: 1:38.03333333
 Standard Parallel: 2:39.20000000
 Latitude Of Origin: 37.66666667
 Linear Unit: Foot US
 Geographic Coordinate System: GCS North American 1983
 Datum: D North American 1983
 Prime Meridian: Greenwich
 Angular Unit: Degree

A minimum of two property corners shall be identified by xy coordinates in order to “tie to” existing GIS layers.

A Statement indicating the source of the northern meridian and amount of declination used.

The Zoning Administrator may modify the number of paper prints or digital copies and may modify the format and features for such digital information based on unique circumstances.

- 4-B-4-b The preliminary plat and all required supporting documents submitted shall conform in all ways with the requirements set forth in Article 7, Section B of this Ordinance.
- 4-B-5 Payment of Fee.
- 4-B-6 Plans for Water and Sewerage Facilities.
 - 4-B-6-a Report from the Clarke County Health Department evidencing suitability of soils on any lot less than 40 acres, for individual on-site septic systems with subsurface disposal.
(5/18/93)
 - 4-B-6-b If public water and/or sewerage is to be provided by a town or by the Clarke County Sanitary Authority, a certificate from an authorized agent or the governing body thereof. Said certificate may require that certain specifications be met as a condition to furnishing or operating such public water and/or sewerage.
 - 4-B-6-c If privately owned and operated central water and/or sewerage facilities are to be provided, a certificate from the Clarke County Health Department evidencing conformance of plans for such facilities with all applicable requirements and specifications of the Virginia Department of Health.
 - 4-B-6-d If central water and/or sewerage facilities are to be accepted by a town or by the Clarke County Sanitary Authority for purposes of operation and maintenance of such facilities, for public use, a certificate from the Clarke County Health Department evidencing conformance of plans for such facilities with all applicable requirements and specifications of the Virginia Department of Health, as well as a certificate from an authorized agent or the governing body of the town or of the Sanitary Authority evidencing agreement to accept such facilities and setting forth all conditions of the agreement for such acceptance.
- 4-B-7 Certificate signed by the Resident Engineer of the Virginia Department of Transportation evidencing approval of the proposed design and construction of all streets, as defined in Section 2-B-42 herein. Said certificate shall also verify that all streets will be accepted into the state highway system for maintenance at such time that criteria for establishment of genuine public need is satisfied, provided such streets are constructed in accordance with the approved plans and profiles and are in good condition.

4-C ACCEPTANCE FOR FILING

- 4-C-1 (11/18/14) The Zoning Administrator may require such other information to be submitted as the Zoning Administrator deems necessary for a proper and intelligent consideration of the application. The Zoning Administrator may establish regular filing deadlines to ensure that there is sufficient time to evaluate the application prior to the Planning Commission's initial review.
- 4-C-2 (11/18/14) The Zoning Administrator shall determine when the application is complete. After receipt of a complete application, the Zoning Administrator shall refer the matter to the Planning Commission for initial review at its next regular meeting.
- 4-C-3 (11/18/14) The Zoning Administrator shall forward copies of the plat for all applicable agencies and officials to provide written comments and recommendations. After receiving such comments and recommendations, the Zoning Administrator shall prepare a report for the Planning Commission.
- 4-C-4 (11/18/14) The subdivision plat and accompanying materials shall be available for public review in the County Planning Department.
- 4-C-5 (11/18/14) In addition to the fee set by the Board of Supervisors, the Planning Commission may require the Applicant to bear the costs of any extraordinary professional services employed by the Planning Commission in reviewing the subdivision plat.

4-D PUBLIC DISCLOSURE

The Preliminary Plat and other documents comprising an application shall be available for public viewing in an office designated by the Zoning Administrator.

4-E REPORT TO PLANNING COMMISSION

- 4-E-1 Copies of the Preliminary Plat shall be distributed to all members of the Planning Commission and to any or all of the following agencies that may exist, and any other agencies, as deemed necessary by the Zoning Administrator:
Clarke County Engineer
Clarke County Sanitary Authority
Clarke County Soil Scientist
Clarke County Health Department
Clarke County Department of Parks and Recreation
Lord Fairfax Soil and Water Conservation District,
Virginia Department of Transportation
District Agent Soil Conservation Service
Towns bordering on, or close to, the proposed subdivisions.
- 4-E-2 After the Zoning Administrator has received review comments from the agencies and officials to which the Preliminary Plat has been referred, a report shall be prepared and submitted to the Planning Commission.

4-F PUBLIC HEARING

4-F-1-a A public hearing shall be required for any proposed major subdivision, and the Planning Commission shall give notice of a public hearing in accordance with Section 4-F-2 of this ordinance. No public hearing shall be required for a minor subdivision.
(11/16/93)
(8/19/03)
(11/18/14)

4-F-1-b Deadlines for Applicant Submission of Materials Prior to Public Hearing. Following the filing of a complete application, the Applicant shall provide any new or revised materials demonstrating compliance with required technical elements no less than 14 days prior to the first Public Hearing and no less than 10 days prior to any continued Public Hearing. Required technical elements include any regulations governing site development such as lot dimensions and plat requirements. Any new or revised materials provided after the deadlines reference above shall not be considered by the Commission at the scheduled meeting.
(11/18/14)

4-F-2 Public hearings held by the Planning Commission shall be held in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. In accordance with Section 15.2-2206 of the Code of Virginia, 1950, as amended, the subdivision applicant shall be responsible for providing the notice required in Section 4-F-2-(b); and shall bear the cost of said notice. The applicant shall be required to supply the names of those persons that were required to be notified and certify that said notice was sent. The certification of notice and a listing of the persons to whom notice was sent shall be supplied by the applicant to the zoning administrator at least five days prior to the public hearing. Any person entitled to notice may waive such right in writing. In accordance with applicable regulations, before such hearings, the following is required:

4-F-2-a Notice of the intended action shall be published once a week for two successive weeks in some newspaper publishing or having general circulation in Clarke County. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than five days nor more than twenty-one days after the second advertisement shall appear in such newspaper.
(11/16/93)
(8/19/03)

4-F-2-b Written notice shall be given at least five days before the hearing to the owners (as shown on the current real estate assessment records of Clarke County) of all abutting property and property immediately across the street or road from the property to be subdivided. If such notice is sent by an applicant other than a representative of the Planning Commission, it shall be sent by registered or certified mail. If such notice is sent by a representative of the Commission, the notice may be sent first class mail; provided that the representative make affidavit that such mailings have been made and file such affidavit with the records of the case.
(11/16/93)

4-F-2-c At least 15 days preceding the hearing, the applicant shall erect on the parcel to be subdivided, a sign or signs, indicating the nature of the request and the body reviewing the request. If the public hearing concerns more than five parcels, the number and location of signs to be posted shall be determined by the Zoning Administrator. The Zoning Administrator may require a reasonable deposit for each sign furnished to the applicant. The sign shall be erected by the applicant within 10 feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than one foot above the ground. Such sign shall not be erected in the public right-of-way. If more than one such road abuts the property, or if no public road abuts thereon, then the number and location of signs shall be determined by the Zoning Administrator. If no public road abuts thereon, then signs shall be placed in the

same manner as above on at least one (or as many as is deemed necessary by the Zoning Administrator) boundary of the property abutting land not owned by the applicant. Any sign erected as required by this Section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator, or authorized agent of either, to remove or tamper with a required sign during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within 15 days following the public hearing for which it was erected. Failure to return the undamaged sign or signs within the prescribed time period will result in the forfeiture of the sign deposit.

- 4-F-2-d (11/16/93) At the hearing, the applicant shall submit an affidavit that he/she has fully complied with the requirements of this Section as to provision of written notice and posting of the property.
- 4-F-2-e (11/16/93) If any hearing is continued, to an unspecified date, written notice shall be re-mailed for the notification of the date of continuation to those parties that received notice of the previous hearing, in accordance with Sections 4-F-2-(b) and 4-F-2-(d) of this Ordinance.
- 4-F-2-f (11/18/14) **Deferral of Application.**
An Applicant may request that consideration of a subdivision application at a public hearing be deferred by submitting a written request for deferral to the Zoning Administrator.

1. If the deferral request is provided to the Zoning Administrator prior to finalizing the Public Hearing advertisement for consideration by the Planning Commission, the Zoning Administrator shall determine whether to grant the deferral request. A request for deferral shall be approved only for good cause. If such request is approved by the Zoning Administrator, the application shall be advance to the next regularly scheduled meeting of the Planning Commission.

2. If the deferral request is provided after finalizing the Public Hearing advertisement, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the body. The body may approve the request for deferral for good cause. The Applicant shall be responsible for a re-advertising fee which shall be paid in full, prior to the application being placed on an upcoming public meeting agenda.

4-G (6/10/97) **ACTION ON PRELIMINARY PLAT**

- 4-G-1 Within 60 days of the date of the meeting of the Planning Commission at which a complete application is submitted to the Commission, the Commission shall approve, conditionally approve, or disapprove the Preliminary Plat.
- 4-G-2 The Commission shall approve the Preliminary Plat provided that the Commission finds the Plat and all required supporting documents meet the requirements of this Ordinance, any other applicable ordinances and regulatory requirements, including the requirements of Section 4-G-2-(b), below. Otherwise, the Commission shall disapprove the Preliminary Plat.
- 4-G-2-a In making its determination, the Commission shall consider, where applicable, the Comprehensive Plan, the Zoning Ordinance, the Erosion and Sediment Control Ordinance, the Well and Septic Ordinance, the Environmental Inventory and Impact Statement, the

Consumer Disclosure Statement, Virginia Department of Transportation requirements and regulations, agency comments pursuant to Section 4-E of this Ordinance, and any other applicable statutes, ordinances, or regulations.

- 4-G-2-b In order to approve the Preliminary Plat, the Commission, in considering the matters set forth in Section 4-G-2-(a), above, shall determine, without limitation, that the subdivision as set forth in the Preliminary Plat:
1. Will not cause unreasonable soil erosion or reduction in the capacity of the land or water so that a dangerous or unhealthy condition may result.
 2. Will not cause unreasonable highway congestion or unsafe conditions with respect to the use of the highways existing or proposed, and has adequate road access. In making this determination, it shall consider the width and grade stability, and whether or not the increase in traffic volume that would be generated by the proposed subdivision would create a hazard to public safety or seriously aggravate an already hazardous condition.
 3. Has adequate drainage. In making this determination, it shall consider whether or not the surface or subsurface water retention and/or runoff is such that it constitutes a danger to the structural integrity of proposed dwelling units or other proposed on site structures, and whether or not proposed site grading and development will create harmful or damaging effects from erosion and siltation on downhill or downstream land.
 4. Will not have an undue adverse effect on existing or proposed septic systems or water supply systems in adjacent areas.
 5. Will not have an undue adverse impact on the environment as described in Section 5 of this Ordinance.

4-G-3 If the Commission disapproves or conditionally approves the Preliminary Plat, the reasons for such action shall be stated in writing.

4-G-3-a If the Commission conditionally approves the Preliminary Plat, the conditions shall be set forth in writing.
(9/18/90)

4-G-3-b If the Commission disapproves the Preliminary Plat, the reasons for the disapproval shall be set forth in writing, and if there are specific corrections or modifications which will permit approval of the Preliminary Plat, such corrections or modifications shall be set forth in writing.
(9/18/90)
(11/18/14)

4-G-4 Approval of the Preliminary Plat may be conditioned upon, among other things, the subdivider including in the Deed of Dedication of the property, and/or in the deed of conveyance for each lot within the subdivision, restrictive covenants required by this Ordinance and agreed to by the subdivider in hearings before the Commission. In the event any lot or lots within a proposed subdivision are to be served by one or more private access easements, restrictive covenants as required by Section 7-B-5-(c) of this Ordinance shall be included in the Deed of Dedication of the property and in the deed of conveyance for each lot so served.

4-G-5 Additional time may be granted the applicant for submission of revised plans, or the Commission may require additional time for review of a Preliminary Plat stating its reasons for doing so in writing.

- 4-G-6 Conditional approval by the Commission shall not obligate the Commission to approve the Record Plat.
- 4-G-7 Term of Validity of Preliminary Plats
(11/16/10)
- 4-G-7-a (11/16/10) Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the Zoning Administrator may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.
- 4-G-7-b (11/16/10) Once an approved final subdivision plat for all or a portion of the property is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the last recorded plat.
- 4-G-8 No property shall be transferred or offered for sale, nor shall a permit to build be issued, on the basis of an approved Preliminary Plat.
- 4-G-9 The Commission, upon being requested to do so by the applicant, and upon finding that the plan submitted conforms to the requirements of this Ordinance for a Record Plat, and upon finding that all necessary supporting documents have been filed, may act upon the plat submitted as a Preliminary Plat and as a Record Plat, in accordance with the criteria provided in this Article for actions on the Preliminary and Record Plat.
- 4-H SUBMISSION OF PLANS AND PROFILES
- 4-H-1 The following items shall, when necessary, be submitted to the Commission after final approval of the Preliminary Plat and before submission of the Record Plat:
- 4-H-1-a Five copies of the complete Construction Plans and Profiles, including storm sewer design computations and storm water inlet computations.
- 4-H-1-b Five copies of the Construction Specifications and Plans for structures such as pedestrian underpasses or overpasses, parking areas, drainage systems and/or structures, or any special structures or systems the Planning Commission may decide warrant individual engineering review.
- 4-H-1-c Five copies of Traffic Control Plan, including all signs, signals, street signs or other devices for traffic control.
- 4-H-2 Copies of the above items shall be distributed by the Commission to the Virginia Department of Highways and Transportation or any other agency deemed necessary for review of said documents.
- 4-H-3 No Record Plat shall be accepted for review by the Planning Commission until all the aforementioned items have been reviewed and approved by the appropriate authorities.

4-I SUBMISSION OF RECORD PLAT

4-I-1 (3/20/90) (10/18/11) After approval of the Preliminary Plat, paper copies, a digital or electronic copy of the plat (Portable Document Format (PDF), and digital files (See section 4-B-4-(a) 1 thru 4) of the Record Plat shall be submitted to the Zoning Administrator not less than 15 days prior to the Commission meeting at which consideration thereon is desired.

1. A total of twenty-one paper copies shall be submitted, fifteen copies on 11 by 15 inch paper and six copies on 18 by 24 inch paper. These six copies shall evidence original signatures for all required certificates and approvals.
2. For digital data standard transfer media will be accepted including CD, DVD, email or ftp.

The Zoning Administrator may modify the number of paper prints or digital copies and may modify the format and features for such digital information based on unique circumstances.

4-I-2 Upon receipt of the Record Plats and all documents and requirements as specified in Article 7 of this Ordinance, the Zoning Administrator shall determine that the Record Plat and documents comply with all applicable rules and regulations, all applicable decisions of the Commission, and all conditions imposed at the time of conditional approval, if any, of the Preliminary Plat.

4-J ACTION ON RECORD PLAT

4-J-1 (9/18/90) Within 60 days of the date of the meeting of the Planning Commission at which the Record Plat and all other required items are submitted to the Commission, the Commission shall approve, conditionally approve, or disapprove said Record Plat.

4-J-2 (9/18/90) The Commission shall approve the Record Plat, provided:

4-J-2-a The Commission finds that the Record Plat is substantially in accordance with the approved Preliminary Plat and the requirements and provisions of this Ordinance, and that all supporting documents and other items required by this Ordinance and/or the Commission are satisfactory;

4-J-2-b The Commission finds that all certificates and approvals by other public officials and the performance bond, check, or other acceptable surety required by Clarke County and/or other political subdivisions and public agencies are adequate; and

4-J-3 (9/18/90) (11/18/14) If the Commission disapproves the Record Plat, the specific reasons for disapproval shall be provided in writing, either in a separate document or on the Record Plat itself. The reasons for disapproval shall identify the deficiencies in the plat that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies, and shall identify, to the greatest extent possible, modifications or corrections that would permit approval of the plat.

4-J-4 (9/18/90) If the Commission conditionally approves the Record Plat, the conditions shall be set forth in writing.

4-K RECORDATION OF PLATS

(11/16/10)

4-K-1 Any owner or proprietor of any tract of land within Clarke County, Virginia, who subdivides the same as herein provided, shall cause a plat of such subdivision to be made

in accordance with the regulations set forth in this Ordinance and in the Virginia Land Subdivision and Development Act, and shall further cause a copy of said plat evidencing approval as required herein and a copy of a Deed of Dedication, as may be required herein, to be recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia.

4-K-2 No subdivision plat shall be recorded unless and until it shall have been submitted to and approved by the Planning Commission of Clarke County as herein provided and is in full accordance with the regulations set forth in this Ordinance.

4-K-3 No subdivision plat shall be recorded unless all the monuments shown and described on the Record Plat are in place as evidenced by the certificate of a licensed surveyor endorsed on said Plat.

4-K-4 A Record Plat shall become null and void if it is not submitted to the Clerk of the Circuit Court of Clarke County for recordation within six months from the date evidencing approval by the Planning Commission. The Commission may approve a longer period before recordation is required. The owner of the property being subdivided must submit a written request to the Zoning Administrator for such a longer period within six months of the date of the Commission's original approval. In any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by Planning Commission, or where the developer has furnished surety to the Planning Commission by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the Planning Commission, which ever is greater.

4-K-5 Recordation of the Record Plat of a subdivision shall not be deemed to be the acceptance by the County of any street or road or other public place shown on the plat for maintenance, repair or operation thereof.

4-L BURDEN OF PROOF

The burden of proof shall be on the applicant to show that the subdivision and the plats submitted meet the requirements of this Ordinance, including the provisions of Sections 4-G-2 and 4-J-2.

4-M ADMINISTRATIVE LAND DIVISIONS

(10/21/14)

1. If one or more of the parcels resulting from an administrative land division are to be served by a private access easement, the private access easement shall comply with all applicable design requirements set forth in §8-J.
2. Utility installation on parcels resulting from an administrative land division shall comply with all applicable design requirements set for in §8-G. The Zoning Administrator shall have the authority to act on behalf of the Planning Commission in applying §8-G-1 and §8-G-3.