

AN ORDINANCE AMENDING CHAPTER 70 OF THE CHESAPEAKE CITY CODE, ENTITLED "SUBDIVISIONS," SECTIONS 70-22(f); 70-23(e); 70-24(b) AND (d); 70-25(d); 70-26(a) AND (c); 70-27(b), (d) AND (e); 70-28(a); AND 70-191 THEREOF, TO REQUIRE ENVIRONMENTAL SITE ASSESSMENTS FOR CERTAIN PRELIMINARY AND FINAL SUBDIVISION PLANS; TO REQUIRE DISCLOSURE AND REMEDIATION OF ADVERSE ENVIRONMENTAL CONDITIONS ON PROPERTY BEING SUBDIVIDED FOR CERTAIN USES; TO IMPOSE FEES FOR REVIEW OF ENVIRONMENTAL SITE ASSESSMENTS; TO INCREASE APPLICATION FEES TO FUND ENVIRONMENTAL MAPPING; TO REQUIRE CERTIFICATIONS OF ACCURACY ON APPLICATIONS FOR PRELIMINARY AND FINAL SUBDIVISION PLAN APPROVAL; TO AUTHORIZE SPECIAL NOTICE PROCEDURES FOR ADMINISTRATIVE REVIEW OF PRELIMINARY AND FINAL SUBDIVISION PLANS; TO REQUIRE CERTIFICATION ON FINAL SUBDIVISION PLATS THAT ALL REQUIRED ENVIRONMENTAL PERMITS WILL BE OBTAINED; AND TO PROVIDE FOR CONSIDERATION OF ENVIRONMENTAL CONDITIONS IN EVALUATING APPLICATIONS FOR PRELIMINARY AND FINAL SUBDIVISION PLAN APPROVAL.

BE IT ORDAINED that the City Council for the City of Chesapeake, Virginia, hereby amends and reordains Sections 70-22(f), 70-23(e), 70-24(b) and (d), 70-25(d), 70-26(a) and (c), 70-27(b),(d) and (e), 70-28(a) and 70-191 of the Chesapeake City Code, as follows:

Chapter 70. SUBDIVISIONS

Sec. 70-22. Required plats and plans.

All plats and plans for the division or subdivision of land shall be subject to review and approval as follows:

(f) Environmental site assessments. A Phase I environmental site assessment shall be required when the proposed division of land involves any land

disturbance for residential, assembly, day care, group home, recreation, school, library or similar use where exposure to contaminated soil or water would pose a threat to the public health, safety, and welfare. The Phase I environmental site assessment shall meet the criteria in the Chesapeake Public Facilities Manual. Where deemed necessary, the Public Works Director or designee shall also require a Phase II environmental site assessment, prepared in accordance with the specifications in the Chesapeake Public Facilities Manual. The Phase I and Phase II reports shall include recommendations to address any and all adverse environmental conditions of the property, including without limitation, contamination of soils, surface water or groundwater. In the event a Phase I and/or Phase II environmental site assessment has been previously submitted to the City for the same property, such environmental site assessment may suffice if updated in accordance with the standards in the Chesapeake Public Facilities Manual.

Sec. 70-23. Approvals by planning commission to follow public hearing; notice of public hearing.

(e) In cases where the Planning Commission has delegated approval authority of subdivision plans, the Planning Director may adopt procedures regarding notice and posting of the property. Such procedures may be more or less stringent than those required for public hearing review for the Planning Commission.

Sec. 70-24. Preliminary subdivision plan design and detail.

(b) Contents of application. In order to ensure proper review of all relevant matters, the preliminary subdivision plan shall consist of a narrative and a drawing. The application shall contain the following:

Narrative: (To be provided on forms required by the department of planning).

(19) Where the subdivision lies wholly or partially in the Northwest River Watershed Protection District, the preliminary subdivision plan shall include description and proposed location of buildings, structures, storage areas and stormwater facilities for commercial and industrial uses.

(20) A Phase I environmental site assessment shall be required when the subdivision involves land disturbance for residential, assembly, day care, group home, recreation, school, library and similar uses where exposure to contaminated soil or water would pose a threat to the public health, safety and welfare. The Phase I environmental site assessment shall be prepared in accordance with the specifications in the Chesapeake Public Facilities Manual. If deemed necessary by the Director of Public Works or designee, the applicant shall also submit a Phase II environmental site assessment proposed in accordance with the Chesapeake Public Facilities Manual. The Phase I and Phase II reports shall include recommendations to address any adverse environmental condition of the property which may endanger the public health, safety and welfare, including without limitation, contamination

of soil, surface water or groundwater. In cases where a Phase I and/or Phase II environmental site assessment has been previously submitted to the City for the same property, such environmental site assessment may suffice if updated in accordance with applicable standards in the Chesapeake Public Facilities Manual.

(d) Certification. All applications for preliminary subdivision plan approval shall contain a certification by the owner, applicant or authorized agent that to the best of his knowledge, the application is complete and accurate. The certification shall apply to all plans, environmental reports and other attachments to the application. No application shall be deemed complete without such certification. False certifications shall be deemed a violation of this ordinance.

Sec. 70-25. Review of preliminary subdivision plans.

(d) Standards of review. The planning commission, or the director of planning, when designated as the approval authority, shall review each preliminary subdivision plan on the basis of the following factors:

(5) The capacity of the plan to address adverse environmental conditions of the property in cases of subdivisions that involve land disturbance for residential, assembly, day care, group home, recreation, school, library or similar uses where exposure to contaminated soil or water would pose a threat to the public health, safety and welfare, including without limitation, remediation and disclosure of soil and water contaminants, presence of

methane and gas, and former or existing landfills on or in the vicinity of the property. As used herein, "vicinity" shall include parcels adjacent to the landfill site, parcels separated from the landfill site by only a street or water body, and parcels located downgradient of the landfill site. All remediation and disclosure shall conform with the requirement of Section 13-2600 of the Zoning Ordinance.

Sec. 70-26. Final subdivision plans.

(a) Final subdivision plans shall be required for all subdivisions and shall consist of the following components:

(3) Environmental site assessments. A Phase I environmental site assessment shall be required when the subdivision will involve land disturbance for residential, assembly, day care, group home, recreation, school, library or similar use where exposure to contaminated soil or water would pose a threat to the public health, safety and welfare. The Phase I environmental site assessment shall meet the criteria in the Chesapeake Public Facilities Manual. Where deemed necessary, the Director of Public Works or designee shall require a Phase II environmental site assessment in accordance with the specifications in the Chesapeake Public Facilities Manual. The Phase I and II reports shall include recommendations to address any and all environmental conditions of the property deemed adverse to the public health, safety and welfare, including without limitation, contamination

of soil, surface water and groundwater. In the event a Phase I and/or Phase II environmental site assessment has been previously submitted to the City for the same property, such environmental site assessment may suffice if updated in accordance with applicable standards in the Chesapeake Public Facilities Manual.

(c) All applications for final subdivision plan approval shall contain a certification by the owner, applicant or authorized agent that to the best of his knowledge, the application is complete and accurate. This certification shall apply to all plans, environmental reports, and attachments accompanying the application. No final subdivision plan shall be considered complete without this certification. False certification shall be deemed a violation of this ordinance.

Sec. 70-27. Review of final subdivision plans.

(b) Approval agents. The approval agents for final subdivision plans shall be as follows:

(3) The Phase I and Phase II environmental site assessments shall be submitted to the Director of Public Works or designee for review and recommendations for remediation and disclosure of adverse environmental conditions, including without limitation, contamination of the soil, surface water or groundwater, as required by Section 13-2600 of the Chesapeake Zoning Ordinance.

(d) Conditions. The Director of Public Works may impose conditions or stipulations on approval of a final subdivision plan to ensure conformity with City

ordinances, regulations and policies. The conditions of approval shall be set out in a letter to the applicant, included in notes on the final subdivision plan, or for minor corrections, indicated by "red-line" changes on the plan. The conditions or stipulations shall also address any and all adverse environmental conditions of the property, soil, surface water or groundwater, including without limitation, corrective action and disclosure of soil and water contamination, presence of methane gas, and former or existing landfills on or in the vicinity of the property. As used herein, "vicinity" shall include parcels adjacent to the landfill site, parcels separated from the landfill site by only a street or water body, and parcels located downgradient of the landfill site.

Failure to comply with stipulations, conditions, red-lined corrections, or notes on the final site plans, including any stipulations or conditions attached to preliminary site plan approval, shall be deemed a violation of this ordinance.

(e) No waiver of requirements. All City ordinances, regulations and policies shall apply to final subdivision plans and shall not be deemed waived by oversight or erroneous approval.

Sec. 70-28. Final subdivision plat.

(a) The final subdivision plat shall be prepared by a land surveyor duly authorized by the Commonwealth, in a manner suitable for recordation in the clerk's office of the circuit court for the city and in accordance with applicable state and local laws, regulations and policies. Unless otherwise specified by the director

of public works, or designee, the final subdivision plat shall be drawn in ink on polyester drafting film, three mil thick, to a scale of 100 feet to the inch or larger, on a sheet or sheets not less than 8 ½ by 11 inches and not larger than 17 inches by 22 inches. The plat shall conform to regulations published by the state Library Board pursuant to the Code of Virginia, 1950, Section 42.1-82, as amended, and shall further depict the following:

(20) The following certificates, made under oath, shall be affixed on final plats as required:

(i) I (we) hereby certify that I (we) am/are the owner(s) of the property depicted on this plat. The platting or dedication of the following property shown on this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, I (we) hereby establish the lot lines shown hereon and dedicate all streets, alleys, walks, rights-of-way, parks, easements, open spaces and other areas and facilities to public or private use as indicated on the plat. I (we) further certify that any wetlands environmental permits, approvals or corrective action required by state, federal or local law shall be obtained in a timely manner. ~~prior to the commencement of grading and other on-site activities.~~

Sec. 70-191. Schedule.

The city council is authorized to establish a schedule of fees and charges for the review of plats, plans, bonds, and requests for variances, special exceptions and

other modifications, and for the inspection of facilities pertaining to this article. In addition to inspection fees imposed in accordance with departmental policies and procedures, the schedule of fees shall be as follows:

(1) *Planning department.*

a. *Preliminary subdivision plan review: ~~\$200.00~~ \$320.00 plus \$20.00 per lot plus advertising costs of notice.*

b. *Requests for variances, special exceptions and other modifications: \$100.00 plus advertising costs of notice.*

c. *Agricultural division, resubdivision conservation division, and validation of plat review: \$60.00.*

(2) Department of public works.

a. Residential final subdivision (construction) plan . . . ~~\$1,000.00~~
\$1,120.00

b. Residential subdivision plat, per lot . . . 175.00

c. Non-residential final subdivision (construction) plan . . . ~~1,000.00~~
1,120.00

d. Non-residential final subdivision plat, per lot . . . 175.00

e. Subdivision bond review . . . 50.00

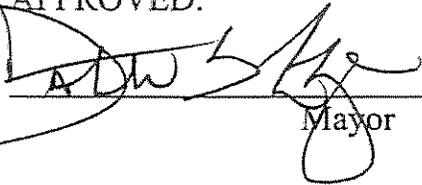
f. Residential final (construction) site plan (for multi-family), plus \$25.00 per lot . . . ~~1,000.00~~ 1,120.00

g. Non-residential final (construction) site plan, plus \$100.00 per acre, or portion thereof . . . ~~1,000.00~~ 1,120.00

- h. Soil drainage management plan (SDMP) review, per lot . . . 75.00
- i. Fee for review of Phase I environmental site assessments . . \$1,600.00
- j. Fee for review of Phase II environmental site assessments. . \$2,300.00

ADOPTED by the Chesapeake City Council this 18th day of October,
2005.

APPROVED:



Mayor

ATTEST:


Clerk of the Council

