

ORDINANCE-3819

AN ORDINANCE TO AMEND THE CITY CODE, APPENDIX
B, SUBDIVISION REGULATIONS, TO UPDATE
REFERENCES TO THE STATE CODE AND THE
EROSION AND STORMWATER MANAGEMENT
ORDINANCE

Sections Amended: §§ 3.2, 3.3, 5.5, and 8.1 of the
Subdivision Regulations

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
BEACH, VIRGINIA:

That Sections 3.2, 3.3, 5.5 and 8.1 of the Subdivision Regulations of the City
Code is hereby amended and reordained to read as follows:

APPENDIX B SUBDIVISION REGULATIONS

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Sec. 3.2. Procedure for conditional preliminary plat approval.

- (a) The subdivider shall cause to be prepared a preliminary plat with other material required as set forth in section 6, and shall submit such number of copies as the planning director shall require thereof to the planning director for processing and referral to affected agencies, together with an application for approval and such fee as is established by city council in relation to processing subdivision plats for plats involving more than fifty (50) lots. The subdivider may prepare a preliminary plat, as described above, for plats involving fifty (50) lots or less. Time limitations in relation to such processing shall begin as of date of receipt of the preliminary plat, application and fee as indicated on such documents when they are received by the planning director.
- (b) After the preliminary plat and related material has been submitted it shall be reviewed by the planning director and other affected agencies of the city for conformity to this ordinance and other applicable regulations, and negotiations made with the subdivider as to changes deemed advisable and the kind and extent of improvements to be made by him. The planning director shall act upon the preliminary plat and related material as submitted or as modified by the subdivider in accordance with the timeline and review criteria outlined in section 15.2-2260 of the Code of Virginia, and if approved shall certify its approval as conditional approval and state the conditions of such approval, of any, or if disapproved, shall indicate its disapproval and the reasons therefor.

- 44 (c) The action of the planning director shall be noted on all copies of the preliminary
45 plat to be retained in the record, referenced and attached to any changes or
46 conditions determined. One such copy shall be returned to the subdivider, and
47 others retained as required for records or further action of the department or other
48 affected agencies of the city.
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- 50 (d) Conditional approval of a preliminary plat shall not constitute approval of the final
51 plat, but shall be deemed an expression of approval of the layout submitted on the
52 preliminary plat and other matters determined in connection therewith which shall
53 serve as a guide in preparation of the final plat to be submitted for final approval
54 and for recording upon fulfillment of the requirements of this ordinance and the
55 conditions of the conditional approval, if any. ~~Such approval of the preliminary plat~~
56 ~~shall be valid for a period of one hundred eighty (180) days and may be extended~~
57 ~~by the planning director. Unless the final plat is submitted within one hundred (180)~~
58 ~~days or such extended period as may be allowed, the conditional approval shall be~~
59 ~~void.~~
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- 61 (e) Once a preliminary subdivision plat is approved, it shall be valid for a period of five
62 years, provided the subdivider (i) submits a final subdivision plat for all or a portion
63 of the property within one year of such approval or such longer period as may be
64 prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the
65 final subdivision plat. "Diligent pursuit of approval" means that the subdivider has
66 incurred extensive obligations or substantial expenses relating to the submitted final
67 subdivision plat or modifications thereto. However, no sooner than three years
68 following such preliminary subdivision plat approval, and upon 90 days' written
69 notice by certified mail to the subdivider, the Planning Director may revoke such
70 approval upon a specific finding of facts that the subdivider has not diligently
71 pursued approval of the final subdivision plat.
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- 73 (f) Once an approved final subdivision plat for all or a portion of the property is
74 recorded pursuant to section 15.2-2261 of the code of Virginia, the underlying
75 preliminary plat shall remain valid for a period of five years from the date of the
76 latest recorded plat of subdivision for the property. The five-year period of validity
77 shall extend from the date of the last recorded plat.
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79 **Sec. 3.3. Procedure for approval of final plat.**

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- 83 (c) Upon submittal of the final plat and other materials required with application for final
84 approval, the planning director shall initiate and coordinate review by affected
85 agencies of the city to determine:
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- 87 (1) Substantial compliance with the preliminary plat and any conditions of the
88 conditional approval thereof.

- (2) General compliance with the regulations set forth herein, and other applicable regulations.

~~Such review shall be completed within sixty (60) days of submittal (or such longer period as may be agreed upon in writing by the subdivider and the department) and within such time, the final plat and related materials shall be approved or disapproved. Approval shall be in the form provided in section 6. Disapproval shall include written reasons therefor. In the event that action is not taken within sixty (60) days, recourse shall be as provided by law in accordance with the timeline and review criteria outlined in section 15.2-2259 of the Code of Virginia.~~

(d) Approval of the final plat shall be void:

- (1) Unless the approved plat is recorded in the office of the clerk of the circuit court of the city within one year from the date of approval.
- (2) If there are any additions, deletions or alterations in the original tracing following approval, except for marking incidental to recording.

Sec. 5.5. Street and other drainage.

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Every subdivision shall have a drainage system adequate for the type of development proposed and so related to existing or potential surrounding development as to form a logical part of a coordinated system minimizing potential drainage problems for the general area. No plan or development shall take such form as to create potential or actual impoundment of water on, or discharge of water onto, adjacent property in such a manner as to (a) affect adversely existing development, or (b) increase problems of future development on such adjacent property, except with the written and recorded consent of the adjoining property owners affected and the approval of the department of planning.

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- (d) *[Waiver or modification.]* The director of the department of planning shall consider and may approve a waiver or modification to the requirements set forth in sections 5.5(a) and 5.5(b), for a subdivision, provided that the following are met:

- (i) Each lot in the subdivision shall be no less than fifteen thousand (15,000) square feet in area;
- (ii) Each lot shall provide area for no fewer than four (4) on-site parking spaces;
- (iii) All open drainage systems shall be provided and designed in accordance with the performance standards and design criteria of the erosion and stormwater management ordinance;

- (iv) The proposed system of open or natural drainage ways shall be an appropriate component of a stormwater management plan to be approved for the subdivision as part of the process for granting a waiver or modification under this section. Such stormwater management plan shall include, in addition to the requirements of ~~section 1-6~~, Appendix D, the following elements: A tree inventory/protection plan meeting the requirements of section 1.4, Appendix E; a wetlands delineation; depicting the limits of tidal and non-tidal wetlands and a plan for avoiding impacts to identified wetlands to the maximum extent practicable, minimizing unavoidable impacts to the maximum extent practicable and a plan for compensating for impacts that cannot be avoided and minimized; provision for the protection or creation of a natural area buffer of sufficient width to prevent erosion, trap sediment in overland runoff, provide necessary maintenance access and provision for the protection of any other significant natural features in accordance with the design principles for "Sheet Flow to Conserved Open Space" contained in the Virginia Stormwater Management Handbook BMP Clearinghouse, including steep slopes;

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Sec. 8.1. Plat fees.

- (a) At the time preliminary subdivision plats are submitted, the following fees shall be due and payable:
- (1) Residential two (2) lot plats: Three hundred thirty-six dollars (\$336.00).
 - (2) Residential three (3) to five (5) lot plats: Eight hundred forty dollars (\$840.00) plus one hundred sixty-eight dollars (\$168.00) per lot.
 - (3) Residential six (6) or more lot plats: One thousand one hundred eighty-eight dollars (\$1,188.00) plus seven dollars (\$7.00) per lot after the first five (5) lots.
 - (4) Nonresidential plats: One thousand one hundred eighty-two dollars (\$1,182.00) plus fifty-one dollars (\$51.00) per lot.
 - (5) As an exception to the above, there shall be no preliminary subdivision review fee for residential lot plats in the AG-1 and AG-2 Agricultural Districts where standard conditional use permit fees have been paid.
- (b) At the time construction plans are submitted, the following fees shall be due and payable from the effective date of this ordinance [July 1, 2014]:

Area of proposed land disturbance	Fee
Greater than or equal to 2500 SF and less than 1 acre	\$900.00
Greater than or equal to 1 acre and less than 5 acres	\$1,000.00
Greater than or equal to 5 acres and less than 10 acres	\$1,333.00
Greater than or equal to 10 acre and less than 50 acres	\$2,847.00
Greater than or equal to 50 acres and less than 100 acres	\$5,877.00

Greater than or equal to 100 acres	\$7,560.00
Stormwater Management Review fees as required by Section 4-33 <u>5.9</u> of the <u>Erosion and Stormwater Management Ordinance</u> [Appendix D].	

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Adopted by the Council of the City of Virginia Beach, Virginia, on the 12th day of August, 2025.