

Article 5:
SUBDIVISION APPROVAL PROCESS

Article 5:**SUBDIVISION APPROVAL PROCESS****A. General**

1. All subdivision design criteria and construction standards shall be in accordance with this ordinance and the Town's Design and Construction Standards Manual, as may be amended.
2. All applicants for subdivision approval in the Town of Smithfield must complete five (5) major steps in the approval process:
 - a. Subdivision Planning Conference with the Planning and Zoning Administrator and Subdivision/Plan Review Committee,
 - b. Preliminary Subdivision Plat Approval by the Planning Commission,
 - c. Final Subdivision Plat Approval by the Planning Commission,
 - d. Public Improvements Plan Approval by the Planning Commission, and
 - e. Subdivision Bond and Subdivision Agreement Approval and Acceptance by the Town Council.

B. Subdivision Planning Conference**1. Purpose of Conference**

Prior to the submission of the Preliminary Subdivision Plat, the applicant shall contact the Planning and Zoning Administrator to schedule a Subdivision Planning Conference. The purpose of this conference is to establish the following:

- a. the intended use, scope, type, density, physical characteristics, and phasing of proposed subdivision.
- b. intended phasing of the proposed subdivision, with all phased improvements to conform to the standards in effect at the time of construction.

- c. coordination of proposed subdivision with any adopted facilities or infrastructure plans, the Smithfield Comprehensive Plan, the Town's capital improvements program, and existing or proposed plans for development of neighboring properties.
 - d. coordination of transportation improvements with existing and planned streets within the vicinity of the proposed subdivision and as otherwise may be prescribed by the Smithfield Comprehensive Plan and Town Street Plan.
 - e. reasonable regulations and provisions uniquely applicable to the proposed subdivision as related to physiography, public utility and facilities service, drainage and flood control, transportation, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive, and harmonious development.
 - f. consistency with conditions of zoning and proffer agreements.
2. The applicant shall provide plans, sketches, exhibits, or other materials as necessary to adequately describe the proposed subdivision.
3. In conjunction with the Subdivision Planning Conference, the Planning and Zoning Administrator shall identify those comprehensive planning and zoning issues, subdivision and site planning considerations, utility and infrastructure considerations, other regulations and provisions which are found to be supportive of this ordinance, as well as contributive to the applicant's understanding of the general requirements as well as any special circumstances which may be related to subsequent subdivision approval.
4. The Subdivision Planning Conference does not replace the requirement for the submission of a Preliminary Subdivision Plat, a Final Subdivision Plat, a Public Improvements Plan, or any other provisions of this Ordinance, the Zoning Ordinance or any other requirement of the Town.
5. There is hereby created a Subdivision Review Committee comprised of members chosen by the Planning and Zoning Administrator and who are qualified to represent the Town at the Subdivision Planning Conference and during the plan review period to determine compliance with applicable laws and regulations in relation to a proposed subdivision.

The composition of the Subdivision Review Committee may vary from time to time shall be determined at the sole discretion of the Planning and Zoning Administrator based on the requirements of a particular project. The Committee may include any or all of the following:

- (1) Members of the Planning Commission
- (2) Members of the Board of Historic and Architectural Review
- (3) Town Manager
- (4) Planning and Zoning Administrator and Staff
- (5) Virginia Department of Health
- (6) Fire Chief
- (7) Virginia Power Company
- (8) Utility Superintendent or other Town Staff
- (9) Regional Sewer Authority
- (10) Department of Conservation and Recreation
- (11) Members of the Town Council
- (12) Virginia Department of Transportation
- (13) Members of other State Agencies, as necessary
- (14) Professional consultant retained by the Town

C. Preliminary Subdivision Plat

1. Submission of Preliminary Subdivision Plat

- a. Application for Preliminary Subdivision Plat approval shall be submitted to the Planning and Zoning Administrator.
- b. Any Preliminary Subdivision Plat which lacks any information required by this ordinance or which is not consistent with the requirements of the Preliminary Subdivision Plat Checklist (see Article 10) shall be deemed to be an incomplete submission and the applicant shall be notified by mail of deficiencies within ten (10) calendar days of the submittal and the plats shall be returned.
- c. The resubmission of a corrected Preliminary Subdivision Plat which has been previously determined to be incomplete shall be considered a new submission.
- d. Once a Preliminary Subdivision Plat which has been determined to be complete, it shall be deemed a "complete submission" and shall be transmitted to the Subdivision Review Committee.

2. Approval Procedures and Timeframes for Preliminary Subdivision Plats**a. Initial Submittal**

- i) Whenever the owner of any tract of land in the Town of Smithfield desires to apply to subdivide the same, the applicant shall submit a Preliminary Subdivision Plat, a Preliminary Subdivision Plat Checklist, and other relevant information related to the proposed subdivision to the Planning and Zoning Administrator.
- ii) This Preliminary Subdivision Plat shall be in compliance with the provisions of the Subdivision Ordinance, the Preliminary Plat Checklist (Article X of this Ordinance), the Zoning Ordinance, and, further, shall be in accord with the proceedings of the Subdivision Planning Conference.
- iii) The subdivider shall pay a fee at the time when the Preliminary Subdivision Plat is filed. Such fee shall be in the form of cash or check, the amount thereof is to be determined in accordance with a schedule set and adopted by resolution by the Town Council.
- iv) An applicant shall file twelve (12) blueline or blackline prints of the Preliminary Subdivision Plat. Two (2) copies of the Preliminary Subdivision Plat Checklist shall be filed with each application.
- v) The Preliminary Subdivision Plat and other documents comprising an application shall be available for public viewing in the Department of Planning and Zoning.
- vi) Within ten (10) calendar days of receipt of a complete Preliminary Subdivision Plat, the Planning and Zoning Administrator shall distribute a copy of the complete submission of the Preliminary Subdivision Plat and supporting plans to the individual members of the Subdivision Review Committee. The Committee shall meet within thirty (30) calendar days from the date the complete Preliminary Subdivision Plat was received.
- vii) The Planning and Zoning Administrator shall provide the applicant with Staff and/or Subdivision Review Committee comments and recommendations within sixty (60) calendar days of a complete submission. In cases where Preliminary Subdivision Plat revisions,

deletions or additions are necessary to complete and satisfy the agency review process, the applicant shall be so notified in writing.

- viii) The subdivider or developer shall revise the Preliminary Subdivision Plat to include all requirements of the Subdivision Review Committee and shall submit such revisions to the Planning and Zoning Administrator within fifteen (15) calendar days of receipt of the Town's review comments. Where the revised plat does not include required revisions or is not resubmitted within the fifteen (15) day period, the Planning and Zoning Administrator shall suspend the review period and shall notify the applicant in writing that the plat review shall not proceed until the required revisions are submitted per the determination of the Planning and Zoning Administrator.
- ix) Nothing contained herein shall obligate the applicant to revise the Preliminary Subdivision Plat to include recommendations from Staff and/or the Subdivision Review Committee which are above those specified as the minimum standards in this ordinance. However, in such case in which the applicant does not revise the Preliminary Subdivision Plat to include recommendations of the Subdivision Review Committee, the applicant shall submit in writing to the Planning and Zoning Administrator a statement as to the reasons and justification for not incorporating such recommendations in the revised Preliminary Subdivision Plat.
- x) At such time as the Planning and Zoning Administrator determines that the Preliminary Subdivision Plat is in compliance with the requirements of this ordinance, it shall be deemed an "official submission", whereupon the Planning and Zoning Administrator shall transmit the Preliminary Subdivision Plat, together with the recommendations of the Subdivision Review Committee, and his comments and recommendations, to the Planning Commission for action.
- xi) A decision to approve or disapprove the Preliminary Subdivision Plat shall be rendered by the Planning Commission within forty-five (45) days from the date of an "official submission" unless the timeframe is waived by mutual consent (agreement by the applicant and the Town of Smithfield.)

- xii) The approval of the Preliminary Subdivision Plat does not guarantee approval of the Final Subdivision Plat and Public Improvements Plan; nor does Preliminary Subdivision Plat approval constitute acceptance of the subdivision, or public dedications of areas within, nor does it establish authorization to proceed with construction or improvements within the subdivision.
- xiii) No property shall be transferred or offered for sale, nor shall a permit be issued on the basis of an approved Preliminary Subdivision Plat.
- xiv) Applicants shall have not more than five (5) years after receiving the Preliminary Subdivision Plat approval to submit a Final Subdivision Plat, Public Improvements Plan and related engineering studies for a portion or all of the subdivision. Failure to do so shall render the Preliminary Subdivision Plat approval null and void. The Planning Commission may grant, upon written request by the applicant, an extension of the twelve (12) months.

3. Required Preliminary Subdivision Plat Information

- a. Preliminary Subdivision Plats shall include all required information and certifications as provided for on the Preliminary Plat Checklist (an official copy is contained in Article X of this ordinance.)
- b. It shall be the responsibility of the applicant and the applicant's engineer or surveyor to complete and return two (2) copies of the Preliminary Plat Checklist with the submission and any subsequent resubmission of the Preliminary Subdivision Plat.
- c. The Preliminary Plat Checklist shall be prepared by the applicant's engineer or surveyor, and the checklist shall be certified for completeness in the signature block provided thereon.

D. Final Subdivision Plat and Public Improvements Plans

1. Submission of Final Subdivision Plat and Public Improvements Plan

- a. The application for Final Subdivision Plat approval shall be submitted to the Planning and Zoning Administrator. Two copies of the Final Subdivision Plat

Checklist (see Article 12) shall be submitted with each application. All Final Subdivision Plats shall be accompanied by or preceded by a Public Improvements Plan.

- b. The Public Improvements Plan shall provide engineering design plans, profiles, details and specifications for required subdivision improvements. Two copies of the Final Public Improvements Plan Checklist (see Article 11) shall be submitted with each application.
- c. Any Final Subdivision Plat which lacks any information required by this ordinance, the Zoning Ordinance, and the Final Subdivision Plat Checklist (an official copy contained in Article XI of this Ordinance) shall be deemed to be an "incomplete submission" and shall be rejected by the Planning and Zoning Administrator within ten (10) calendar days of initial submission, otherwise the plat shall be deemed a "complete submission."
- d. Any Public Improvements Plan relevant to a Final Subdivision Plat which lacks any information required by this ordinance, the Zoning Ordinance and the Final Site Plan Checklist, shall be deemed to be an "incomplete submission" and shall be rejected by the Planning and Zoning Administrator within ten (10) calendar days of initial submission, otherwise the plan shall be deemed a "complete submission."

2. Approval Procedures and Timeframes for Final Subdivision Plat

- a. Initial Submittal
 - i) Twelve (12) copies of the Final Subdivision Plat and Public Improvements Plan (in clearly legible blue or black line copies) shall be submitted to the Planning and Zoning Administrator. The Town may establish a schedule of deadlines and cycles for the submission and review of plats.
 - ii) The Final Subdivision Plat and Public Improvements Plan shall be accompanied by payment of a fee for review and processing, with fee based on a fee schedule adopted by resolution of the Town Council.
 - iii) The Final Subdivision Plat shall be prepared by a certified land surveyor licensed by the State of Virginia and shall contain the signature and original professional seal of the land surveyor.

- iv) The accompanying Public Improvements Plan shall have been previously approved, or it shall be submitted and concurrently processed for approval in the manner prescribed by the site plan regulations of the Zoning Ordinance. The Public Improvements Plan shall be prepared by a registered professional engineer or B-class surveyor licensed by the State of Virginia and shall contain the signature and original professional seal of the engineer or B-class surveyor.
- v) Two (2) copies of the Final Subdivision Plat Checklist (Article XI of this Ordinance) shall be submitted.

b. Relationship of Final Subdivision Plat to Preliminary Plat

If, in the opinion of the Planning and Zoning Administrator or the Planning Commission, there are substantial differences between the Preliminary and Final Subdivision Plats, the review process shall be suspended until such point in time that the applicant revises the plat or revises such plats to warrant conformity, provided that the applicant, at his discretion, may revise and resubmit the Preliminary Subdivision Plat to conform with the Final Subdivision Plat.

c. Staff Review and Subdivision Review Committee Action

- i) Within ten (10) calendar days of receipt, copies of the complete submission of a Final Subdivision Plat may at the discretion of the Planning and Zoning Administrator be distributed to the members of the Subdivision Review Committee for review and comment on the technical compliance with this ordinance and all applicable Town standards. Concurrently, the Subdivision Plan Review Committee shall review the Public Improvements Plan in accord with the provisions of this ordinance and the Zoning Ordinance.
- ii) Town Staff and/or the Subdivision Review Committee comments on the final subdivision plat shall be completed within thirty (30) calendar days from the complete submission of the Final Subdivision Plat.
- iii) In cases where Final Subdivision Plat revisions, deletions or additions are necessary to complete and satisfy the agency review process, the applicant shall be so notified in writing. The Planning and Zoning Administrator shall provide the applicant with a summary of review

comments and recommendations within sixty (60) calendar days of a complete submission.

d. Revisions by Applicant

- i) In cases where Final Subdivision Plat or Public Improvements Plan revisions, deletions or additions are necessary to complete and satisfy the review process, the applicant shall be so notified in writing.
- ii) The subdivider or developer shall revise the Final Subdivision Plat and Public Improvements Plan to include all requirements from Staff and/or the Subdivision Review Committee and shall submit such revisions to the Planning and Zoning Administrator within thirty (30) days of receipt of the Town's review comments. The resubmission shall be accompanied by a revised check list and correspondence from the applicant's engineer or surveyor addressing each matter presented in the Town's summary review comments.
- iii) Where the revised plat or plan does not include required revisions or is not resubmitted within the thirty (30) day period, the Planning and Zoning Administrator shall suspend the review period and shall notify the applicant in writing that the plat review shall not proceed until the required revisions are submitted per the determination of the Planning and Zoning Administrator.
- iv) Nothing contained herein shall obligate the applicant to revise the Final Subdivision Plat to include recommendations from Staff and/or the Subdivision Review Committee. However, in such case in which the applicant does not revise the Final Subdivision Plat and Public Improvements Plan to include recommendations of the Subdivision Review Committee, the applicant shall submit in writing to the Planning and Zoning Administrator a statement as to the reasons and justification for not incorporating such recommendations in the revised plat and plan.

e. Complete Administrative Review

Pursuant to the the Planning and Zoning Administrator's and/or the Subdivision Review Committee's determination that the Final Subdivision Plat and Public Improvements Plan are in full compliance with the submission requirements of this ordinance, the Zoning Ordinance and the Final Subdivision Plat Check List,

the Final Subdivision Plat shall be deemed a “complete administrative review” and an “official submission.” The Planning and Zoning Administrator shall prepare a report for distribution to the Planning Commission, applicant and other interested parties.

f. Action on Final Subdivision Plat by Planning Commission

- i) Upon determination of a “complete administrative review” and “official submission”, the Planning and Zoning Administrator shall transmit the Final Subdivision Plat and Public Improvements Plan, together with the report containing the findings and recommendations of the complete administrative review, to the Planning Commission for action.
- ii) A decision to approve or disapprove the Final Subdivision Plat or Public Improvements Plan shall be rendered by the Planning Commission within sixty (60) calendar days from the date of receipt of the “complete administrative review” and “official submission” unless the timeframe is waived by mutual consent (agreement by the applicant and the Town of Smithfield).
- iii) The approval of the Final Subdivision Plat or Public Improvements Plan by the Planning Commission does not constitute acceptance of the public facilities.
- iv) No Final Subdivision Plat shall be approved prior to approval of the Public Improvements Plan, provided that the Final Subdivision Plat and and Public Improvements Plan may be approved concurrently by the Planning Commission.

g. Appeal to Town Council and Circuit Court

- i) Any person aggrieved by any decision of the Planning Commission or Planning and Zoning Administrator may within fifteen (15) calendar days of such decision, appeal to and have a determination made by the Town Council.
- ii) The Town Council may approve, deny or modify the appeal upon review of the facts and finding at a regularly scheduled meeting within sixty (60) days from date of such appeal.

- iii) Any applicant aggrieved by the failure of the Town Council to act on such an appeal within sixty (60) calendar days or any applicant who is aggrieved by the decision rendered on such appeal by the Town Council may continue to appeal the matter to the Isle of Wight County Circuit Court, provided that such appeal is filed within sixty (60) calendar days from the date of such action or lack thereof by the Town Council.

h. Expiration and Extension of Approval of Final Subdivision Plat

Approval of a Final Subdivision Plat and Public Improvements Plan submitted under the provisions of this ordinance shall expire twelve (12) months after the date of such approval, unless:

- i) the Final Subdivision Plat has been duly recorded in the Office of the Clerk of the Circuit Court of Isle of Wight County, and
- ii) the subdivision surety agreement and bond has been approved and accepted by the Town Council, or
- iii) an extension of the Final Subdivision Plat has been granted by the Planning Commission upon receipt of written request by applicant. Such extension grant shall not exceed a period of six (6) months.

i. Phased Subdivisions

The subdivider shall have the right to record the remaining sections of a subdivision in accord with the Code of Virginia and as shown on an approved and valid Preliminary Subdivision Plat for a period of five (5) years from the date the Final Subdivision Plat for the first section of the subdivision was recorded, pursuant to Section 15.2-2261 of the Code of Virginia

Upon petition by the subdivider, an extension of this minimum timeframe for recordation may be granted as deemed reasonable and appropriate by the Planning Commission so long as the extension is otherwise consistent with the plat recordation guidelines established in the Code of Virginia.

j. Approval Conditions

- i) The Final Subdivision Plat shall not be approved by the Planning Commission until the applicant has:

- (1) the Public Improvements Plan related to the subdivision has fully complied with the requirements and standards of design outlined specifically and referred to more generally (ie. the VDOT Road and Bridge Standards and Specifications manuals and the Town's Design and Construction Standards manual) within this ordinance;
 - (2) submitted all required deeds and plats of easement,
 - (3) the subdivision bond and subdivision agreement have been approved and accepted by the Town Council.
- ii) Approval of the Final Subdivision Plat shall be shown by attaching a signature panel to be signed by the Town Manager.
- iii) Nothing herein shall require the approval of any subdivision or any part or feature thereof which shall be found to constitute a nuisance or to constitute a danger to the public health, safety, or general welfare, or which shall be determined by the Planning Commission to be a departure from or a violation of sound engineering design or standards.