

**ARTICLE 4  
Subdivisions and Construction Plans**

**4.1 Subdivision Preapplication Procedure.**

An owner, developer or subdivider may request a meeting with the planning commission to present a concept plan of the proposed subdivision prior to submission of a preliminary plat in accordance with the following:

- A. A concept plan of the proposed subdivision at a scale not less than 1"=100', with the required fee, shall be provided to the administrator at least five (5) working days prior to the preapplication meeting. The concept plan shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include approximate dimensions.
- B. A brief written summary of the issues raised at the conference shall be prepared by the administrator and a copy provided to the applicant within ten (10) working days of the meeting.
- C. The purpose of the preapplication meeting is for an owner, developer or subdivider to present a proposed development concept for a project and to receive preliminary reaction thereto from town officers. Accordingly, neither the applicant nor the town shall be bound by any of the discussions or recommendations made during such meeting. The meeting shall be for information and planning purposes only.

**4.2 Preliminary Subdivision Plats**

**4.2.1 Preliminary Plat Application Procedures**

The applicant shall submit a preliminary plat and application for approval of a proposed subdivision to the administrator as follows:

- A. Six (6) copies of an application form and checklist for preliminary plat approval shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which first consideration is desired.
- B. Six (6) copies each of the preliminary plat shall be submitted with the application.

- C. The applicant shall pay the required fee for filing preliminary plats when the application is submitted.

#### 4.2.2 Preliminary Plat Review Procedures

- A. The administrator shall review the application and the application shall be declared complete or incomplete within ten (10) working days from the date of submission. The applicant shall be notified in writing as to the status of the application and, if declared incomplete, shall be provided with the reasons for not accepting the application. Additional copies of the application and/or plat may be requested by the administrator for review purposes. Upon the administrator's determination that the application is complete, the preliminary plat shall be deemed to be officially submitted, and the date of this determination shall be deemed the filing date for this application.
- B. The administrator shall review the application and preliminary plat of the subdivision and shall forward the plat for review to other officials or agencies, as deemed necessary by the administrator. The administrator shall report in writing corrections or additions deemed necessary by the administrator and other officials or agencies interested in the application to the Planning Commission and the applicant prior to the Planning Commission's first consideration of the application.
- C. Notice of a public hearing at which the planning commission will consider a preliminary plat shall be given by advertisement in a newspaper having general circulation in the town at least once, not less than six days nor more than 21 days before such hearing.

Notice of such hearing shall also be mailed by the applicant to owners of all land adjoining the property subject to the preliminary plat or, if application is made for a portion of the applicant's property, then to the owners of land adjoining the entire tract. Notice shall be sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment records. In the case of a condominium or cooperative, written notice may be mailed to the unit owner's association or proprietary lessee's association, respectively, in lieu of each individual unit owner. The notice shall contain:

- (1) A summary of the proposed action;
- (2) A reference to the place where copies of the proposed plat may be examined; and
- (3) The date, time and place of the public hearing.

The applicant shall provide to the administrator a signed affidavit at least five days prior to the public hearing stating that the required written notices have been mailed. The applicant shall include with the affidavit a list of names and addresses of persons to whom the notice was mailed and a sample of the notice letter.

- D. Any state agency reviewing a preliminary plat shall complete its review within forty-five (45) days of receipt of the preliminary plat. If the agency cannot respond within this period, the agency should so inform the administrator, in writing, stating the reason for the delay and the expected date of the reply.

#### **4.2.3 Preliminary Plat Action**

- A. The planning commission shall approve, conditionally approve or disapprove the preliminary plat within forty-five (45) days after receipt of state agency written comments, but not later than ninety (90) days after official submission.
- B. Approval of an application and preliminary plat shall be valid for one (1) year from the date of planning commission action and may be extended by the planning commission upon application.
- C. The planning commission may grant conditional approval of an application and plat if the applicant agrees to make the corrections or additions required by the commission within 90 days of conditional approval. Conditionally-approved applications and plats are valid for one (1) year from the date the applicant submits the required number of documents to the administrator with all corrections or additions made. The administrator shall return to the applicant one copy each of the approved application and preliminary plat within 14 days of approval.
- D. The administrator shall return to the applicant one (1) copy each of an application and preliminary plat which has been disapproved by the planning commission noted with the reasons for the disapproval and non-conformance with this ordinance. The applicant may satisfy the reasons for disapproval and non-conformance by making a new submission to the town in conformance with the provisions of this ordinance.
- E. Preliminary plat approval does not authorize the construction of improvements within the subdivision.

#### 4.2.4 Preliminary Plat Submission Requirements

- A. The preliminary plat shall provide all facts necessary to show conformance with this ordinance. Nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans or plats of a proposed subdivision by the owner of the land, land planners, architects, landscape architects, or others having training or experience in subdivision planning or design.
- B. All plats shall be clearly and legibly drawn at a scale not less than 1"=100' on numbered sheets 24" x 32" in size, shall be clearly marked "Preliminary Plat", and shall have a blank space two by three inches in size on the first sheet for use as a signature block for approval.
- B. All preliminary plats shall contain the following information:
  - (1) General information, to include name of the proposed subdivision, proposed use of the property, names and addresses of the owner of record and the subdivider, and name and address of the plat preparer. Subdivision names shall not duplicate or closely approximate the names of existing subdivisions or developments in the town or surrounding area.
  - (2) Deed reference, tax map and parcel number, date plat was drawn and dates of any revisions, vicinity map at a scale of 1"=1000', and existing zoning.
  - (3) Project tabulation data to include gross acreage of the subdivision, to the nearest one-tenth (1/10) of an acre, number of proposed lots, minimum lot area, average lot area, and minimum lot width.
  - (4) Boundary survey or existing survey of record, provided such survey shows an error of closure within the limit of one in twenty-five hundred (1/2500).
  - (5) Existing topography with a maximum of five-foot contour intervals.
  - (6) Names of all abutting subdivisions or names of owners of record of abutting property; zoning and use of abutting property.
  - (7) An indication of the sections within the proposed subdivision and the order of development.

- (8) Location and width of existing rights-of-way, location and width of existing roadways, location and dimensions of existing driveways and access points to the site and within 200 feet of the site, and locations, widths and descriptions of any existing easements.
- (9) Location, right-of-way width and pavement section of all proposed streets, proposed lot and building restriction lines with approximate dimensions, lot areas, and tentative lot numbers.
- (10) Proposed location and design of site identification signs, traffic control signs and devices, proposed traffic signalization, and directional signs.
- (11) All other information required to show compliance of the preliminary plat with the Middleburg Street and Parking Ordinance, including, but not limited to traffic projections for all proposed streets and/or private accessways.
- (12) Preliminary layout for water mains, storm drains and sanitary sewers, proposed connections to existing water lines, sewer lines, and storm drainage structures.
- (13) Preliminary layout of provisions for collecting and discharging surface drainage.
- (14) Preliminary plans for sediment and erosion control.
- (15) Location of the 100-year flood plain as shown on the most recent Federal Emergency Management Agency (FEMA) maps, Loudoun County floodplain maps or town-approved private floodplain study, and all overland watercourses and drainage structures within the subdivision or within 100 feet of the subdivision.
- (16) A soils overlay map at a scale of not less than 1"=200' with accompanying narrative.
- (17) Location and size of existing and proposed public open spaces within and adjacent to the subdivision, approximate location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications for cul-de-sacs.
- (18) Landscaping plan and details.
- (19) Lighting plan and details.

- (20) Location of approved drainfield sites, if using septic systems.
- (21) Location of approved well sites, if applicable.
- (22) Delineation of existing tree cover and plans for tree protection. All trees with a diameter at breast height (dbh) of 18 inches or greater shall be specifically identified on the plat.
- (23) Location of proposed fire hydrants and/or distance to nearest existing hydrant.
- (24) Copy of any existing or proposed deed restrictions or covenants.
- (25) Copy of any proffers or special use permit conditions applicable to the subject property.
- (26) List of exceptions requested or obtained.