

DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

To: Chairman and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: February 20, 2014

**Subject: Board of Supervisors Referral: Amendments to Zoning Ordinance and Subdivision Ordinance (pertaining to Local Stormwater Management Program)**

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On January 14<sup>th</sup>, 2014, the Department of Planning & Zoning received Board of Supervisors (BOS) Resolution R2014-05, titled “Referral of Amendments to Nelson County Zoning & Subdivision Ordinance[s] to Nelson County Planning Commission (Local Stormwater Management Program).”

That BOS referral (a copy of which is provided with this report) asks the Planning Commission to take action on, “proposed changes to the Zoning and Subdivision Ordinance[s] to be in concurrence with the mandated Stormwater Management Ordinance currently under review by the Virginia Department of Environmental Quality...”

Specifically, the referral directs the Planning Commission to, “review and develop a report on the Commission’s findings and recommendations to the Board in accordance with Chapter 22 of the Code of Virginia.” This directive to the Commission includes the need to hold a public hearing before forwarding your recommendations to the Board for their consideration of legislative action.

The proposed amendments (a copy of which is provided in this report) are narrow in scope, and relate solely to the state-mandated Local Stormwater Management Program which is currently scheduled to take effect on July 1, 2014. The proposed amendments are intended to ensure that the County’s policies and procedures are internally consistent, with the existing Subdivision Ordinance and Zoning Ordinance containing provisions that correlate with the new Stormwater Management (SWM) Ordinance that is expected to be adopted in the near future.

The proposed amendments were drafted by Ms. M. Ann Neil Cosby, an attorney with Sands Anderson who was retained as part of a state-funded grant that Nelson County was awarded in 2013 to help cover the expenses associated with the development of a local stormwater management program.

County staff recommend that the proposed amendments ultimately be adopted as they exist in the referral. The amendments were crafted with specific intent to correlate with the anticipated SWM Ordinance, and have also previously received legal review. As such, please consider directing staff

to advertise legal notice for a public hearing on these proposed amendments, as they exist, for the March 26, 2014 Planning Commission meeting.

Importantly, please also note that the General Assembly is currently considering legislative action that may postpone and/or eliminate the existing state mandate to establish local administration of the SWM program by July 1, 2014. The General Assembly is also currently considering legislative action that could affect the contents of Nelson County's proposed SWM Ordinance. In regards to these ongoing considerations, Mr. Steve Carter, Nelson County Administrator, has stated that he will inform me if the County needs to postpone action on this issue. I will keep the Planning Commission apprised of any developments in this regard.

Thank you, and please contact me with any questions you may have.

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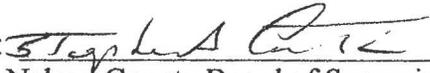
**RESOLUTION R2014-05**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**REFERRAL OF AMENDMENTS TO NELSON COUNTY ZONING & SUBDIVISION**  
**ORDINANCE TO NELSON COUNTY PLANNING COMMISSION**  
**(LOCAL STORMWATER MANAGEMENT PROGRAM)**

**WHEREAS**, the Nelson County Board of Supervisors (the Board) has received and reviewed in public session conducted on January 14, 2014 a staff report on changes proposed to Appendix A-Zoning (Nelson County Zoning Ordinance) and Subdivision Ordinance of the Code of the County of Nelson, Virginia; and,

**WHEREAS**, the staff report proposed changes to the Zoning and Subdivision Ordinance in order for these Ordinances to be in concurrence with the mandated Stormwater Management Ordinance currently under review by the Virginia Department of Environmental Quality; to be used in administering the Local Stormwater Management Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Chapter 22, Planning, Subdivision of Land and Zoning of the Code of Virginia, 1950 with specific reference to §15.2-2285 of said Code, that the proposed amendments of the Code of Nelson County to incorporate local Stormwater Management Program components be referred to the Nelson County Planning Commission for review and development of a report on the Commission's findings and recommendations to the Board in accordance with Chapter 22 of the Code of Virginia.

Approved: January 14, 2014

Attest:  Clerk  
Nelson County Board of Supervisors

**PROPOSED AMENDMENTS TO NELSON COUNTY, VIRGINIA  
ZONING ORDINANCE**

**Article 7 – Residential Planned Community District RPC**

7-8

*Street Improvements*

7-8-5

The uniqueness of each proposal for a Residential Planned Community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, and the specifications for curbs, gutters, sidewalks, streetlights, and stormwater drainage shall be subject to modification from the specified, waive or modify the specifications otherwise applicable for a particular facility where the Planning Commission finds that such specifications are not required in the interests of the residents of the Residential Planned Community and that the modifications of such specifications are not inconsistent with the interests of the entire county, and conform to all other applicable ordinances and laws.

**Article 10 – General Floodplain District FP**

10-16

*Standards for the floodway district.*

The following provisions shall apply within the floodway district:

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Planning and Zoning Director.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the property owner first applies and obtains the following:

1. Receives an endorsement from the State's Floodplain Program Engineer;
2. Receives a special use permit from the Nelson County Board of Zoning Appeals for a conditional Flood Insurance Rate Map and floodway revision; and
3. Receives the approval of the Federal Emergency Management Agency.

4. [Receives a Stormwater Management Permit in accordance with the County's Stormwater Management Ordinance \[Chapter \\_\\_\\_\\_, Code of Nelson County.\]](#)

- B. If [Section 10-19](#) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
- C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

10-20

*Standards for subdivision proposals*

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems [and stormwater BMP's/facilities](#) located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- D. Base flood elevation data shall be provided for subdivision proposals and other development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

10-21

Design criteria for utilities and facilities.

- A. Sanitary sewer facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- B. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- C. Drainage facilities. All storm facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate large, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

- D. Utilities. All utilities, such as gas lines, electrical and telephone systems, [and stormwater BMPs/facilities](#), being placed in floodprone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- E. Streets and sidewalks. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

### **Article 13 – Site Development Plan**

13-4

#### *Site Plan Content*

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture, or land surveying, shall be prepared by a qualified person. Final Site Plans submitted for approval shall be certified by an architect, landscape architect, engineer, or land surveyor licensed or certified to practice by the Commonwealth of Virginia within the limits of his respective license or certification.

The Major Site Plan shall include:

- A. The plan shall be prepared at a scale of not less than 1"=20" except for the index sheet, unless approved by the Planning and Zoning Director.
- B. If the plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- C. Dimensions shall be in feet and decimals of feet to the closest one hundredth of a foot.
- D. The proposed title of the project and the name of the owner(s), engineer, architect, landscape architect, surveyor, and developer, as applicable.
- E. A signature panel to indicate approvals from the following:
  - a. Planning and Zoning Director.
  - b. Virginia Department of Transportation.
  - c. Virginia Department of Health.
  - d. Thomas Jefferson Soil and Water Conservation District.
  - e. Nelson County Service Authority.
- F. Tax map and parcel number.
- G. Adjacent property owners.
- H. North arrow, scale graphic, and date.
- I. Vicinity map.
- J. Existing zoning and zoning district boundaries on the property in the development and on immediately surrounding properties. All special zoning requirements attached directly to the site as a result of the issuance of any Special Use Permit, variance, or rezoning.
- K. The boundaries of the property in the development, including bearings and distances.

- L. All existing property lines, existing streets or rights-of-way opened or unopened; buildings, watercourses, and lakes; and other existing physical features in or adjoining the project. The physical features, such as watercourses, waterways and lakes on the adjoining properties need only be shown in approximate scale and proportion.
- M. Features of particular historic, cultural, scientific, or scenic significance as identified in the Comprehensive Plan, by the Planning and Zoning Director, or by any County department or state agency having site plan review responsibilities, or by the Virginia Department of Historic Resources, the Virginia Department of Conservation and Recreation, or the Virginia Outdoors Foundation including, but not limited to, historic features, archaeological features, and graveyards.
- N. Building setback lines; the location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general uses for each building; and the number, size, and type of dwelling units where applicable. Preliminary plans and elevations for main and accessory buildings.
- O. Type, location, height, and materials of all existing and proposed fences and walls.
- P. Site coverage, showing percentage of site in buildings, parking, and open space.
- Q. Existing and proposed topography and contour lines of the development site with a contour interval of two (2) feet or less.
- R. The location and size of sanitary and storm sewers, gas lines, water mains, [stormwater management BMPs/facilities](#), culverts, and other underground structures; all overhead utilities and supporting poles in or affecting the development area, including existing and proposed facilities; and easements for these facilities, including the width of the easement.
- S. The location of all existing and proposed off-street parking and parking bays, loading spaces, and pedestrian walkways, indicating types of surfacing, dimensions of stalls, width of aisles and a specific schedule showing the number of parking spaces.
- T. Final plan for all signs to be erected and/or placed on building. The plan shall show the location and size of each sign along with the purpose of the sign.
- U. A final landscape plan.
- V. Outdoor lighting information, including a photometric plan and location, description and photograph or diagram of each type of outdoor luminary.
- W. All paving, including, without limitation, gravel or other pervious surfaces, shall be of a design and quality to support the traffic which can reasonably be expected to be generated by the proposed use.
- X. Limit of one hundred-year floodplain, and floodway as defined in Article 10 of this ordinance.
- Y. Location of any wetlands in compliance with applicable federal, state, and local definition of wetlands.
- Z. The location and dimensions of proposed recreation or open space, and required amenities and improvements, including details of disposition, in accordance with any open space or recreation plan adopted by the County.

- AA. Cul-de-sacs may not be construed or employed as a parking area. Suitable easements for future public water and sewer facilities necessary to serve the property shall be indicated on the plan.
- BB. All new electrical, telephone, cable television, fiber optic, and other utility lines on the site shall be installed underground.
- CC. To the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal structure on the site unless topographic features or vegetation provide effective screening.
- DD. Site planning shall consider the future development of adjacent parcels as recommended by the Nelson County Comprehensive Plan or other approved local plan and as may be indicated by any filed site plan, whether approved or under review. The site plan shall provide for safe and convenient vehicular and pedestrian circulation between sites to be occupied by complementary uses.
- EE. If phasing is planned, phase lines and proposed timing of development.
- FF. A copy of the approved final Erosion and Sediment Control and Stormwater Management Plan.
- GG. Option: A Preliminary Major Site Plan may be submitted to the Planning Commission for review and comment prior to submittal of the Final Site Plan for review and approval.

### 13-6

#### *Improvements*

#### 13-6-1

All required improvements shall be installed by the developer at his cost. In cases where specifications have been established either by the Virginia Department of Highways for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The developer's bond shall not be released until construction has been inspected and approved by the governing body. All improvements shall be in accordance with the following requirements:

- a. *Streets.* All streets in the proposed development shall be designed and constructed by the developer at no cost to the locality.
- b. *Alignment and layout.* The arrangement of streets in developments shall make provision for the continuation of existing streets in adjoining areas and proposed streets on adjacent approved site plans. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Where, in the opinion of the Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for development will not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees,

- unless approved by the Planning and Zoning Director upon recommendation of the highway engineer.
- c. *Service drives.* Whenever a proposed development contains or is adjacent to a limited-access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed development. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited-access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
  - d. *Approach angle.* Major streets shall approach major or minor streets at an angle of not less than eight (80) degrees, unless the Planning and Zoning Director, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain, or matching of existing patterns.
  - e. *Minimum widths.* The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan shall be as specified by the Virginia Department of Highways for acceptance into the State Secondary System.
  - f. *Construction requirements.* All public streets shall be constructed to requirement as specified by the Virginia Department of Highways for acceptance into the State Secondary System.
  - g. *Minimum street construction.* Private streets will be so constructed as to alignment and grade, that the minimum grade is no greater than the Virginia Department of Highways Standards for the particular terrain. Road metal or base shall be of a material and width acceptable to the Virginia Department of Highways. Proper drainage shall be installed and maintained.
  - h. *Names.* Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane, or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the Planning and Zoning Director. Names of existing streets shall not be changed except by approval of the governing body.
  - i. *Storm drainage facilities.* The developer shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The developer shall also provide plans for all such improvements together with a properly qualified engineer's or surveyor's statement that such improvements when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The developer shall also

provide any other information required by the highway engineer. The developer shall install the approved storm drainage facilities.

[Conformance with Article \\_\\_\\_\\_\\_ \[Stormwater Management Ordinance\], when required, shall be deemed to satisfy this subsection.](#)

- j. *Fire protection.* Adequate fire hydrants in a development at locations approved by the Planning and Zoning Director shall be installed by the developer, provided adequate public water is available. The location of the fire hydrants shall meet the National Board of Fire Underwriters specifications.
- k. *Easements.* The Commission may require that easements for drainage through adjoining property be provided by the developer. Easements of not less than fifteen (15) feet in width shall be provided for drainage, water, sewer, power lines and other utilities in the subdivision when required by the Planning and Zoning Director.
- l. *Bond.* Before any site plan will be finally approved the developer shall, in lieu of construction, furnish bond, or other security acceptable to the governing body, in an amount calculated by the Planning and Zoning Director to secure the required improvements in accordance with specifications and construction schedules established, which bond shall be payable to and held by the governing body. [Bonds required for stormwater management facilities shall be provided as required in Article \\_\\_\\_\\_\\_.](#)
- m. *Plans and Specifications.* Two (2) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by a licensed surveyor or licensed engineer and shall be submitted to the Planning and Zoning Director for approval or disapproval within sixty (60) days. If approved, one (1) copy bearing certification of such approval shall be returned to the developer. If disapproved, all papers shall be returned to the developer with the reason for disapproval in writing. If no action in sixty (60) days, the plat shall be deemed approved.

13-6-2

Where the developer can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning and Zoning Director a departure may be made without destroying the intent of such provisions, the Commission may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the Commission, with the reasoning on which the departure was justified, set forth. No such variance may be granted by this ordinance which is opposed in writing by the highway engineer or health official [or which fails to conform to all other ordinances and laws.](#)

13-7

*Administration.*

A. *Administrative Authority.*

- 1. The Board of Supervisors designates the Planning Commission to review and act to approve or disapprove Final Site Plans within its jurisdiction.

2. The Planning and Zoning Director is designated to review and act to approve or disapprove Minor Site Plans, provided however, that the Planning and Zoning Director may refer any application within his jurisdiction to the Planning Commission for review and action.
  3. In the performance of its duties in the review of Final Site Plans, the Planning Commission shall request and consider the review and comments of the Planning and Zoning Director, the Site Plan Review Committee, selected County staff, and other public agencies.
  4. Approval Procedures.
    - a. The Planning and Zoning Director shall consult with the Virginia Department of Highways and Transportation, the Department of Health, and any other officials and professional representatives he deems necessary in preparation of his comments and recommendations.
    - b. Upon the official submission of a Final Site Plan, the Planning Commission shall complete action in accordance with Section 15.2-2259 of the Code of Virginia as amended from time to time.
    - c. Upon the official submission of a plan requiring approval by the Planning and Zoning Director, the Planning and Zoning Director shall complete action in accordance with Section 15.2-2259 of the Code of Virginia as amended from time to time.
    - d. An "official submission" is a plan that has been filed in the correct form in the proper office accompanied by the appropriate fee and containing all information required by this Article.
- B. *Other Administrative Considerations.*
1. The Planning and Zoning Director, as the designated agent of the Planning Commission, shall be responsible for the receipt and processing of all site plan applications, subject to the procedures provided in this chapter.
  2. The Planning and Zoning Director may establish, from time to time, such proper and reasonable administrative procedures, in addition to those provided herein, as shall be necessary for the proper administration of this chapter.
  3. County Staff and other designated public officials responsible for the supervisions, inspection, testing and enforcement of this chapter shall have the right to enter upon any property subject to the provisions of this chapter and the Zoning Ordinance at all reasonable times during the periods of plan review and construction for the purpose of ensuring compliance with this chapter.
  4. It shall be the responsibility of the applicant, owner or developer to notify the Planning and Zoning Director when each stage of the development shall be ready for field inspection for compliance with the approved site plan in accordance with testing and inspection schedules and regulations promulgated by this chapter.
- C. *Waiver of Requirements for a Site Plan.* The Planning and Zoning Director, at his sole discretion, may waive the requirement for a Minor Site Plan or any required element specified within it upon consideration of the factors outlined below.

provided that no such waiver shall be deemed to be a waiver of any other ordinance provision or requirement.

**Comment [anc1]:** Note to County Staff, the criteria for Minor Site Plans are not included in this section of the Ordinance.

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The Planning Commission, at its sole discretion, may waive the requirements for the Major Site Plan or any required element specified within it upon consideration of the following factors:

1. Where it can be clearly established by the applicant that the use will not require the improvements subject to review in this chapter.
2. Where it can be clearly demonstrated by the applicant that a waiver from the requirement to submit a site plan (or a portion thereof) will be in keeping with the intent of this chapter.
3. Where it can be clearly shown that the application for a site plan and building permit involves building and safety regulations which are not critical to the purpose and intent of the Zoning Ordinance.
4. Where it can be clearly established by the applicant that such waiver will not have an adverse effect on: (a) the public health, safety, welfare, and convenience; (b) the planning for and provision of adequate public facilities, utilities, drainage, environmental controls, and transportation facilities; (c) preservation of agricultural, forestry and conservation lands; and (d) other relevant considerations related to the Comprehensive Plan.
5. Where it can be demonstrated that any change in, or expansion of, a use that meets the following criteria:
  - a. Such change or expansion does not occasion additional parking as required by this ordinance, and
  - b. No additional ingress/egress to a public road or changed ingress/egress is recommended by the Planning and Zoning Director based on intensification or use, and
  - c. No additional ingress/egress or alteration of existing ingress/egress is proposed, and
  - d. Disturbed land is less than five thousand (5,000) square feet in area, and
  - e. It has been verified in writing by the Planning and Zoning Director that: (a) availability and connection water and sewer are attainable; or (b) adequate private well and septic facilities can be provided where public water and sewer are not available.
6. An applicant seeking a waiver from a requirement to submit a Major or Minor Site Plan (or any portion thereof) shall, upon request, provide written documentation to the Planning and Zoning Director addressing the applicable conditions for waiver.

For Final Site Plan waivers, the Planning and Zoning Director shall refer the request and applicant's supporting documentation to the Planning Commission for action at its next regularly scheduled meeting. The applicant shall be notified in writing of the outcome of such action by the Planning and Zoning Director within ten (10) days upon action by the Planning Commission.

7. Notwithstanding any grant of waiver the applicant is not relieved by such grant of having to obtain all necessary permits and approvals, including but not limited to a building permit, erosion and sediment control permit, stormwater management permit, and, upon completion of improvements, a certificate of occupancy.

NELSON COUNTY, VIRGINIA, CODE OF ORDINANCES  
APPENDIX B – SUBDIVISIONS

Section 4 – Design Standards

4-3 Streams, Drainage, ~~and~~ Erosion Control, and Stormwater Management

- A. Streams: When any stream is located within the boundaries of a property being subdivided, the developer/subdivider shall reserve a fifty (50) foot wide buffer zone (measured from the bank of the stream) on each side of the stream.

If a stream lies outside the subdivision boundary and the property being subdivided is located less than fifty (50) feet from the bank of the stream, the developer/subdivider shall reserve as a buffer zone whatever portion of the subdivided property lies within fifty (50) feet of the stream measured from the stream bank.

No residential structure or associated outbuilding shall be permitted within this buffer zone and such buffer zone shall not be considered part of any required street width.

- B. Drainage: For drainage purposes adequate easements, no less than ten (10) feet wide, shall be reserved over each manmade drainage course.

- C. Erosion and Sediment Control Plan ~~and Stormwater Management Improvements~~. If any subdivision requires land disturbing activity for which an erosion and sedimentation control plan must be filed pursuant to the Nelson County Erosion and Sediment Control Ordinance then the developer/subdivider must submit such plan and receive approval from the plan approving authority. ~~Systems and Best Management Practices shall be provided as part of the erosion control plan for storm runoff quantity and quality control in accordance with the "Design Guidelines and Development Standards for Stormwater Management in Nelson County, Virginia, Manual," dated August, 2003, as amended. Such plan must be filed as an addendum with the final plat. The developer/subdivider must apply for a land disturbing permit prior to commencement of any land disturbing activity.~~

- D. Stormwater Management Plan. If any subdivision requires land disturbing activity for which a stormwater management plan must be filed pursuant to the Nelson County Stormwater Management Ordinance, then the developer/subdivider must submit such plan and receive approval from the Program Administrator.

Comment [anc1]: Note: these existing buffer requirements are more restrictive than current SWM regulations require.

5-4  
Preliminary Plat.

- A. General Requirements. Four (4) copies of the preliminary plat prepared by a person qualified to do such work, including but not limited to land planners, urban planners, professional engineers and surveyors, or persons having training or experience in subdivision planning or design shall be filed with the agent. The preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch. Where conditions warrant, an alternate scale may be approved by the agent.
- B. Contents of Preliminary Plat. The preliminary plat shall show the following:
- (1) A topographic map with a contour interval of not greater than twenty (20) feet (or as approved by the agent) showing all the area covered by the proposed subdivision property related to Coast and Geodetic Survey data with the boundary lines of the tract to be subdivided and the 100-year flood plain limits delineated where applicable.
  - (2) The approximate total acreage of the proposed subdivision, proposed location of lots, lot numbers in numerical order, approximate dimensions and area of each lot, and block identification.
  - (3) The approximate location, width, and names of all existing or proposed streets within or adjacent to the proposed subdivision; the approximate locations of all railroads, watercourses, and existing buildings shown on Coast and Geodetic Survey maps or other topographic data and located within the boundaries of the proposed subdivision.
  - (4) The approximate location of all parcels of land intended to be dedicated, or reserved for public use, or to be reserved in the deed for the common use of property owners in the subdivision.
  - (5) The title under which the subdivision is proposed to be recorded, the names and addresses of the record owner and developer/subdivider, the name of the individual who prepared the plat, the date of drawing, number of sheets, the North point, and the scale.
  - (6) A vicinity sketch map of the area within a two-mile radius of the proposed subdivision showing the relationship of the proposed subdivision to the adjoining property; and showing all adjoining roads, their names and numbers, and other landmarks.
  - (7) Proposed provisions for all utilities including but not limited to electric, telephone, water and sewage, and stormwater management BMPs/facilities.

5-5 Final Plat

- D. Addenda with Final Plat

9. A stormwater management plan is required by the Nelson County- Code.