

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 four (4) major steps in the approval process:
  - a. Preliminary Subdivision Plat Approval by the Designated Agent,
  - b. Final Subdivision Plat Approval by the Designated Agent,
  - c. Public Improvements Plan Approval by the Designated Agent, and
  - d. Subdivision Bond and Subdivision Agreement Approval and Acceptance by the Town Council.

**B. Preliminary Subdivision Plat****1. Submission of Preliminary Subdivision Plat**

- a. Application for Preliminary Subdivision Plat approval shall be submitted to the 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 of deficiencies within thirty (30) calendar days of the submittal.
- 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 Zoning Administrator for plats involving more than 50 lots.
- ii) This Preliminary Subdivision Plat shall be in compliance with the provisions of the Subdivision Ordinance, the Preliminary Plat Checklist (Article 10 of this Ordinance), the Zoning Ordinance.
- 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 five (5) hard copies and a digital file of the Preliminary Subdivision Plat. Two (2) hard copies and a digital file 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 Community Development and Planning Department.
- vi) Within five (5) calendar days of receipt of a complete Preliminary Subdivision Plat, the 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 Zoning Administrator shall provide the applicant with Staff and/or Subdivision Review Committee comments and recommendations within forty-five (45) 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 Zoning Administrator. The Zoning Administrator shall provide comments on resubmissions within thirty (30) days in accordance with VA Code 15.2-2260.
- 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 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 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 Zoning Administrator shall transmit the Preliminary Subdivision Plat, together with the recommendations of the Subdivision Review Committee, and their comments and recommendations, to the Designated Agent for action.
- xi) A decision to approve or disapprove the Preliminary Subdivision Plat shall be rendered by the Designated Agent within twenty (20) days from the date of approval from all other agencies.

- 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 10 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) hard copies and one digital file 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.

**C. 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 Zoning Administrator. Two hard copies and a digital file 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 hard copies and a digital file 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 12 of this Ordinance) shall be deemed to be an “incomplete submission” and shall be rejected by the Zoning Administrator, 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 Zoning Administrator, otherwise the plan shall be deemed a “complete submission.”

## **2. Approval Procedures and Timeframes for Final Subdivision Plat**

- a. Initial Submittal
  - i) Five (5) hard copies and a digital file of the Final Subdivision Plat and Public Improvements Plan (in clearly legible blue or black line copies) shall be submitted to the 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 A-class surveyor licensed by the State of Virginia and shall contain the signature and original professional seal of the engineer or A-class surveyor.
- v) Two (2) hard copies and a digital file of the Final Subdivision Plat Checklist (Article 12 of this Ordinance) shall be submitted.

b. Relationship of Final Subdivision Plat to Preliminary Plat

If, in the opinion of the Zoning Administrator or the Designated Agent, 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 five (5) calendar days of receipt, copies of the complete submission of a Final Subdivision Plat may at the discretion of the 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 sixty (60) 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 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 Zoning Administrator. 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. The Zoning Administrator shall provide comments on resubmissions within forty-five (45) days in accordance with VA Code 15.2-2259.
- iii) 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 Zoning Administrator a statement as to the reasons and justification for not incorporating such recommendations in the revised plat and plan.

di. Complete Administrative Review

Pursuant to the 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 Zoning Administrator shall prepare a report for distribution to the Designated Agent, applicant and other interested parties.

f. Action on Final Subdivision Plat by Designated Agent

- i) Upon determination of a “complete administrative review” and “official submission”, the 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 Designated Agent for action.
- ii) A decision to approve or disapprove the Final Subdivision Plat or Public Improvements Plan shall be rendered by the Designated Agent within sixty (60) calendar days from the date of receipt of the “complete administrative review” and “official submission.”
- iii) The approval of the Final Subdivision Plat or Public Improvements Plan by the Designated Agent 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 Public Improvements Plan may be approved concurrently by the Designated Agent.

g. Appeal to Circuit Court

- i) If the designated agent disapproves a plat and the applicant contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the designated agent.

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 Designated Agent 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 Zoning Administrator.
- 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 Designated Agent to be a departure from or a violation of sound engineering design or standards.