



DSC NOTICE #136

***City of Virginia Beach
Planning Department
Development Services Center
April 24, 2007***

Topic: Five (5) Year Approval for Preliminary Subdivision Plats and Final Site Plans

Background: The Code of Virginia provides for the 5-year approval of certain subdivision plats and site plans. At the request of our customers, the Development Services Center (DSC) staff will begin granting 5-year approvals for subdivision plats and site plans identified in Sections 15.2-2260 and 2261 of the Code of Virginia. This service will save our customers and their consultants time and money by eliminating requests for plat or plan approval extensions.

Item #1: City Approval Notes or Certification Area

New approval notes will be used for the following development plans: preliminary subdivision plats, commercial site plans, subdivision construction plans, land management plans, single family and duplex site plans, land disturbance/erosion and sediment control/stormwater management/tree protection plans and as-built surveys. **The new approval “stamps” are larger than the previous stamps and printed on opaque stickers, therefore, a blank area must be provided at the top or bottom right hand corner of the plan cover sheet, located to the right of the plan fold line (minimum 7” x 9” in size). This reserved area will avoid having important information on the plan covered by the approval note.**

Exception: Site plans for single family and duplex projects, as-built surveys and other plans normally submitted on letter or legal size paper will not be required to reserve the full approval area. However, the plan must be organized to provide as much blank space as possible for the approval notes and certifications. Using an 11” x 17” plan sheet format should be considered for these projects.

Item #2: Preliminary Subdivision Plat Approvals

Preliminary subdivision plats will be granted a 5-year approval. Once the 5-year approval is granted, the subdivider/owner must diligently pursue final subdivision plat approval within one (1) year of the preliminary subdivision plat approval. “Diligent pursuit of approval” means that the subdivider has incurred extensive obligations or substantial expense relating to the approval of the final subdivision plat.

This condition can be easily met by:

- For subdivisions not requiring a subdivision construction plan or site plan for public and/or private improvements – The final subdivision plat must be submitted for review and approval within one (1) year of the date of approval for

the preliminary subdivision. The preparation of the final subdivision plat would constitute “diligent pursuit.”

- For subdivisions requiring a subdivision construction plan or site plan for public and/or private improvements – The preparation and submittal of the subdivision construction plan or site plan may be considered to be “diligent pursuit” and, once the plan is approved, the subdivision construction plan or site plan will be valid for a period of five (5) years.
- In addition, the subdivider/owner may request an extension of the approval. The City will evaluate the request based on several factors, including but not limited to, changes in ordinances, regulations, standards, specifications and policies.

Effect of this change – The minimum approval period for a preliminary subdivision plat is one (1) year from the date of the approval. If the subdivider/owner moves forward with the final subdivision plat or supporting development plans, e.g., site plan, land management plan, subdivision construction plan, etc., the approval will remain valid up to five (5) years.

Item #3: Subdivision Construction Plan, Land Management Plan, Commercial Site Plan and Multi-Lot Residential Plan Approvals

Subdivision construction plans, land management plans, commercial site plans and multi-lot residential plans are considered to be “site plans” and, upon final approval, will be approved for a period of five (5) years. In the case of subdivision construction plans, the future development of the individual lots being created by the subdivision must adhere to the ordinances and regulations in place at the time of site plan approval for each lot. In other words, the ordinances and regulations governing the construction plan approval do not extend to the development of the individual lots created by the subdivision. For example, amendments pursuant to the Chesapeake Bay Preservation Act, requirements of the federal Clean Water Act, Section 402(p) of the Stormwater Program, regulations administered by the Environmental Protection Agency and the City Zoning Ordinance will be applied to the development of individual lots regardless of the original approval date of the subdivision construction plan.

Effect of this change – The approval period for subdivision construction plans, land management plans, commercial site plans and multi-lot residential plans will be extended to five (5) years. The 5-year approval exempts the approved subdivision construction plan, land management plan, commercial site plan or multi-lot residential plan from changes, such as, local ordinances, rules, regulations or plans. This exemption does not cover changes required to comply with State law, mistakes, fraud or changes that substantially affect the public health, safety or welfare. The approval exemption does not include the future site plans for and development of each individual lot.

Item #4: Single Family and Duplex Site Plan Approvals

These site plans will be treated the same as commercial site plans described in Item #3 above. The site plan approval period will be five (5) years.

Item #5: Land Disturbing Activity (Erosion and Sedimentation Control)/Stormwater Management/Tree Protection Plan, Right-of-Way Plan and Other Plans Usually Associated with a Commercial Site Plan or Subdivision Approvals

These development plans will be approved for a period of one (1) year from the date of approval.

Effective Date: Immediately

For more information, please contact:

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