

Division 2 | Subdivision

Sec. 2.01 Purpose and Intent

The purpose of these Subdivision and Land Development Regulations is to ensure all types of construction drawings are designed to meet the minimum standards set forth by the applicable Town Codes and Ordinances to support and promote the health safety and welfare of the general public and to ensure the appropriate division of land within the Town of Leesburg. In particular, it is the intent of these Subdivision and Land Development Regulations to encourage the development of safe and attractive Public Improvements, residential neighborhoods and nonresidential developments; ensure the provision of safe and appropriate public street access between and among adjacent properties; ensure adequate provision for drainage and appropriate arrangements of buildings and parking areas on the site and with nearby properties; obtain public right-of-way, easements and other public land dedications, consistent with the Town Plan; maintain appropriate buffers between potentially incompatible uses; discourage development on steep slopes and in floodplains; and encourage preservation of historical, archeological, and/or natural significant features and landmarks.

Sec. 2.02 General Criteria for Review & Approval of Subdivisions

The Director of Plan Review shall review and have the authority to approve preliminary plats and final plats, as defined by these Subdivision and Land Development Regulations. In approving such subdivisions, the Director of Plan Review shall be provided with suitable information in order to make a determination that the proposed plat provides:

- (a) For the minimum graphic and information requirements of these Subdivision and Land Development Regulations;
- (b) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;
- (c) For adequate provisions for drainage and flood control and other public purposes, and for light and air, and for identifying soil characteristics;
- (d) For the extent to which and the manner in which streets shall be graded, paved, or otherwise improved and waterline and storm and sanitary sewer and other public utilities or other community facilities are to be installed;
- (e) For the acceptance of dedication for public use of any right-of-way within any subdivision or section thereof which has constructed or proposed to be constructed within the subdivision or section thereof any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the Town, Commonwealth, or other public agency, and for the provision of other required site-related improvements for vehicular ingress and egress, including traffic signalization and control, for public access streets, structures necessary to ensure stability of critical slopes, and stormwater management facilities, financed or to be financed in whole or in part by private funds only if the owner or applicant provides a guarantee for said improvements in compliance with Sections 6.04 through 6.07 of these Subdivision and Land Development Regulations, Bonding of Required Improvements;

- (f) For conveyance to the Town of common or shared easements for cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the proposed subdivision;
- (g) For monuments of specific types to be installed establishing street and property lines;
- (h) For payment by an applicant of his pro rata share of the cost of providing reasonable and necessary water, sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development, as provided in Section 5.10 of these Subdivision and Land Development Regulations, Off-Site Improvements.
- (i) For voluntary funding by an applicant of road improvements located outside the property limits of the land owned or controlled by the applicant and needed because the construction or improvement of the subdivision substantially generates and reasonably requires such road improvements.
- (j) For payment by an applicant of a pro rata share of the cost of reasonable and necessary road improvements located outside the property limits of the land owned or controlled by the applicant but serving an area having related traffic needs to which such subdivision or development will contribute, as reimbursement to an initial applicant who has advanced such costs or constructed such road improvements, as provided in Section 5.10 of these Subdivision and Land Development Regulations, Pro Rata Road Reimbursement Districts.
- (k) For disclosure and remediation of contamination and other adverse environmental conditions of the property.

In addition to the above informational requirements, the plat shall be reviewed for compliance with the design standards of these Subdivision and Land Development Regulations and Leesburg Design and Construction Standards Manual, latest edition.

Sec. 2.03 Inactive Applications

- (a) An application shall be deemed inactive if processing is suspended by request of the applicant, or no contact or activity occurs in regards to the application by the applicant for a period of One (1) year from the date of the last formal written (consolidated) comment letter that was provided to the applicant by the Department of Plan Review.
- (b) The Director of Plan Review may, upon an applicant's written request accompanied by a plan reactivation fee, extend the resubmission date an additional One (1) year.
- (c) No more than Four (4) standard extension requests shall be granted during the complete review and approval process (first cycle submission through signature) of an application. Any projects deemed inactive either by not requesting an extension or by exceeding the permitted number of extensions will be deemed terminated, and the applicant must re-file a new application.

Sec. 2.04 Boundary Line Adjustments and Vacations

This section pertains to property boundaries, not corporate limit line boundaries.

The Director of Plan Review may approve the vacation or alteration of the boundary of any lot or parcel of land, which was established as part of an otherwise valid and properly recorded plat of subdivision or re-subdivision and properly executed by the owner(s) of such land and approved as provided in this ordinance or properly recorded prior to the applicability of this ordinance, provided that such vacation or alteration:

- (a) Shall not result in the creation of additional buildable lots; and
- (b) Shall represent the same general lot relationships as shown in the plat prior to the boundary line adjustment; and
- (c) Shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and
- (d) Shall not relocate or alter any easements or utility right-of-way without the express written consent of all persons holding interest therein; and
- (e) Shall result in lots, which conform to the requirements of the Leesburg Zoning Ordinance, or in the case of existing non-conforming lots, does not increase the extent of non-conformance (See Section 10.4.4.E. of the Leesburg Zoning Ordinance).

The plat approving the boundary line adjustment or vacation shall be in a form approved by the Director of Plan Review and shall, in addition to the approval signatures of the Director of Plan Review and Zoning Administrator and seal and signature of a certified land surveyor, contain a statement as follows: “The platting or dedication of the following described land (*here insert a correct description of the land subdivided*) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.” The statement shall be signed and duly acknowledged before an officer authorized to acknowledge deeds. The applicant shall record the boundary line adjustment or vacation plat in the land records of Loudoun County within six (6) months of approval. Any plat not so recorded shall be deemed null and void.

Sec. 2.05 Minor Subdivisions

- (a) **Intent.** The intent of this Article is to provide for the subdivision of a tract or parcel into not more than five (5) lots, including any remainder proposed to be retained, in instances where construction drawings are not required as part of the subdivision approval.
- (b) **Applicability.** A minor subdivision application shall be accepted for review only if the following conditions are satisfied:
 - (1) Full frontage improvements (i.e. curb, gutter, sidewalk, and storm sewer) exist across the frontage of the proposed lots.
 - (2) No water or sanitary sewer mains are needed or proposed.
 - (3) No underground storm sewers are needed or proposed, except for necessary surface drainage swales.
 - (4) The street right-of-way meets the requirements of these regulations, or dedication of required right-of-way is made as part of the proposed subdivision.
 - (5) No new streets are needed or proposed.
 - (6) No vacation of streets is needed or proposed.
 - (7) No pipestem lot can be created as part of the minor subdivision.

Any subdivision application not meeting the above criteria shall be required to submit a preliminary subdivision plat pursuant to Section 2.06.

- (c) **Pre-Application Conference.** Prior to submitting an application for minor subdivision plat approval, the applicant shall meet with representatives of the Department of Plan Review to review a sketch plan of the proposed subdivision to determine if the proposal qualifies to be processed as a minor subdivision. Written comments from this meeting shall be provided to the applicant within five (5) days.
- (d) **Plat Processing.** Subdivisions meeting all the criteria listed above shall require only the submission of a final plat pursuant to Section 2.16. A minor subdivision applicant may, at his option, elect to follow the regular subdivision submission requirements.

Sec. 2.06 Filing of Preliminary Subdivision Plat

Prior to submitting an application for preliminary subdivision plat approval, the applicant shall meet with representatives of both the Department of Plan Review and the Department of Planning and Zoning to review a sketch plan of the proposed subdivision. Representatives of the Department of Plan Review may require up to ten (10) working days from the date of the applicant's initial request to schedule the pre-application conference.

Following the mandatory pre-application conference, the applicant is authorized to submit a preliminary plat and application for approval of the proposed subdivision to the Department of Plan Review. Preliminary plat applications shall be complete and include the following:

- (a) A completed application form for preliminary plat approval, in a form approved by the Director of Plan Review.
- (b) At least five (5) copies of the proposed preliminary plat. Additional copies of the plat may be required by the Director of Plan Review, when necessary due to the number of agencies involved in the review of the application.
- (c) The application fee required for filing the preliminary plat.
- (d) A request for approval of street names, in a form approved by the Director of Plan Review. The proposed street names shall not duplicate existing or platted names unless the new street is a continuation of an existing or platted street.

Sec. 2.07 Review and Approval of Preliminary Subdivision Plat

- (a) Review for Completeness and Technical Accuracy.

The Director of Plan Review shall conduct an initial review of the application and preliminary plat of the proposed subdivision for completeness and technical accuracy. Within ten (10) working days of application submittal, the Director of Plan Review shall notify the applicant as to whether the plat has been accepted or rejected based on significant deficiencies in the proposed preliminary plat application. Applications for preliminary plat approval, which are deemed incomplete, shall not be accepted until the deficiencies have been properly addressed.

- (b) Referral of Application to Review Agencies.

Upon acceptance of a complete application, the Director of Plan Review shall request a minimum of ten (10) copies (or more depending upon the number of referral agencies affected) of the complete application from the applicant and, upon receipt, shall forward the plat and related information to the following review agencies:

- (1) Department of Plan Review
- (2) Department of Planning and Zoning

- (3) Department of Utilities
- (4) Department of Public Works
- (5) Loudoun County Fire Plan Reviewer/Inspector
- (6) Loudoun County Office of Mapping & Geographic Information
- (7) Applicable utility companies
- (8) Loudoun County School Board
- (9) Virginia Department of Transportation, when such application affects a road maintained by the Commonwealth of Virginia
- (10) Any other Federal, State, Town or County agency which may have cause to review the application

If state agency approval of a feature or features of the preliminary plat is necessary, the Director of Plan Review shall forward the preliminary plat to the appropriate state agency or agencies for review within ten (10) business days of receipt of the complete application.

(c) Detailed Staff Review of Application

The Director of Plan Review shall coordinate the review by referral agencies and compile their comments. The Director of Plan Review shall prepare a consolidated comment letter which includes all comments made by referral agencies and forward the consolidated comment letter to the applicant.

(d) Director of Plan Review Action.

If the preliminary plat has been submitted to a state agency or agencies for review, the state agency or agencies shall complete the review within forty-five (45) days of receipt of the preliminary plat. After receipt of approvals from all state agencies that have reviewed such plat, the Director of Plan Review shall act upon such plat within thirty-five (35) days. However, in no event shall the Director of Plan Review be required to approve a preliminary plat in less than sixty (60) days from the date of original submission of the complete application.

If state agency review of the preliminary plat is not necessary, the Director of Plan Review shall act on the application within sixty (60) days of submission of a complete application. The Director of Plan Review shall act to approve or disapprove the plat. If the plat is disapproved, the Director of Plan Review shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify what corrections or modifications would permit approval by the Director of Plan Review. If the Director of Plan Review disapproves a preliminary plat, the Director of Plan Review shall act on a resubmission that modifies and corrects any deficiencies within forty-five (45) days of resubmission of a complete application and resubmission fee.

(e) Cluster Subdivisions: Director of Plan Review Action on Plat.

The Director of Plan Review may approve a preliminary cluster subdivision plat which varies the area, yard and lot width requirements of the Leesburg Zoning Ordinance, as provided below.

- (1) Criteria for Review and Approval of Cluster Subdivisions.

In reviewing requests for cluster subdivision approval, the Director of Plan Review shall review the preliminary plat based on the following:

- ((a)) An overall plat of the entire tract showing streets, lot areas, easements, covenants and other relevant data shall be submitted in accordance with Divisions 2, 4, and 5 of this Article and the Leesburg Design and Construction Standards Manual, latest edition.
- ((b)) Overall density shall not exceed that of the zoning district in which the proposed subdivision is located. The houses in the proposed subdivision shall be grouped in clusters to preserve open space. The minimum lot area shall satisfy all Zoning Ordinance standards for cluster subdivisions.
- ((c)) The balance of the land in a proposed subdivision that is not contained in lots or within street rights-of-ways shall be contiguous, and shall be of such condition, size and shape as to be usable for recreation. Such land shall be held in corporate ownership by the owners of lots within the development, and the applicant shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land, which shall be used for recreational purposes only. No structure except those incidental to the principal use shall be permitted thereon.
- ((d)) Common areas shall be a minimum of one and one-half acres and shall be subject to taxation. In the case of larger common areas, the applicant may petition the Town Council to accept dedication of the land to be used in perpetuity as public open space.
- ((e)) The Director of Plan Review shall further make a determination that:
 - (1) The cluster subdivision is compatible with adjacent properties to the extent possible given the existing zoning and land use;
 - (2) The creation of the cluster subdivision is consistent with the goals and objectives of the Town Plan, the purpose and intent of the Leesburg Zoning Ordinance, and good planning practice.
- (f) Significance of Preliminary Plat Approval; Expiration of Preliminary Plats.

Preliminary plat approval is tentative and does not authorize the construction of any improvements within the subdivision.

Approval of a preliminary plat shall be valid for a period of five (5) years from the date of Director of Plan Review action, provided the applicant submits a final subdivision plat for all or a portion of the property within one (1) year of such approval and thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the applicant has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following such preliminary subdivision plat approval, and upon ninety (90) days' written notice by certified mail to the applicant, the Director of Plan Review may revoke such approval upon a specific finding of facts that the applicant has not diligently pursued approval of the final subdivision plat.

If an applicant records a final plat, which may be a section of a subdivision, as shown on an approved, unexpired preliminary plat and furnishes to the governing body a certified check, cash escrow, bond or letter of credit acceptable to the Town in the amount of the

estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public use the applicant shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

Sec. 2.08 Review and Approval of Construction Drawings Associated with a Residential Subdivision: Submission of Final Plat Application

Upon approval of a preliminary subdivision plat, the applicant is authorized to submit the application and fees for final plat approval, as well as the construction drawings for the public improvements necessary for the recordation of such lots. The final plat shall be reviewed and approved in compliance with the procedures of Section 2.10 of these Subdivision and Land Development Regulations. The construction drawings shall be reviewed and approved in compliance with the requirements of this section and the Leesburg Design and Construction Standards Manual, latest edition. Plats and construction drawings may be submitted for either the entire property, which received preliminary plat approval, or for individual sections within the subdivision plat, unless a modification in the phasing is approved by the Zoning Administrator and the Director of Plan Review. Each section for which construction drawings are submitted shall satisfy the required specifications of the Town of Leesburg. The drawings shall include all information and details required by these Subdivision and Land Development Regulations and the Leesburg Design and Construction Standards Manual, latest edition.

(a) **Initial Review of Construction Drawings for Completeness and Technical Accuracy.**

An application and fee for approval of construction drawings shall be filed with the Director of Plan Review, along with a minimum of six (6) sets of the construction drawings. Additional sets of the construction drawings may be required by the Director of Plan Review, if necessary for the review. The Director of Plan Review shall complete an initial review of the construction drawings for completeness and technical accuracy. The applicant shall be notified within ten (10) business days of submission of the drawings as to whether the construction drawings have been accepted or whether significant deficiencies have been identified which would cause rejection of the construction drawings. Construction drawings, which are deemed incomplete, shall not be accepted until the significant deficiencies have been corrected. No construction drawings shall be accepted which do not bear the seal and signature of a registered professional engineer or licensed 3(b) land surveyor, as authorized by the Code of Virginia, 1950, as amended.

(b) **Review of Construction Drawings.**

Upon acceptance of a complete set of construction drawings, the Director of Plan Review may request additional copies of the complete plans from the Applicant and the Applicant shall forward the additional plans to the Director of Plan Review who will distribute them to other applicable referral agencies for review and comment. The Director of Plan Review shall review the construction drawings to make certain that said drawings comply with the most recent version of the Leesburg Design and Construction Standards Manual, latest edition and other Town Ordinances. In reviewing such construction drawings, the Director of Plan Review shall consider the general criteria established below.

(1) Storm Drainage Systems.

Construction drawings for subdivisions shall include provisions for public storm drainage improvements in accordance with the Leesburg Design and Construction Standards Manual, latest edition. Appropriate documentation, which demonstrates compliance with said standards, shall also be submitted with the construction drawings.

(2) Floodwater Management and Environmental Protection.

The construction drawings shall include appropriate provisions for environmental protection, including erosion and sediment control, tree preservation, slope protection, and flood control, in compliance with the Leesburg Storm Water Management Master Plan, latest edition and Leesburg Design and Construction Standards Manual, latest edition.

(3) Transportation System and Circulation Network.

Construction drawings shall include plans, specifications and details necessary for the review and approval of public streets, private streets, parking courts, pipestem driveways, off-street parking and common driveways, pursuant to the Leesburg Design and Construction Standards Manual, latest edition and Sections 4.02 through 4.04 and Sections 5.01 through 5.04 of these Subdivision and Land Development Regulations. Public sidewalks, bikeways, and pedestrian paths shall also be provided in accordance with the standards in these Subdivision and Land Development Regulations and the Leesburg Design and Construction Standards Manual, latest edition.

(4) Coordination of Public Improvements.

The Director of Plan Review shall review the construction drawings to ensure that all utilities are installed underground in accordance with Section 5.08 of these Subdivision and Land Development Regulations, and further that all utilities are suitably located, so as not to interfere with other public improvements.

((a)) Water Systems.

Connections to the Town of Leesburg water supply shall be required, in accordance with Section 34-19 of the Town Code. Public water systems shall be designed and constructed in compliance with the “Leesburg Water and Sewer Master Plan”, latest edition and the Leesburg Design and Construction Standards Manual, latest edition, and may need to be “oversized”, as provided in Section 5.09 of these Subdivision and Land Development Regulations and the Leesburg Design and Construction Standards Manual, latest edition.

((b)) Sanitary Sewer Systems.

Connections to the Town of Leesburg sanitary sewer system shall be required, pursuant to Section 34-120 of the Town Code. Public sanitary sewer systems shall be designed and constructed in compliance with the “Leesburg Water and Sewer Master Plan”, latest edition and Leesburg Design and Construction Standards Manual, latest edition.

(5) Other Improvements.

All other improvements required by these Subdivision and Land Development Regulations and/or necessitated by the subdivision shall be included with the construction drawings and evaluated pursuant to applicable specifications of the Town of Leesburg.

(6) Implications for Maintenance of Improvements.

The Director of Plan Review, in coordination with the Director of Utilities and the Director of Public Works, shall review construction drawings to make certain that the proposed improvements can be properly and reasonably maintained. Easements shall be of appropriate size to facilitate the maintenance and repair of all public improvements.

(c) Director of Plan Review and Director of Utilities Action on Construction Drawings.

If state agency approval of a feature or features of the construction drawings is necessary, the Director of Plan Review shall forward the construction drawings to the appropriate state agency or agencies for review within ten (10) business days of receipt of the complete application.

If the construction drawings have been submitted to a state agency or agencies for review, the state agency or agencies shall complete the review within forty-five (45) days of receipt of the construction drawings. After receipt of approvals from all state agencies that have reviewed such construction drawings, the Director of Plan Review shall act upon such construction drawings within thirty-five (35) days. However, in no event shall the Director of Plan Review be required to approve construction drawings in less than sixty (60) days from the date of original submission of the complete application.

If state agency review of the construction drawings is not necessary, within sixty (60) days of the acceptance of the construction drawings the Director of Plan Review shall review the drawings, as well as comments from all review agencies, and take action on the construction drawings. The Director of Plan Review may approve or disapprove the construction drawings. This review period may be extended by mutual agreement of the applicant and the Director of Plan Review. The applicant's agreement shall be signified in writing.

The Director of Utilities shall be responsible to take action as listed above for the portion of the construction drawings associated with public water and sanitary sewer service.

(d) Review of Re-submitted Construction Drawings.

If the construction drawings are not approved, the Director of Plan Review shall notify the applicant in writing that the plans are disapproved and specify the deficiencies in the construction drawings. The applicant may resubmit revised construction drawings indicating how all deficiencies have been corrected. The Director of Plan Review shall review and act upon the revised drawings that modify and correct any deficiencies within forty-five (45) days of acceptance of the resubmitted drawings and any applicable resubmission fee.

The Director of Utilities shall take action on the portion of the resubmitted construction drawings associated with public water and sanitary sewer in the same manner as listed above.

Sec. 2.09 Review and Approval of Rough Grading Plans

Upon acceptance of the construction drawings for detailed review by the Director of Plan Review, the applicant may request zoning clearance for rough grading operations. Rough grading plan approval shall include a plan, which meets the requirements of the Leesburg Design and Construction Standards Manual, latest edition.

The Director of Plan Review shall review the rough grading plan and issue a Rough Grading Permit. For the purposes of these Subdivision and Land Development Regulations, “rough grading” shall be limited to clearing trees, grubbing of roots, cut but not fill for roadways and overlot grading.

Sec. 2.10 Review and Approval of Final Subdivision Plat

Upon approval of construction drawings, the applicant shall submit a final version of the final plat reflecting all modifications necessitated by the approved construction drawings. The final plat and application shall contain all information required by these Subdivision and Land Development Regulations.

(a) Conformance with Approved Preliminary Plat.

The final plat shall be in substantial compliance with the approved preliminary plat for the property. It is understood that the final location and alignment of required public improvements, as shown in the approved construction drawings, may result in minor alterations to the subdivision layout shown on the preliminary plat.

(b) Submission of Final Subdivision Plat.

An application for approval of a final plat of a proposed subdivision shall be submitted to the Director of Plan Review and shall include the following:

- (1) An application for final plat approval in a form approved by the Director of Plan Review.
- (2) Five (5) copies of the proposed final plat. (Amended 04/09/96)
- (3) The application fee required for filing the final plat.
- (4) Any agreements guaranteeing the installation of public improvements, as shown on the approved construction drawings.

(c) Review for Completeness and Technical Accuracy.

The Director of Plan Review shall review the plat for compliance with the approved preliminary plat, approved construction drawings, the Leesburg Zoning Ordinance and all applicable provisions of this ordinance. The applicant shall, within fifteen (15) working days of the submission of the final version of the record plat, be notified as to whether the final plat has been accepted or rejected, based on whether or not deficiencies have been corrected.

(d) Director of Plan Review and Action on Final Plat.

If a final plat is submitted prior to the approval of the construction drawings the final plat will be reviewed concurrently with the review of the construction drawings and the Director of Plan Review shall take action to approve or disapprove the final plat within sixty (60) days of the time the final plat is accepted. If a final plat is submitted after

approval of the construction drawings the Director of Plan Review shall take action within ten (10) working days of acceptance of the final plat. If the final plat is disapproved, the Director of Plan Review shall notify the applicant, in writing, stating the reasons for the disapproval and indicating the modifications or corrections necessary for approval of the final plat. The applicant may resubmit the final plat, indicating how the deficiencies have been corrected. If a disapproved final plat is resubmitted with modifications and corrections, the Director of Plan Review shall act on the plat within forty-five (45) days after it has been accepted. (Amended 04/09/96 and 08/12/08)

(e) Cluster Subdivisions, Action on Final Plat.

For cluster subdivisions, the procedure for review and approval of final plats shall be the same as for conventional subdivisions. (Amended 08/10/04)

Sec. 2.11 Recordation of Final Subdivision Plat

The applicant shall file or record the approved final plat with the Clerk of Circuit Court of Loudoun County within six (6) months of the date of final approval by the Director of Plan Review and shall also furnish the Director of Plan Review with the following:

- (a) Proof of recordation of the final plat, in a form approved by the Director of Plan Review; and
- (b) Six (6) prints and one (1) reproducible copy of the executed final plat, and three (3) copies and the original of the associated deed. The applicant shall also submit one (1) copy of the final plat to the Loudoun County Commissioner of Revenue. If the applicant fails to file or record the final plat and provide the copies as required above, final plat approval shall be withdrawn by the Director of Plan Review and the applicant shall be notified that the final plat has been marked "VOID" and subdivision has been vacated.
- (c) Prior to the Director signing the Final Subdivision Plat, the associated public improvements bond shall be in place with the Town, the associated construction drawings approved, and all required off-site easements recorded.

Sec. 2.12 Review and Approval of Dedication / Easement Plats (Associated with Subdivisions)

Prior to approval of construction drawings, the applicant shall submit, obtain approval of and record the final version of the Dedication / Easement Plat reflecting all proposed Right of Way and Easements required by the associated construction drawings that have not been included on the Final Subdivision Plat. The Dedication / Easement Plat and application shall contain all information required by these Subdivision and Land Development Regulations.

- (a) Conformance with Associated Construction Drawings.
The Dedication / Easement Plat(s) shall depict all proposed Right of Way and Easements shown on the associated construction drawings that have not been included on the Final Subdivision Plat.
- (b) Submission of Dedication / Easement Plat(s).
An application for approval of a Dedication / Easement Plat(s) associated with a proposed subdivision shall be submitted to the Director and shall include the following:

- (1) An application for Dedication / Easement Plat(s) approval in a form approved by the Director.
 - (2) Five (5) copies of the proposed Dedication / Easement Plat(s).
 - (3) The application fee required for filing the Dedication / Easement Plat(s).
 - (4) Any agreements guaranteeing the installation of public improvements, as shown on the approved construction drawings.
- (c) Review for Completeness and Technical Accuracy.
- The Director shall review the plat for compliance with the associated construction drawings, the Leesburg Zoning Ordinance and all applicable provisions of this ordinance. The applicant shall, within fifteen (15) working days of the submission of the final version of the plat, be notified as to whether the plat has been accepted or rejected, based on whether or not the application is complete.
- (d) Director - Review and Action on Dedication / Easement Plat(s).
- The Dedication / Easement Plat(s) should be submitted no later than with the second submission of the construction drawings to allow it to be reviewed concurrently with the review of the construction drawings. The Director shall take action to approve or disapprove the Dedication / Easement Plat(s) within sixty (60) days of the time the plat is accepted. If the Dedication / Easement Plat(s) is disapproved, the Director shall notify the applicant, in writing, stating the reasons for the disapproval and indicating the modifications or corrections necessary for approval of the plat. The applicant may resubmit the Dedication / Easement Plat(s), indicating how the deficiencies have been corrected. If a disapproved plat is resubmitted with modifications and corrections, the Director shall act on the plat within forty-five (45) days after it has been accepted.

Sec. 2.13 Recordation of Dedication / Easement Plat(s)

The applicant shall file or record the approved Dedication / Easement Plat(s) with the Clerk of Circuit Court of Loudoun County within six (6) months of the date of final approval by the Director and shall also furnish the Director with the following:

- (a) Proof of recordation of the final plat, in a form approved by the Director; and
- (b) Five (5) prints and three (3) copies and the original of the associated deed. The applicant shall also submit one (1) copy of the final plat to the Loudoun County Commissioner of Revenue. If the applicant fails to file or record the final plat and provide the copies as required above, final plat approval shall be withdrawn by the Director and the applicant shall be notified that the Dedication / Easement Plat(s) has been marked “VOID”.

Sec. 2.14 Vacating a Plat

- (a) Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:
- (1) With the consent of the Town Council, by the owners, proprietors, and trustees, if any, who signed the statement required by Section 13-62(c)(5)((c)) of these Subdivision and Land Development Regulations, by a written instrument declaring the plat to be vacated. Such written instrument must be duly executed, acknowledged, or proved, and recorded in the same clerk's office wherein the plat to be vacated is recorded; or
 - (2) By ordinance, provided that no facility for which bonding is required pursuant to Sections 6.04 through 6.07 of these Subdivision and Land Development Regulations have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five (5) years of the date on which the plat was first recorded.

The execution and recordation of such written instrument or ordinance of vacation shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in and to the property, and to reinvest the owners, proprietors, and trustees, if any, with the title to the streets, alleys, easements for public passage, and other public areas laid out or described in the plat.

- (b) Where any lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:
- (1) By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat, and approved and signed on behalf of the Town Council. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the only lot owner signatures required are those lot owners immediately adjoining or contiguous to the vacated area. "Owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded; or
 - (2) By ordinance.

The execution and recordation of such written instrument or ordinance shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys, or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any street, alley, or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors, and trustees, if any, who signed the statement pursuant to Section 2.16(c)(5)((c)) of these Subdivision and Land Development Regulations free and clear of any rights of public use in the same.

Sec. 2.15 Minor Modifications to Approved Construction Drawings

This section shall not apply to any revisions associated with Lot Grading Plans to depict final house sitings for residential Single Family Detached unit lots, Single Family Attached units (Townhouse, Triplex and Quadraplex lots), Two Family Dwelling units (Duplex unit lots) or Stacked Townhouse units (Two over Two units), which are required to be shown on individual lot grading plans per Section 2.19 of this ordinance (as amended).

- (a) The Minor Modifications process is intended to allow the submission of revised insert sheets for minor modifications to approved construction drawings of active projects prior to release of the associated performance bond. If no performance bond is associated with the project, insert sheets for revisions may be submitted prior to issuance of the final occupancy permit. The Revisions process is appropriate for any of the following:
 - (1) Additions to buildings or uses when such addition does not exceed 2,000 square feet or one-third (1/3) of the gross floor area of the building, whichever is smaller (not associated with final house sitings);
 - (2) Minor shifts in a building location by no more than 10 feet (not associated with final house sitings);
 - (3) A new freestanding accessory building of not more than a total of 500 square feet (not associated with final house sitings);
 - (4) Reconfiguration of architectural features (not associated with final house sitings);
 - (5) Additions or alterations to provide an accessibility improvement (not associated with house sitings);
 - (6) Internal rearrangement or minor expansion (no more than 10%) of a parking lot;
 - (7) Changes to walkways or landscape plans;
 - (8) Adjustments in underground utilities;
 - (9) Adjustments in grading (not associated with final house sitings).

- (b) All revision sheet applications shall be submitted to the Land Development Official with the following:
 - (1) An updated Land Development Application reflecting any changes since the initial submission;
 - (2) A cover letter explaining the revisions made to the approved plans;
 - (3) Five (5) copies of the revision sheets; and
 - (4) Minor Modifications' review fee.

Sec. 2.16 Required Contents of Subdivision Plats

(a) Required Contents of Plats, Generally.

All preliminary and final plats shall provide all the facts necessary to show compliance with these Subdivision and Land Development Regulations. The Director of Plan Review shall have the authority to waive certain submittal requirements for plats, if it is determined such information is not necessary for the review and approval of the plat and that not providing the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Leesburg Zoning Ordinance or the Subdivision and Land Development Regulations. Such waivers must be approved prior to submission of the plat. (Amended 08/12/08)

(b) Preliminary Plat Contents.

Unless a waiver is approved, as authorized in paragraph (a) above, all applications for preliminary plat approval shall be accompanied by the following information:

(1) General Information.

- ((a)) Name of the proposed subdivision, which shall not duplicate or closely resemble that of any existing subdivision in the Town.
- ((b)) Proposed use(s) of the property.
- ((c)) Names and addresses of owner(s) of record and applicant.
- ((d)) Names, addresses, signatures, and registrations of professionals preparing the plat.
- ((e)) Deed reference, Property Identification Number (PIN).
- ((f)) Date plat was drawn and dates of any revisions.
- ((g)) Vicinity map.
- ((h)) Existing zoning, including any proffers associated with the property.
- ((i)) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that the subject property is to be subdivided. Such notification shall be in a form approved by the Land Development Official. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- ((j)) Proof of any approved special exceptions, variances or waivers necessary for the subdivision.
- ((k)) Include the following note on the plat:

Preliminary plat approval is initially valid for a period of five (5) years, provided the applicant submits a final subdivision plat for all or a portion of the property within one (1) year of such approval and thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the applicant has incurred extensive obligations or substantial expenses relating to

the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following such preliminary subdivision plat approval, the Planning Commission may revoke such approval upon a specific finding of facts that the applicant has not diligently pursued approval of the final subdivision plat.

- (1) Identify any variation requests with a note on the plat.
- (2) Project Tabulations.
 - ((a)) Gross acreage of the subdivision, to the nearest one-tenth of an acre and the acreage remaining in the original tract, if any.
 - ((b)) Number of lots.
 - ((c)) Minimum lot area.
 - ((d)) Average lot size.
 - ((e)) Minimum lot width.
 - ((f)) Area in lots.
 - ((g)) Area in common open space.
 - ((h)) Common open space as a percentage of the subdivision.
- (3) Existing Site Conditions. The preliminary plat shall illustrate the following conditions:
 - ((a)) Map of survey of the boundary certified by a Commonwealth of Virginia Certified Land Surveyor with all existing property lines.
 - ((b)) Existing topography with maximum of five-foot contour interval.
 - ((c)) Location and full width of existing rights-of-way.
 - ((d)) Location and width of existing roadways.
 - ((e)) Location and explanation of any existing easements.
 - ((f)) Location and dimensions of existing driveways and access points on the property and within 200 feet of the site.
 - ((g)) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
 - ((h)) All overland watercourses and drainage structures within the subdivision or within 100 feet of the subdivision.
 - ((i)) Names of all abutting subdivisions and names of owners of record of abutting property.
 - ((j)) Existing uses and zoning of all adjoining properties.
 - ((k)) Indication of areas of tree cover on the property, including areas where tree protection or preservation measures will be taken. All trees with a diameter at breast height (dbh) of 18 inches or greater shall be specifically identified on the plat. Groups of trees may be delineated by drawing the drip line around the group's perimeter.

- ((l)) Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.
 - ((m)) Exact location of existing buildings and parking areas adjacent to or across the street from the proposed subdivision.
 - ((n)) Archeological, natural and historical features and landmarks to the extent as previously documented. Plat shall be revised to delineate any such features or landmarks discovered during the review process.
 - ((o)) Location and description of all U.S.G.S. survey control monuments or equivalent.
 - ((p)) Identification and location of areas of contamination, remediation, and other adverse environmental conditions of the property.
 - ((q)) Identification and location of any grave, object, or structure marking a place of burial.
- (4) Graphic Requirements.
- ((a)) All sheets shall be clearly and legibly drawn at a scale not less than 100 feet to the inch, with north arrow, on numbered sheets 24 x 36 inches in size, which shall be clearly marked "preliminary plat." If more than one sheet is necessary, a match line and corresponding sheet numbering system shall be provided.
 - ((b)) Location, right-of-way width and typical pavement section of all proposed streets, common driveways, parking courts, sidewalks, and trails. Proposed streets shall include approved and/or reserved street names. If the subdivision is for only part of the original tract, the preliminary plat shall show a proposed future street layout of such remaining acreage to make certain that proper orientation and size of future streets may be developed with the proposed plat. A disclaimer note indicating that the future street layout is only tentative and may be subject to change shall be included on the plat.
 - ((c)) The proposed lot and yard requirements with approximate dimensions, lot areas, and tentative lot numbers.
 - ((d)) Preliminary plans for water, storm and sanitary sewer systems for the subdivision, including any off-site improvements.
 - ((e)) All proposed connections to existing water lines, sanitary sewer lines and storm drainage structures.
 - ((f)) Preliminary layout of provision for collecting and discharging surface drainage.
 - ((g)) Preliminary plans for erosion and sedimentation control measures.
 - ((h)) An indication of phases or sections within the proposed subdivision and the order of development.
 - ((i)) A soil overlay map at a scale of not less than one inch to 200 feet with accompanying narrative.

- ((j)) Drainage improvements proposed in the Town's Storm Drainage Master plan within the subdivision or within 100 feet of the subdivision.
 - ((k)) Location and size of existing and proposed public open spaces within and adjacent to the subdivision.
 - ((l)) 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.
 - ((m)) If the Leesburg Zoning Ordinance requires the provision of a buffer yard, the plat shall indicate the type and location of the buffer yard proposed.
 - ((n)) If significant topographic changes are proposed, the plat shall indicate the areas and approximate depths of cut and fill.
 - ((o)) If modifications to the 100-year floodplain are proposed, the plat shall indicate the existing and proposed limits of such floodplain.
 - ((p)) Identification of tree protection and tree preservation areas within the subdivision.
 - ((q)) Preliminary design of facilities proposed within common open space areas, including the number of parking spaces proposed, if any.
 - ((r)) Location of proposed fire hydrants and/or distance to nearest existing hydrant.
 - ((s)) A blank space two by six inches in size on the first sheet for use as a signature panel for approval.
 - ((t)) Airport Noise Zone limits (Ldn 65) as defined on the Airport Master Plan and any other Noise Abatement District or Corridor as defined in the Leesburg Design and Construction Standards Manual, if applicable.
- (5) Other Information
- ((a)) If the subdivision is not to be served by public water and sanitary sewer facilities, written approval of the proposed locations of wells and sewage disposal systems shall be obtained from the Loudoun County Health Director or his designee and submitted with the preliminary plat.
 - ((b)) A stakeout plan, along with a certificate indicating that the property has been staked in accordance with the plan. Stakes shall be placed at 100-foot intervals along the approximate centerline of public and private roads. In addition, all parcel corners and proposed entrances, other than single-family detached driveways, shall also be staked. The stakeout plan and field stakes shall have a corresponding reference system. Field stakes must be clearly visible; however, trees with a diameter of six inches or more should not be cleared for these purposes.
 - ((c)) The applicant shall submit a complete Type I soils report. A detailed Type II geotechnical investigation may be submitted in lieu of the Type I soils report.
 - ((d)) Outline of proposed deed covenants, which may affect the type or location of structures, use of properties, or access to public rights-of-way.

- ((e)) If the proposed subdivision includes any areas designated in the Town Plan as proposed sites for schools, parks, bike paths, or other public uses, the preliminary plat shall include a statement regarding the applicant's intention to provide such public use(s).
- ((f)) The application shall include information related to the projected traffic generated by the property and the need for turn lanes and similar improvements. Furthermore, if the subdivision is expected to generate 500 vehicles per day or more, a traffic study shall be submitted in accordance with Section 7-111 of the Leesburg Design and Construction Standards Manual, latest edition.
- ((g)) A digital image file in a format that is acceptable to the Town.

(c) Final Subdivision Record Plat Contents.

Unless a waiver is approved, as authorized in Section 2.16 herein, all applications for final plat approval shall be accompanied by the following information:

- (1) General Information.
 - ((a)) Name of subdivision, town, county and state.
 - ((b)) Names and addresses of owners.
 - ((c)) Names of any holders of easements or liens affecting the plat.
 - ((d)) Name of the licensed professional surveyor or engineer who prepared the plat.
 - ((e)) Date of plat preparation and dates of any revisions.
 - ((f)) General location map at a scale of not less than six inches equals one mile, indicating thereon roads and their names and numbers, Town Corporate Limits, subdivisions, and other landmarks.
 - ((g)) Boundary survey, with an error of closure within the limit of one in twenty thousand, related to the true meridian or the Virginia State Grid and including a minimum of four coordinate tick marks.
 - ((h)) Proposed use(s) of the area being subdivided.
 - ((i)) All covenants and restrictions, which will run with the land.
 - ((j)) Statement regarding the removal of obstructions in easements.
 - ((k)) Certificate signed by a Commonwealth of Virginia Certified Land Surveyor setting forth the source of title and the place of record of the last instrument in the chain of title.
- (2) Project Tabulations.
 - ((a)) Total area within the final plat, to the nearest one-one thousandth of an acre.
 - ((b)) Data for all curves along street frontages showing: delta, radius, arc, tangent, chord, and chord bearing.
 - ((c)) Setback and yard requirements.

- (3) Existing Conditions.
 - ((a)) Adjoining recorded subdivision plats and adjoining unplatted land with owner's name.
 - ((b)) Accurate location of Town Corporate Limit Line, if within the subdivision or within 100 feet thereof.
 - ((c)) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - ((d)) Accurate location of all existing easements, public or private which are upon the property, including the deed book and page, or instrument number reference.

- (4) Graphic Requirements.
 - ((a)) The scale of the drawing shall be not less than 100 feet to the inch and such scale shall be clearly shown.
 - ((b)) Each sheet shall be 18 by 24 inches and individually numbered.
 - ((c)) All drawings shall be drawn with waterproof ink on suitable material.
 - ((d)) A north arrow.
 - ((e)) If more than one sheet is necessary, the relationship between individual sheets shall be depicted.
 - ((f)) All dimensions of all lots and parcels shown in feet, and decimals of a foot to the closest one-one hundredth of a foot; all bearings in degrees, minutes and the nearest ten seconds.
 - ((g)) The number and area of all lots and parcels.
 - ((h)) All survey monuments, lot corners, block markers and benchmarks, together with their descriptions.
 - ((i)) Boundaries, purposes and widths of all easements.
 - ((j)) Boundaries of parks, school sites or other public areas.
 - ((k)) All existing and platted streets, their names, route numbers, and right-of-way widths.
 - ((l)) The accurate outline, dimensions and purposes of all property which is to be reserved by deed covenant for the common use of the property owners.
 - ((m)) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use.
 - ((n)) The location and dimensions of any temporary cul-de-sacs and a statement regarding the reversion of land within the temporary turn-around.
 - ((o)) When the subdivision consists of land with more than one current land owner, outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts placed on the plat.
 - ((p)) Identification of all private streets, indicating public and/or emergency vehicle ingress/egress easements.

- (5) Other Information.

- ((a)) A signature line for the Zoning Administrator to certify that the proposed lots comply with the zoning regulations.
- ((b)) A signature line for the Director of Plan Review to certify that the proposed lots comply with the Subdivision and Land Development Regulations. (Amended 08/12/08)
- ((c)) A signed statement certifying that the land is being platted with the free consent and in accordance with the desires of the owners, proprietors, and trustees.
- ((d)) A deed of dedication and/or deed of easement for all rights-of-way, easements, or other properties which will be conveyed to the Town of Leesburg as a result of the subdivision, in a form approved by the Town Attorney.
- ((e)) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that the subject property is to be subdivided. Such notification shall be in a form approved by the Land Development Official. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.

Sec. 2.17 Required Contents of Dedication / Easement Plats

(a) Required Contents of Plats, Generally.

All final dedication / easement plats shall provide all the facts necessary to show compliance with these Subdivision and Land Development Regulations. The Director shall have the authority to waive certain submittal requirements for plats, if it is determined such information is not necessary for the review and approval of the plat and that not providing the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Leesburg Zoning Ordinance or the Subdivision and Land Development Regulations. Such waivers must be approved prior to submission of the plat.

(b) Dedication / Easement Plat Contents.

Unless a waiver is approved, as authorized in paragraph (a) above, all applications for Dedication / Easement Plat approval shall be accompanied by the following information:

(1) General Information.

- ((a)) In the title block include: Title of plat, name of subdivision and / or owner's name as applicable, **name of the Town, County and State on all sheets.**
- ((b)) Existing Zoning of the affected and adjacent properties.
- ((c)) Names of owner(s) of record for the affected properties.
- ((d)) Names, addresses, signatures, and registrations of professionals preparing the plat.

- ((e)) Applicable Deed reference, Property Identification Number (PIN) of the affected properties.
 - ((f)) Date of plat preparation and dates of any revisions.
 - ((g)) Vicinity map at a scale not less than 1"=1000' indicating thereon roads and their names and route numbers, Town Corporate Limits, subdivisions, and other landmarks.
 - ((h)) Description and location of existing easements with recordation information affecting the plat.
 - ((i)) A 2" by 6" signature approval block for the Director to certify that the proposed easements and right-of-way dedication comply with the Subdivision and Land Development Regulations.
 - ((j)) Note to state whether or not a current Title Report was furnished during the preparation of the plat.
 - ((k)) Reference recorded covenants and restrictions, which will run with the land.
 - ((l)) Add a statement that the land boundary survey shown is based on a current field survey or from existing deed of record. (Street dedication may require a current field survey.)
- (2) Plat Tabulations.
- ((a)) Total area of original lot(s), dedication area and remainder of lot(s). in tabular form; Expressed to nearest square foot or nearest ten thousandth of an acre (0.0000) or to the degree of accuracy shown on the recorded deed and associated plat from which the new plat is based upon.
 - ((b)) Total area of each proposed easement and or right-of-way dedication area shown on the final plat. Expressed to nearest square foot or nearest ten thousandth of an acre (0.0000) or to the degree of accuracy shown on the recorded deed and associated plat from which the new plat is based upon. (Capital projects only.)
 - ((c)) Complete curve data table for all curves for all easements and right-of-way dedications showing: delta, radius, arc, tangent, chord, and chord bearing.
- (3) Existing Site Conditions. The plat shall illustrate the following conditions:
- ((a)) Names of all adjoining property owners; also show departing property lines, existing zoning, and GPINs'.
 - ((b)) Accurate location of Town Corporate Limit Line, if within the limits of the project or within 100 feet thereof.
 - ((c)) Boundary information referenced on the plat shall be shown consistent with the approved Boundary Survey included with all types of Site Plans, Residential Construction Plans or Related Recorded Plats or Certified Map of Survey with all Town Capital Improvement Projects.

- ((d)) Boundary information referenced on the Right of Way and or Easement plat is required to close with an error of closure within the limit of one in twenty thousand, be related to the true meridian, deed bearing system or the Virginia State Grid and include a minimum of four coordinate tick marks.
 - ((e)) When the property affected by a proposed easement or right-of-way dedication consists of land with more than one current land owner, outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts placed on the plat.
 - ((f)) Accurate location of existing and platted streets, their names, route numbers, centerline of right of way or centerline of improvements as applicable with dimensions from centerline.
 - ((g)) Accurate location of existing easements, public or private which are upon the property, including recordation information.
 - ((h)) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps and provide FEMA Map Panel Number when a new floodplain easement is being proposed.
- (4) Graphic Requirements.
- ((a)) All sheets shall be clearly and legibly drawn at a scale not less than 50 feet to the inch, with north arrow, on numbered sheets 18 x 24 inches in size, which shall be clearly marked as a Dedication and/ or Easement Plat. If more than one sheet is necessary, a match line and corresponding sheet numbering system shall be provided.
 - ((b)) All Text height shall have a minimum height of one tenth of an inch (0.10")
 - ((c)) Graphical bar scale
 - ((d)) Legend provided for non-standard symbols and undefined line types, shading, hatching or abbreviations.
 - ((e)) All proposed right-of-way clearly labeled and defined with centerline of existing right of way or centerline of improvements as applicable with dimensions from centerline. Dimensions shall be tied to the existing and the proposed right-of-way lines.
 - ((f)) All proposed easements (permanent and temporary) clearly labeled and defined, identified with widths and centerlines dimensioned along the centerline, when feasible, and tied to boundary lines and/or C/L or edge of existing easement(s).
 - ((g)) If modifications to either the Town or FEMA 100-year floodplain are proposed, the plat shall indicate the existing and proposed limits of such floodplain.
 - ((h)) All dimensions of all lots and parcels shown in feet, and decimals of a foot to the closest one-one hundredth of a foot; all bearings in degrees, minutes and the nearest second.

- (5) Other Information.
 - ((a)) A deed of dedication and/or deed of easement for all rights-of-way or easements which will be conveyed to the Town of Leesburg as a result of the project, in a form approved by the Town Attorney.

Sec. 2.18 Required Contents of Construction Drawings

Refer to the Leesburg Design and Construction Standard Manual, Section 10-100.

Sec. 2.19 Lot Grading Plan

- (a) **Purpose:** Defining a streamlined Lot Grading Plan approval process for residential “Bonded Lots” and certain residential “Lots of Record” (as defined below) based upon actual architectural drawings and depicting the exact house, including only the chosen options, to be constructed on said lot.
- (b) This Section shall apply to individual residential lot grading plans for single family detached, single family attached (townhouse, triplex or quadraplex), two family (duplex) unit lots, as well as two over two stacked townhouse units as defined in (c) below. No zoning permit shall be issued by the Zoning Administrator nor shall any water or sewer extension permits be issued by the Town for any residential unit unless the requirements of this Division are met.
- (c) Development and Land Disturbing Activities for “By Right” Applications (applications which do not require Legislative Approvals) with the following features are governed by this Division:
 - (1) Bonded Lots
 - ((a)) Lot Grading Plans for individual residential single family detached lots and single family attached (townhouse, triplex or quadraplex) lots or two family dwelling (duplex) lots of record associated with a previously approved set of Construction Drawings or Site Plans that has an active public improvements bond associated with it and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or
 - ((b)) Individual Grading Plans for two over two stacked townhouse units associated with a previously approved set of Site Plans that has an active public improvements bond associated with it and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or

(2) Non-Bonded Lots

Lot Grading plans for residential single family detached lots of record not associated with a previously approved set of bonded Construction Drawings or a set of previously approved Construction Drawings, that are no longer under bond, where the Applicant can verify to the Director that all required existing public facilities/utilities are in place and that the application will not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.

(d) **Applicability.** A lot grading plan application shall be accepted for review only if the following conditions are satisfied:

(1) For Bonded Lots:

- ((a)) The Public Improvements Bond shall be posted, current and in good standing with the Town.
- ((b)) All associated Subdivision and/or Easement Plats shall have been recorded.
- ((c)) The associated Construction Drawings or Site Plans must be approved.
- ((d)) Minor shifts in the location of driveways (from what was shown on the approved construction drawings) may be permitted, but only where the shift in driveway location does not adversely impact Town maintained utilities and/or other Town maintained facilities.

(2) For Non-Bonded Lots:

- ((a)) With the exception of a new or relocated driveway entrance, full frontage improvements (i.e. curb, gutter, sidewalk, and storm sewer) exist across the frontage of the proposed lots.
- ((b)) No water or sanitary sewer mains are needed or proposed; sanitary lateral and water service line extensions are permitted.
- ((c)) No underground storm sewers are needed or proposed.
- ((d)) The existing street right-of-way and utility easements meet the requirements of these regulations. If additional right of way, utility easements or other easements acceptable to the Director are required, a right of way dedication/easement plat shall be submitted by the applicant, approved by the Town and recorded prior to approval of the Lot Grading Plan.
- ((e)) No vacation of streets is needed or proposed.
- ((f)) No vacation or creation of easements for public utilities are needed or proposed; except as noted herein.
- ((g)) Lots which are adjacent to or contain Major or Minor Floodplain requires updated floodplain information to be approved by the Director which proves that the proposed structure(s) and associated lot grading will meet all Town floodplain criteria. If additional floodplain information is required, all studies shall be submitted by the applicant, approved by the Town and (and if applicable, by FEMA) prior to approval of the Lot Grading Plan.

(e) A Site Plan application will be required in accordance with the criteria set forth in sections 3.07 and 3.08 (as amended) if all conditions and restrictions set forth in this section cannot be met. Approval of any Lot Grading Plan within the Historic District (H-1 and/or H-2) does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR does not relieve the Applicant from obtaining all required Lot Grading Plan approvals.

Sec. 2.20 Filing of Lot Grading Plan

Prior to submitting an application for a non-bonded lot grading plan, it is recommended that the applicant obtain a written determination from the Director that the proposed application qualifies to be processed as a Lot Grading Plan.

Prior to submitting an application for a bonded lot grading plans, the associated Construction Drawings or Site Plans shall be approved and the associated Record Plat recorded.

Complete application packages for both bonded lot and non-bonded lot grading plans shall include the following:

- (a) A completed Land Development Application Form for a Lot Grading Plan.
- (b) The application fee required for filing a lot grading plan.
- (c) A completed minimum submission checklist.
- (d) A certified boundary survey of the lot or proof that the metes and bounds shown meet the recorded subdivision plat.
- (e) At least five (5) copies of the proposed lot grading plan. Additional copies of the plan may be required by the Director of Plan Review, when necessary due to the number of agencies involved in the review of the application.

Sec. 2.21 Review and Approval of Lot Grading Plan

(a) Review for Completeness and Technical Accuracy.

- (1) The Director of Plan Review shall conduct an initial review of the application and lot grading plan for completeness and technical accuracy.
- (2) Within ten (10) working days of application submittal, the Director of Plan Review shall notify the applicant as to whether the plan has been accepted or rejected based on significant deficiencies in the lot grading plan application.
- (3) Applications for lot grading plan approval, which are deemed incomplete, shall not be accepted until the deficiencies have been properly addressed.

(b) Referral of Application to Review Agencies.

Upon acceptance of a complete application for a lot grading plan, the Director of Plan Review shall request additional copies of the complete application (if required) from the applicant and, upon receipt, shall forward the plan and related information to the following review agencies, as necessary:

- (1) Department of Plan Review
- (2) Department of Planning and Zoning
- (3) Department of Utilities
- (4) Department of Public Works and Capital Projects
- (5) Loudoun County Erosion and Sediment Control Program Manager
- (6) Any other Town or County agency which may have cause to review the application

- (c) Detailed Staff Review of Application
 - (1) The Director of Plan Review shall coordinate the review by referral agencies and compile their comments.
 - (2) The Director of Plan Review shall prepare a consolidated comment letter which includes all comments made by referral agencies and forward the consolidated comment letter to the applicant.
- (d) Director of Plan Review Action.
 - (1) The Director of Plan Review shall act to approve or disapprove the application within forty-five (45) days of submission of a complete application.
 - (2) If the plan is disapproved, the Director of Plan Review shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify what corrections or modifications would permit approval by the Director of Plan Review.
 - (3) If the Director of Plan Review disapproves a lot grading plan, the Director of Plan Review shall act to approve or disapprove the resubmission that modifies and corrects any deficiencies within thirty (30) days of resubmission of a complete application and associated resubmission fee as may be applicable.
- (e) All Lot Grading Plans shall follow Section 2.03 of the Subdivision and Land Development Regulations to remain active.

Sec. 2.22 Expiration of Lot Grading Plans

- (a) Construction of the improvements set forth on the approved Lot Grading Plan shall commence within Five (5) years from the date the approved Lot Grading Plan is signed by the Director. Thereafter, if construction has not commenced, or if construction activity has been abandoned for ninety or more days, the Lot Grading Plan approval shall expire and become null and void, unless a written request for extension is received by the Director at least thirty days prior to such expiration or abandonment.
- (b) Upon receipt of written request for extension, the Director may grant an extension of the Lot Grading Plan approval for a period not to exceed one year from the original date of expiration. The reasons for this request must be stated. The Director may deny the request if the reasons submitted with the request do not demonstrate that construction, in accordance with the approved Lot Grading Plan, has been diligently pursued.
- (c) Approvals for any Lot Grading Plan approved prior to the adoption of this revised ordinance shall expire and become null and void Five (5) years after the adoption date of this revised ordinance, unless:
 - (1) Construction of the improvements set forth in the approved Lot Grading Plan has commenced and final construction is being actively pursued within Five (5) years from the adoption date of this revised ordinance.
 - (2) A written request for extension is received and granted by the Director at least thirty days prior to such expiration or abandonment as conditioned above.

Sec. 2.23 Required Contents of Lot Grading Plan

- (a) All Lot Grading Plans shall be prepared showing compliance with the regulations of all applicable sections of the Leesburg Zoning Ordinance as well as the Leesburg Design and Construction Standards Manual, latest editions.
- (b) The Director shall have the authority to eliminate the need for certain submittal requirements for Lot Grading Plans, if it is determined such information is not necessary for the review and approval of the plans and that not providing the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Leesburg Zoning Ordinance or the Subdivision and Land Development Regulations. Those requirements deemed not to be necessary by the Director shall be approved in writing by the Director and sent to the applicant prior to submission of the Lot Grading Plan.
- (c) All Lot Grading Plans shall include but not be limited to the following minimum information unless otherwise specified within this ordinance:
 - (1) **General Information.**
 - ((a)) All information shall be legible so it can be scanned into a quality reproducible format; all text shall be a minimum of one tenth of an inch in height.
 - ((b)) Name of the proposed development; including name of subdivision (if applicable) Town and State in the Title block on all sheets.
 - ((c)) Approval Block (with Director of Plan Review signature line).
 - ((d)) Application Number provided within approval block.
 - ((e)) List of all associated construction plan names and application numbers (as applicable).
 - ((f)) List of all associated subdivision plats and easement plats including name and application numbers (as applicable).
 - ((g)) Proposed use(s) of the property.
 - ((h)) All easements located on property shall be clearly labeled.
 - ((i)) Names, addresses, signatures, and registrations of professionals preparing the Lot Grading Plan.
 - ((j)) Property identification number (PIN) and Lot number (as applicable).
 - ((k)) Date plan was drawn and date of any revisions.
 - ((l)) Boundary information to match recorded plat. (Bonded Lots Only)
 - ((m)) Existing zoning designation.
 - ((n)) Identification of all public streets (including name, road width and right of way width).
 - ((o)) Identification of all private streets, travel ways or alleys (including name, pavement width and easement width, as applicable). Also indicate public and/or emergency vehicle ingress-egress easements.

- ((p)) Frontage Improvements limited to new or relocated driveway aprons or entrances that do not require relocation of any public system including but not limited to water and sewer mains, storm sewer pipes or structures, and other public facilities.
- ((q)) Major and Minor Floodplain Limits shown on and or adjacent to the lot.
- ((r)) All aspects of the house siting and associated grading shall meet all floodplain requirements including but not limited to all vertical and horizontal setbacks. (As applicable).
- ((s)) The following Wall Check note shall be added to all lot grading plans: *“In accordance with the criteria set forth by the Town’s Zoning Ordinance, the erection of the building shall not proceed beyond the corners of a concrete slab or the placement of the corners of the foundation, whichever is applicable in establishing the exact location of all corners of the building, until such location, as indicated by a certified land surveyor’s plat (known as a “Wall Check”), has been submitted to and approved by the Zoning Administrator.”*

Additional requirements for non-bonded lots only

- ((t)) Deed book and page numbers or instrument numbers for all existing easements on the property.
- ((u)) Names and addresses of owner(s) of record and of the applicant.
- ((v)) Include a note on the plan stating: “The engineer hereby certifies that all covenants, proffers, conditions and/or restrictions which run with the land, have been adequately addressed with this grading plan.
- ((w)) Adjoining property information including but not limited to owner name, current use, current zoning district, associated PIN number, parcel or lot number.
- ((x)) All applicable buffers are shown and provided as required.
- ((y)) Stormwater design detail and analysis proving the proposed improvements and grading do not adversely impact any adjacent or downstream properties.

(2) Project Tabulations.

- ((a)) Gross acreage of the total lot area to the square foot.
- ((b)) Number of parking spaces required and provided based on the proposed use. (For Non-Bonded Lots only).
- ((c)) Setbacks required and provided.
- ((d)) Buffer Yards required and provided. (If applicable).

(3) **Existing Site Conditions.**

- ((a)) Existing topography with maximum of two-foot contours for the lot and include a minimum 25 foot overlap beyond property boundaries. (On a case by case basis, the Director of Plan Review can modify the exact amount of topography overlap required). Show as dashed lines varying in thickness between 2 and 10 foot contours. Also, depict any buildings or paved areas within this overlap area.
- ((b)) Provide existing spot shots at property lines where tying in proposed grades to ensure off-site grading is not needed.
- ((c)) Label and show location of curb and gutter on and adjacent to the site.
- ((d)) Label and show location of sidewalks and/or trails on and adjacent to the site.
- ((e)) Label and show location of all existing street lights on and adjacent to the site.
- ((f)) Label and show location of sanitary sewer mains and manholes on and adjacent to the site.
- ((g)) Label and show location of sanitary laterals and cleanouts on and adjacent to the site.
- ((h)) Label and show location of water mains on and adjacent to the site.
- ((i)) Label and show location of water services and meters on and adjacent to the site.
- ((j)) Label and show location of any known private utilities on and adjacent to the site. Boundaries, purposes and widths of all existing easements.
- ((k)) All survey monuments, lot corners, block markers, and other types of markers, together with their descriptions.
- ((l)) Location of all Major 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps or more detailed floodplain studies that have been approved by the Town. Include the flood zone designation and map panel and date of latest FIRM. (As applicable).
- ((m)) Location of all Minor 100-year floodplain as shown on the Town's floodplain maps or more detailed floodplain studies that have been approved by the Town. (As applicable).
- ((n)) All overland watercourses and drainage structures on or adjacent to the lot with all top elevations and inverts of structures clearly noted.
- ((o)) Exact location of existing buildings and other impervious areas on the lot or within 25 feet of the clearing and grading limits.
- ((p)) Archeological, natural and historical features, and landmarks as may be shown on the approved Construction or Site Plans.
- ((q)) Identification and location of areas of contamination, remediation, and other adverse environmental conditions of the property as may be shown on the approved Construction or Site Plans.

- ((r)) Identification and location of any grave, object, or structure marking a place of burial as may be shown on the approved Construction or Site Plans.
- ((s)) Identification and location of any wetlands on the property as may be shown on the approved Construction or Site Plans.
- ((t)) Identification and location of any existing wells or septic systems on the lot or within 25 feet of the limits of clearing and grading as may be shown on the approved Construction or Site Plans.

Additional requirements for non-bonded lots only

- ((u)) Boundary Survey (with all existing property lines with metes and bounds and departing lot lines) certified by a Commonwealth of Virginia Certified Land Surveyor, with maximum error of closure per Department of Professional and Occupation Regulation, and the true meridian or the Virginia State Grid.
- ((v)) All trees with a diameter at breast height (dbh) of 12 inches or greater shall be specifically located (with an accurate dripline) and identified on the plan within 25 feet of the clearing and grading limits. Call out specific identification of any heritage, specimen, or memorial trees, including a narrative describing methods for preservation of any trees that are to remain. (Off-site permissions may be required).
- ((w)) Label and show location of full width existing driveways and access points on the property and within 25 feet of the site
- ((x)) Label and show location of full right-of-way (including category of road) within 25 feet of the site.
- ((y)) Label and show location of full width existing roadway pavement on, adjacent to, and within 25 feet of the site.
- ((z)) Label and show location of curb and gutter on, adjacent to, and within 25 feet of the site.
- ((aa)) Label and show location of sidewalks and/or trails on, adjacent to, and within 25 feet of the site.
- ((bb)) Label and show location of all existing street lights, adjacent to, and within 25 feet of the site.
- ((cc)) Label and show location of sanitary sewer mains and manholes on, adjacent to, and within 25 feet of the site.
- ((dd)) Label and show location of sanitary laterals and cleanouts on, adjacent to, and within 25 feet of the site.
- ((ee)) Label and show location of water mains on, adjacent to, and within 25 feet of the site.
- ((ff)) Label and show location of water services and meters on, adjacent to, and within 25 feet of the site.
- ((gg)) Label and show location of the nearest Fire Hydrant to the site.

- ((hh)) Label and show location of any known private utilities on, adjacent to, and within 25 feet of the site.
- ((ii)) Archeological, natural and historical features, and landmarks or statement that none exist.
- ((jj)) Identification and location of areas of contamination, remediation, and other adverse environmental conditions of the property or statement that none exist.
- ((kk)) Identification and location of any grave, object, or structure marking a place of burial or statement that none exist.
- ((ll)) Identification and location of any wetlands on the property.
- ((mm)) Identification and location of any existing wells or septic systems on the lot or within 25 feet of the limits of clearing and grading.
- ((nn)) Existing uses and zoning of all adjoining properties. (For non-bonded lots).

(4) **Graphic Requirements and Proposed Improvements.**

- ((a)) All sheets shall be clearly and legibly drawn at a scale no more than 30 feet to the inch.
- ((b)) Provide a North Arrow.
- ((c)) Provide a Bar Scale.
- ((d)) Provide a Legend for all proposed and existing items shown.
- ((e)) Provide numbered sheets, which shall be clearly marked Lot Grading Plan.
- ((f)) Bonded lot grading plan size sheets should be submitted on a minimum 8.5"x14" sheets.
- ((g)) Location of proposed entrance.
- ((h)) Show and label length and width dimensions of the driveway.
- ((i)) Show and label the length and width dimensions of the driveway apron.
- ((j)) Show all Lead Walks
- ((k)) Clearly depict all yard requirements and the proposed building footprint. Dimension layout of all site improvements with all dimensions tied to the boundary at all lot boundaries to the nearest 0.1' of a foot to each property line.
- ((l)) Clearly label and depict any required buffer yards and indicate the type and location of the buffer yards proposed. (If applicable).
- ((m)) Clearly label and depict any required buffer yard plantings and indicate the type and location of the plants proposed. (If applicable).
- ((n)) Identification of tree protection and tree preservation areas shall be shown and identified on the plan within 25 feet of the clearing and grading limits. (Off-site permissions may be required).

- ((o)) Show location of the proposed structure with the exact options to be constructed (such as but not limited to: porches (must clarify if covered), garages, chimneys, bay windows, balconies, stoops, steps, landings, areaway, egress window wells, bump-outs, extensions, decks and the like).
- ((p)) Show exact location of A/C and heating units with dimensions of unit(s) and required setbacks clearly depicted.
- ((q)) Show location of existing or proposed water service and existing or proposed meter (from the main to the meter).
- ((r)) Show location and invert elevation of existing or proposed sanitary lateral and existing or proposed cleanouts at property line and within five feet of the proposed building.
- ((s)) Airport Noise Zone limits (Ldn 65) as defined on the Airport Master Plan and any other Noise Abatement District or Corridor as defined in the Leesburg Design and Construction Standards Manual, if applicable.
- ((t)) Location of foundation drains and downspouts (Do not discharge concentrated storm water directly onto adjacent properties where an adequate outfall does not exist).
- ((u)) For Model Homes only: Show parking lot location with dimensions and pavement design. Also, include the number of parking spaces proposed as well as ADA access to the model unit. A separate lot Grading Plan shall be required to be submitted for each lot impacted by the temporary parking lot (as may be applicable) to avoid new house sitings being approved for lots temporarily being used as parking areas.

Additional requirements for non-bonded lots only

- ((v)) Non-Bonded lots can be submitted on sheets ranging in size of 8.5” x 14” up to 24” x 36” sheets depending upon the amount of information required to be shown.
- ((w)) Provide a typical pavement section of all proposed entrances, driveways, parking lots, spaces, aisles, sidewalks, and trails; as may be applicable. (For Non-Bonded Lots).
- ((x)) Provide sight distance plan and profile for the proposed driveway location. Director reserves the right to dictate location of driveway based upon safety concerns.
- ((y)) On a case by case basis, additional water and sanitary sewer calculations may be required by the Director of Utilities.

(5) Grading Requirements.

- ((a)) Provide exact proposed elevations (to the hundredth) for the proposed basement, proposed first floor and lip of garage.
- ((b)) Proposed topography with maximum of two-foot contours shown as solid lines and labeled.

- ((c)) Proposed spot shots at each corner of the proposed structure as well as at all openings such as but not limited to doors, exits, ground/basement windows, areaways, garage lip at driveway, porches, stoops, steps, and other key points.
- ((d)) Spot shots as required to show positive grading away from the structure(s) and to show positive drainage (minimum slope of 2%) throughout the lot, at the right of way line and at key spots along the adjacent roadways.
- ((e)) Specify number of risers for all stairs and areaways, add spot shots at top and bottom landings.
- ((f)) Show and label location and maximum height of all retaining walls with spot elevations at top and bottom of wall at each end as well as at several points in between. (As applicable).
- ((g)) Show Driveway slope; Minimum slope is 2% and Maximum slope is 8% or up to 12% with a driveway profile. (On a case by case basis and with clear and unique justification, the Director may consider modifying the required minimum or maximum driveway slopes.)
- ((h)) Show drainage arrows.
- ((i)) Provide accurate Limits of Clearing and Grading.

Additional requirements for non-bonded lots only

- ((j)) All required Erosion and Sedimentation Controls and Tree Preservation measures are provided for the lot.
- ((k)) Erosion and sediment control narrative and details are required to be on the plan.
- ((l)) Provide 100 year overland relief path showing 0.5 feet of freeboard above the 100 year water surface elevation to the lowest structure opening and provide associated overland relief calculations.

(6) Other information.

- ((a)) Use Town of Leesburg standard cover sheet, latest edition. (Not required for Bonded Lots. Optional for Non-Bonded Lots)
- ((b)) Wall checks are required for every new structure associated with a Lot Grading Plan. Wall Check shall include the following items:
 - ((1.)) Horizontal location of all walls once poured.
 - ((2.)) Vertical elevations at the top of wall at all corners of structure.
Vertical elevation of the basement or crawlspace slab.
 - ((3.)) Vertical elevations of garage slab (at both sides of the front lip).
 - ((4.)) Exterior building material to be used (brick, heart plank, siding or other).
 - ((5.)) Driveway slope.

Sec. 2.24 Revisions to Approved Lot Grading Plan Vs. New Lot Grading Plan Application

- (a) Revisions to approved Lot Grading Plans are required when:
 - (1) Minor adjustments to add or delete options or features as shown on the previously approved Lot Grading Plan (such as but not limited to chimneys, decks, stoops, steps, porches, bay windows, areaways, egress window wells, and other such features.)
- (b) New and complete Lot Grading Plan application packages are required when:
 - (1) Changes to house types or regrading of the lot require the submission of a new Lot Grading Plan submission.
 - (2) Changes to adjacent frontage (non-bonded lots) that impact grading, water service, sanitary sewer service or construction of any other improvements shown on the previously approved Lot Grading Plan.
 - (3) If the Lot Grading Plan expires.

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