

SO-2018-0001

City of Newport News.

SUBDIVISION ORDINANCE AMENDMENT

NO. SO-2018-0001

CITY OF NEWPORT NEWS

BACKGROUND

The request is to amend Appendix B, Subdivision Regulations, Article VI., Requirements of Preliminary Development Plans, Section 6-02, Contents of Preliminary Development Plan and Article VII., Requirements of Final Plats, Section 7-02, Contents of Final Plats, to reflect recommendations from a state Department of Environmental Quality (DEQ) compliance review of the city's Chesapeake Bay Preservation Act program. (See Appendix A-1.)

Specifically, DEQ recommended that the city adopt provisions in the subdivision ordinance to require notations on subdivision plats and plans of development which state the Resource Protection Area (RPA) will be retained as an undisturbed and vegetated 100-foot wide buffer area and development in the RPA is limited to water dependent facilities or redevelopment. The RPA is the component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flows that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state and local waters.

Secondly, DEQ recommended that the city also amend the subdivision ordinance to require a note on plans of development and subdivision plats that there is a requirement for pump-out of onsite sewage treatment systems every five (5) years and a 100% reserve drain field site for those properties developed with a septic system or onsite sewage treatment system.

Therefore, the change will require the 2 notations mentioned above to be placed on plans of development and subdivision plats.

On January 17, 2018, the Regulations Committee reviewed and recommends approval of the above referenced amendment.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council adoption of Subdivision Ordinance amendment SO-2018-0001.

APPENDIX

A-1 APPENDIX B, SUBDIVISION REGULATIONS, ARTICLE VI., REQUIREMENTS OF PRELIMINARY DEVELOPMENT PLANS, SECTION 6-02, CONTENTS OF PRELIMINARY DEVELOPMENT PLAN AND ARTICLE VII., REQUIREMENTS OF FINAL PLATS, SECTION 7-02, CONTENTS OF FINAL PLATS

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN APPENDIX B, SUBDIVISION REGULATIONS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE VI., REQUIREMENTS OF PRELIMINARY DEVELOPMENT PLANS, SECTION 6-02, CONTENTS OF PRELIMINARY DEVELOPMENT PLAN AND ARTICLE VII., REQUIREMENTS OF FINAL PLATS, SECTION 7-02, CONTENTS OF FINAL PLATS.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Appendix B, Subdivision Regulations, of the Code of the City of Newport News, Virginia, Article VI., Requirements of Preliminary Development Plans, Section 6-02, Contents of preliminary development plan and Article VII., Requirements of Final Plats, Section 7-02, Contents of final plats, be, and the same hereby is, amended and reordained as follows:

APPENDIX B

SUBDIVISION REGULATIONS

ARTICLE VI. REQUIREMENTS OF PRELIMINARY DEVELOPMENT PLANS

Sec. 6-02. Contents of preliminary development plan.

Every preliminary plan shall include the following data either drawn on the plan or included as separate document as supporting data to the plan.

6-02.1. Title data. Name of subdivision, owner, subdivider, surveyor, engineer or other person preparing the plan, date of drawing, number of sheets, north point and scale.

6-02.2. Location map. Location of proposed subdivision by an insert map at a scale of not less than one (1) inch equals one thousand (1,000) feet showing adjoining roads, their name and number, subdivisions and other landmarks.

6-02.3. Survey data. The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one (1) foot in twenty-five hundred (2,500) feet; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

6-02.4. *Geographic data.* The location, names and widths of all existing or platted streets or other public land within or adjacent to the subdivision including utility or other easements, railroad rights-of-way, public areas, parking spaces, culverts, drains and watercourses.

6-02.5. *Land to be dedicated.* All parcels of land to be dedicated for public use and the conditions of such dedication.

6-02.6. *Contour map.* Topography of an accuracy at least equal to that of the city's one (1) inch to one hundred (100) scale topographic map or such other intervals which may be necessary to show the character of the terrain, properly correlated to the city benchmark system.

6-02.7. *Sewer and water connections.* Proposed connection with existing or proposed sanitary sewers and water supply.

6-02.8. *Drainage.* Preliminary provision for collecting and discharging surface drainage.

6-02.9. *Proposed dimensions.* The locations of and proposed general dimensions of all rights-of-way to be dedicated for streets and alleys, typical lot lines, building setback lines and all known easements or reserved tracts.

6-02.10. *Adjacent subdivisions.* The names of all subdivisions immediately adjacent to the property subdivided.

6-02.11. *Parks, schools and public land.* In subdividing property, consideration shall be given to proposed sites for parks, schools, public buildings, arterial thoroughfares or other public facilities as may be proposed in the comprehensive plan or any approved part thereof. When it shall be determined that such proposed facility would be located on the land being subdivided, the subdivider shall incorporate into his preliminary plan design adequate area to accommodate the proposed facility. The city manager shall determine within a reasonable time not to exceed ninety (90) days after submission of the preliminary plan whether the site should be acquired to further the implementation of the comprehensive plan. Upon determining that property for such a public facility should be acquired, the city shall enter into an agreement with the subdivider to acquire through negotiated purchase, or institute condemnation proceedings within ninety (90) days after filing of final plan of the affected area or any area contiguous thereto, or the city's interest therein shall be automatically vacated.

6-02.12. *Duplication of subdivision names.* The name of the subdivision required by the [this] ordinance on all plans shall neither duplicate nor closely approximate the name or names of existing subdivisions.

6-02.13. *CBPA requirements.* The preliminary development plan shall show a delineation of any Resource Protection Area ("RPA") and/or Resource Management Area ("RMA") if the property to be developed falls within an area regulated by the CBPA. It shall also include a note that states that the RPA will be retained as an undisturbed and vegetated 100 foot buffer not subject

to development under City Code Section 37.1-51(b)(1), unless the development is a water dependent facility or redevelopment. If the area to be developed has a septic system, or other onsite sewage treatment facility, the preliminary development plan shall include a note citing to City Code Section 33-91.1, indicating that there is a requirement for pump-out of the system every five years and a 100% reserve drain field sites for onsite sewage treatment systems.

ARTICLE VII. REQUIREMENTS OF FINAL PLATS

Sec. 7-02. Contents of final plats.

7-02.1. *Title data.* Name of subdivision, city, state, owner, north point, scale of drawing and number of sheets. If shown on more than one (1) sheet, matched lines shall clearly indicate where the several sheets join. A space three (3) inches high by five (5) inches long shall be provided with an inked border in the lower right-hand corner of the plat for the use of the approving authority. The names and titles of the city manager and the director of engineering shall be provided within the three-inch by five-inch space.

7-02.2. *Location map.* Location of proposed subdivision by an insert map in the upper left-hand corner at a scale of not less than one (1) inch equals one thousand (1,000) feet indicating adjoining roads, their names and numbers, subdivisions and other landmarks.

7-02.3. *Boundary lines and names of adjacent owners.* The boundaries of the subdivision showing the length of its courses and distances to one one-hundredth (0.01) of a foot and bearings to the nearest ten (10) seconds having been determined by an accurate survey thereof in the field, which shall close with error of closure not exceeding one (1) foot in ten thousand (10,000) feet. It shall also contain the names and locations of adjoining subdivisions and the names of the owners of adjoining parcels of land that may be subdivided.

7-02.4. *(Reserved.)*

7-02.5. *Engineer's certificate and title reference.*

- a. The seal of the engineer shall be affixed to the plat and signed.
- b. Certificates signed by the surveyor or engineer, shall certify as to the correctness of the survey and plat, and compliance with this ordinance, and set forth the source of title of the owners of the land subdivided, and the place of record of the last instrument in the chain of title.
- c. When the subdivision consists of land acquired from more than one (1) source of title the outlines of the various tracts shall be indicated by dash-lines, and

identification of the respective tracts shall be placed on the plat.

7-02.6. Consent of owners. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before an officer authorized to take acknowledgment of deeds.

7-02.7. Accurate layout. The accurate location and dimensions by bearings and distance with all curve data on all lots and street lines, right-of-way dedications, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, numbers and widths, watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries and minimum building setback lines shall be shown. The final plat shall contain a table showing the area in acres by use designation of all land within the subdivision.

7-02.8. Dimensions. All dimensions shall be shown in feet and decimals of foot to the closest one-hundredth of a foot, all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.

7-02.9. Curve data. The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: Degree of curvature, central deflection angle, radius, arc, tangent, chord, and chord bearings.

7-02.10. Benchmarks. At least one (1) benchmark, related to the City of Newport News Benchmark System, shall be established on one (1) of the permanent boundary markers in every subdivision, and the elevation thereof shown on the final plat.

7-02.11. Dedicated parcels. All parcels of land to be dedicated for public use or for the common use of property owners within the subdivision.

7-02.12. Control data. The location and material of all permanent reference monuments and an accurate bearing and distance tie between not less than two (2) permanent monuments on the exterior boundary of the subdivision and permanent monuments at existing street intersections where required by the director of engineering.

7.02-13. CBPA requirements. The final plat shall show a delineation of any Resource Protection Area ("RPA" and/or Resource Management Area ("RMA") if the property to be developed falls within an area regulated by the CBPA. It shall also include a note that states that the RPA will be retained as an undisturbed and vegetated 100 foot buffer not subject to development under City Code Section 37.1-51(b)(1), unless the development is a water dependent facility or redevelopment. If the area to be developed has a septic system, or other onsite sewage treatment facility, the final plat shall include a note citing to City Code Section 33-91.1, indicating that there is a requirement for pump-out of the system every five years and a 100% reserve drain

field sites for onsite sewage treatment systems.