

**SECTION 100**

**GENERAL INFORMATION AND POLICIES**

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## SECTION 100

### GENERAL INFORMATION AND POLICIES

#### 101.00 POLICIES

##### 101.01 Purpose:

A. This manual, fully named the PRINCE WILLIAM COUNTY DESIGN AND CONSTRUCTION STANDARDS MANUAL, has been developed and designed to assist the public in knowing the policies and regulations which apply to land development in Prince William County. The provisions contained herein relate primarily to the requirements which apply to the review and approval of site development plans and plats, and construction in accordance with those plans.

B. This manual effectuates or supplements requirements of the following:

1. Zoning Ordinance.
2. Subdivision Ordinance.
3. Health Laws of Virginia.
4. Code of the Commonwealth of Virginia.
5. State Soil Erosion and Sedimentation Control Law.
6. Virginia Uniform Statewide Basic Building Code (VUSBC).
7. Chesapeake Bay Preservation Area Designation and Management Regulations 9 VAC 10-20-10 et seq.
8. Virginia Department of Transportation Standards and Specifications.
9. Prince William County Administrative Procedures Manual (Administrative Procedures for the Management of Site Development Projects).

C. The laws and ordinances with the more restrictive provisions shall take precedence in the event of conflict between the laws and ordinances in Section 101.01(B) and this manual.

D. This manual is an ordinance and shall have the force and effect of law. In the event any part or provision of this manual is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this manual, which shall remain effective.

E. The standards and specifications contained herein are the minimum acceptable standards. The director of Public Works, the director of Department of Development Services and/or the director of Transportation may, in certain circumstances, require higher standards if it is deemed necessary for the insurance of health, safety, and welfare of the citizens of the County.

**101.02 Effective Date:** The original effective date of this manual was February 1, 1981. The manual was last amended on June 6, 2006.

**101.03 Amendments:**

A. When this manual is amended by the Board of County Supervisors, such amendments shall take effect sixty (60) calendar days from the date of Board approval thereof. During the sixty (60) days after Board of County Supervisors' approval, an applicant may choose to have a site development project comply with the newly amended standards prior to their effective date. The applicant may do so if copies of the newly amended standards are available to the development community and if the applicant states in writing on the application which set of standards he chooses to comply with for the site development project.

B. The provisions of this manual are adopted as policies of the Board of County Supervisors. They are subject to review by a continuing DCSM/Zoning Ordinance Advisory Committee which was created by the Board of County supervisors to review and comment on recommended revisions to the Design and Construction Standards Manual, Zoning Ordinance and to provide continuity among the Comprehensive Plan, the Zoning Ordinance and the Design and Construction Standards Manual.

C. The director of the Department of Development Services and Planning, or their designees, shall act as the co-chairmen of the DCSM/Zoning Ordinance Advisory Committee and shall convene the committee as deemed necessary to review proposed amendments to the manual. The director of Development Services or designee will chair the committee when discussing Design and Construction Standards Manual amendments. Whenever amendments to the manual are being proposed which the chairmen have not been able to review in advance with the committee, the proposed amendments shall be submitted to the committee, in writing, prior to the required public hearing. All amendments to the manual shall be considered by the Planning Commission and the Board of County Supervisors.

**101.04 Administration:**

A. The provisions of this manual shall be administered jointly and cooperatively by the Departments of Public Works, Transportation and the Department of Development Services.

B. Generally, the Department of Development Services shall be responsible for the review of zoning requirements and for the formal approval, permitting and bonding processes. The Department of Public Works and the Department of Transportation shall jointly be responsible for the technical and engineering review of submissions. The Department of Development Services also performs proffer review and the coordination of the review of agencies.

C. The Department of Public Works and the Department of Transportation shall jointly be responsible for site inspections and related enforcement of regulations found in this manual.

**101.05 Waivers:**

A. The provisions of this manual shall be required unless specifically waived, where applicable, by either the director of the Department of Development Services, the director of Public Works or the director of Transportation, according to their respective areas of administration, as cited in the manual. Waiver requests for fees, monetary contributions, escrows, and extensions of plan approval validity periods shall not be considered.

B. In considering and acting upon waivers and in consideration of the public health, safety, and welfare, the County may prescribe appropriate conditions and safeguards to further express the intent of this manual.

C. Waivers shall be a part of the official record of the submission.

**101.06 Fees:** The application fees for the review of plats, plans, other necessary documents, and construction permits are established by the Board of County Supervisors by resolution and are updated periodically.

**101.07 Appeal of Directors' Decisions:** The decision of the director of the Department of Development Services, the director of Public Works or the director of Transportation is final. If the director of the Department of Development Services disapproves

any plan submitted pursuant to all processing requirements identified in this section, and the applicant of such plan contends that such disapprovals were not properly based on applicable state and local ordinances and policies, he may appeal to the Circuit Court having jurisdiction over Prince William County. Such appeal must be filed with the Circuit Court within sixty (60) days of the written disapproval of the director of the Department of Development Services.

**101.08 Criminal Penalties - Emergency Orders:**

A. Any person, including the owner of property on which construction subject hereto is occurring, who violates any provisions of this manual, or who fails to comply with a violation notice and stop work order, shall be guilty of a Class 1 misdemeanor. Each day on which a violation is found to exist shall constitute a separate offense.

B. Whenever the director of Public Works finds that any existing grading, drainage or other condition involving the application of these regulations constitutes or creates a public hazard, the owner of the property on which such condition is identified shall, upon receipt of notice in writing from the director of Public Works, perform or cause to be performed such remedial work, repairs, or maintenance as the director of Public Works deems necessary to abate the hazard. Any such work shall be done in conformance with the requirements of this manual and any orders issued by the director of Public Works. Failure to comply with an emergency order hereunder shall constitute a Class 1 misdemeanor.

### **101.09 Public Protection:**

A. The following kinds of construction sites shall be deemed readily accessible to the public and shall require special safety measures:

1. Sites within five hundred (500) feet of residential areas.
2. Sites within five hundred (500) feet of public use areas such as schools, parks, churches, commercial areas.
3. Any other sites which, in the determination of the director of Public Works, are readily accessible to the public due to prolonged time of construction, close proximity to public or private streets, or any other characteristics or conditions making the site particularly attractive to children.

B. The following safety measures shall apply to insure protection to the general public whenever construction areas are readily accessible:

1. Danger signs on construction, excavation, or demolition projects shall be posted in a conspicuous manner.
2. Excavations shall be conducted in accordance with the requirements of the Virginia Uniform Statewide Building Code (VUSBC) and the Virginia Occupational Safety and Health Standards (VOSH).
3. Because temporary sediment basins and traps can be attractive to children and can be dangerous, they shall be fenced and posted, or otherwise made inaccessible to persons or animals, unless this is deemed unnecessary by the director of Public Works, due to the remoteness of the site or other circumstances. In general, temporary fencing shall be a minimum of five (5) feet high, woven-wire fabric or approved equal.

## **110.00 SUBDIVISION ORDINANCE AND SITE DEVELOPMENT PLANS IN GENERAL**

### **110.01 Purpose:**

A. The purpose of the Subdivision Ordinance is to implement the County Comprehensive Plan, encourage the orderly subdivision of land, and improve the public health, safety, convenience, and welfare of the citizens of the County, to insure that the County land records remain clear, and that certain basic requirements are met for development of building lots, and to provide for the construction of required public improvements. The recordation of an approved subdivision plat permits the landowner to effect a simple transfer of land created by the subdivision by reference to the recorded plat.

B. The purpose of the review and approval of site development plans is to insure that the requirements of the subdivision and zoning ordinances and state laws and this manual are met,

and that public improvements, lawfully required by these laws and ordinances or proposed by the applicant, are constructed to appropriate standards. Site development plans are also reviewed to insure compliance with all applicable proffers and special use permit conditions.

C. The County shall consider the approval of site plans and subdivision plans and plats as part of the plan for the orderly, efficient, and economical growth and development of the County.

D. Land to be developed shall be of such a character that it can be used for building purposes without danger to health, peril from fire or flood, and to improve the health, safety, convenience, and general welfare.

E. Adequate provision for drainage and flood control shall be made for drainage, water supply, sewer supply, and for light and soils.

F. All proposed lots and/or development shall be laid out and of such size to be in reasonable harmony with the development pattern of the neighboring properties.

G. The proposed streets and overall traffic pattern shall provide a convenient and safe system conforming to the Comprehensive Plan and shall be of such width, grade, and location as to accommodate the prospective vehicular, non-vehicular and pedestrian traffic and to facilitate fire protection and emergency services.

H. Adequate provisions shall be made to address environmental issues or to mitigate the impact of the development on the environment.

I. The economic development of the County shall be fostered and encouraged via the expeditious, fair, and quality review of site development plans.

J. Adequate provisions shall be made for open space, parks and recreation, and landscaping.

K. In considering and acting upon such site development plans, and in consideration of the public health, safety and welfare, the County may prescribe appropriate conditions and safeguards to further express the intent of this manual.

**110.02 Plan Types in General:** Based upon the specific request, the County requires various plan types, or a combination thereof, to be submitted for review and approval prior to issuing the appropriate site development permits.

**110.02.01 Sketch Plan.** These are the initial plan type submissions required for all nonresidential projects where the total site acreage is in excess of five (5) acres and for proposed rural cluster subdivisions. Sketch plans are used in a single macro review process, not requiring engineering detail, designed to produce general agreement and consensus on the design, size, access, layout, extent, and location and degree of improvements necessary or proposed in conjunction with a proposed development.

**110.02.02 Preliminary Residential Site and Subdivision Plans.** These plan types are required for all residential projects resulting in the creation of three (3) or more units or lots. The Planning Commission shall review/approve all preliminary residential subdivision plans involving one hundred (100) or more lots. The Planning Commission will also review all preliminary site plans involving 100 or more units, if the plan was for a project rezoned 5 years prior to the plan submission. Staff will review and approve all other preliminary site and subdivision plans.

A preliminary plan review may be waived if substantial conformance with a Generalized Development Plan is proffered and the Generalized Development Plan contains all the information required for a preliminary plan as specified in the Administrative Procedures Manual.

Preliminary residential site and subdivision plans (preliminary plans) are meant to show the general design of a residential site or subdivision project and its public improvements, so the County, and the Planning Commission, can indicate its approval or disapproval of the project, prior to the time the final plans and plats are designed detailing the public improvements, utilities, etc. The County shall review the practicability of the preliminary plan and its general design. Attention shall be given to the arrangement, location, and width of streets and travelways, arrangement, placement, and size of structures, their general relationship to the topography of the land, feasibility of water supply and sewage disposal, general handling of site drainage, lot sizes and arrangement, the future development of adjoining lands as yet undeveloped, the relationship of adjoining developed lands, and the requirements/guidelines of the comprehensive plan, Zoning Ordinance, and subdivision ordinance. Preliminary plans are not meant to either depict, or be reviewed for final engineering design and details.

**110.02.03 Final Site and Subdivision Plans and Plats.** These plan types and any necessary supporting documents for a proposed project constitute the complete application for construction approval. They shall include complete and detailed engineering and layout drawings for all the public and private improvements and utilities, in addition to any necessary ancillary calculations required for review. Final plans shall not be submitted as phased or multiple-section plans. Upon approval, the final plans and plats form the basis for the construction of the project and the inspection services of the County and the state. The plats shall be recorded with the Clerk of the Circuit Court. An unrecorded plat is not a valid basis for site improvements or other commitments which depend on its characteristics.

A. A final subdivision plan shall be required for all residential land subdivisions resulting in the creation of three or more lots, or for any residential subdivision where public improvements are proposed.

B. A final site plan shall be required for all projects and/or land disturbing activities not involving a residential subdivision, which propose construction, reconstruction, alteration, or change of use where the project will cumulatively disturb more than two thousand five hundred (2,500) square feet of land. Any revisions to a valid approved final site plan shall be processed and approved in accordance with the Administrative Procedures Manual.



C. Final plats will be required for all subdivisions, resubdivisions, and consolidations of parcels, delineation of vacation of easements, or right-of-way dedications where a legal description is required. All required plats shall be submitted as part of the first cycle review submission along with the final site or subdivision plans.

When the owner of several existing nonconforming lots wants to consolidate those parcels into one parcel for the construction of, or addition to an owner-occupied single-family residence or accessory structure, a final plat will not be required. The consolidation will only require the review and approval of a deed of consolidation.

**110.02.04 Minor Site Plans.** This plan type may be submitted when the proposed improvements are being requested to a site on which the County either has not previously approved a site plan, or on which there is an existing approved plan that has been closed. In addition, the improvements must be minor in nature and generally (1) not change either the internal or external traffic flow patterns; (2) not increase the number of building units or lots; (3) not increase the nonresidential building size by more than five thousand (5,000) square feet, or seventy-five percent (75%) of the gross building area, whichever is less; (4) not encroach into a resource protection area; and (5) generally, the proposed disturbed area should not exceed five thousand (5,000) square feet. This plan type includes one (1) waiver request without additional fees. Any additional waiver requests will require the appropriate waiver fee.

**110.02.05 Administrative Review Plans.** This plan type may be submitted, following approval of such a request by the Department of Development Services, when the proposed improvements are to a previously approved unclosed plan and/or constitute minor development such as temporary activities, parking lot alterations, landscaping changes, storage tank replacement, etc., which doesn't necessitate the formal submission of a full site plan nor the review of an agency other than the Department of Development Services.

Administrative reviews shall not generally include (1) redesign of infrastructure that requires the certification of computations by registered professionals; (2) revisions to the internal or external traffic patterns; (3) changes to the number of buildings, units and/or lots; or (4) increases to the amount of impervious area.

**110.02.06 Erosion and Sediment Control Plan (separate).** This plan type is required for all land disturbing activities, cumulatively exceeding two thousand five hundred (2,500) square feet, which would not otherwise necessitate submission of either a final subdivision or site plan. See Section 750.05 for exceptions.

**110.02.07 Comprehensive Review.** For any of the above-cited major plan types, every effort should be made to incorporate all additional studies and analyses required by the DCSM (i.e., preservation area site assessment, floodplain study, water quality impact assessment, etc.) into the major plan application. This will permit a comprehensive review of the facts and approval of the application.

This incorporation of multiple plan types is not meant to alter or reduce review fees. The overall review fee will still be made up of its individual parts.

**110.02.08 Nonresidential Preconstruction Plan.** Upon application to and subsequent initiation by the director of the Department of Development Services and the director of Economic Development, this plan type may be submitted for the purpose of creating pad-ready sites in areas specifically zoned and intended for office and/or targeted industry uses. In recommending this plan type, the director of the Department of Development Services may require landscaping, buffering and/or other improvements, as deemed appropriate. Upon approval, the plan will remain valid for a period of six (6) months, unless a longer validity period has been established by the director of the Department of Development Services.

**110.03 Site Development Plan Review:**

A. Once a complete application for a site development plan has been submitted to the Department of Development Services, and the appropriate fees paid, copies will be transmitted to a number of government agencies for their review and comment. Some of these reviews are necessary to meet County objectives. Other reviews are done to accommodate the applicant and expedite the process of development through coordination with state agencies.

B. Review of the aspects of the site development plans, beyond the auspices of internal County agencies, are circulated by the Department of Development Services to appropriate agencies such as the Health Department, Department of Environmental Quality, Virginia Department of Transportation (VDOT), and the Prince William County Service Authority (PWCSA) for review.

C. The basic review of a site development plan and subdivision plat is an analysis of the physical layout including the dimensions, the topography, the natural features of the site, proper erosion and sediment control provisions, conformance to applicable proffers and special use permit conditions and a determination of the use proposed in accordance with the law.

D. Erosion and sediment control plan review, for specific types of development, may be performed separately from the site development plan review. The County administers this review jointly with the site development plan reviews and site inspections.

E. Every effort is made to insure that all comments made by the review agencies are satisfactorily addressed before the Department of Development Services approves the plan. The Department of Development Services approval in no way affects the authority of external agencies to issue their own permits for those aspects of the land development process which are within their respective jurisdictions. The Department of Development Services cannot disapprove plans based on decisions made by such external agencies with respect to their own permitting processes, but only in accordance with proper regulations adopted by the County. Applicants must understand, however, the importance of satisfying outside agency requirements.

F. Generally, the County shall make every effort to review sketch plans within a fifteen (15) day period, preliminary residential plans with a forty-five (45) day period, and final plans within a sixty (60) day period. Additionally, the procedures established by the Department of Development Services are designed and intended to allow the County to review and approve

sketch plans one (1) review cycle, preliminary residential plans after two (2) review cycles, and final plans and plats after a maximum of three (3) review cycles.

G. Following approval of the site development plan and plat, and the completion of any additional administrative requirements, the applicant may obtain site development permits.

#### **110.04 Plan Validity Periods:**

**110.04.01 Sketch Plan Validity Period:** The results of the sketch plan summary letter conference shall remain in effect for twelve (12) months from the date of the meeting. If, during that period, no final plans are accepted for review, and are diligently pursued for approval, as determined by the director of the Department of Development Services or designee, the sketch plan shall be void. In such instances, no final plans shall be accepted for review until a new sketch plan has been submitted and reviewed, or the previous sketch plan has been revalidated for an additional twelve (12) month period by the director of the Department of Development Services or designee upon demonstration by the applicant that such plan meets all current standards. Additionally, major changes, corrections or adjustments to the sketch plan affecting project size, intensity, density, or internal or external traffic flow shall require submission of a new sketch plan. Consensus on a sketch plan does not constitute an approval of the subsequent final plans and plats, nor should the approval be considered a valid basis for the construction of site improvements.

#### **110.04.02 Preliminary Residential Plan Validity:**

A. All preliminary residential plan approvals are valid for five (5) years from their date of approval, provided they are diligently pursued.

B. Diligent pursuit generally means the following:

1. A final plan must be submitted, approved, bonded and the plat recorded within five years of preliminary plan approval.
2. The performance bond agreement remains valid until completion of site improvements.

C. For projects that are not pursued diligently in accordance with Section B above, the preliminary plan will expire and must be resubmitted for approval. If a preliminary approval expires, no additional action shall be taken on the plan, or its subsequent final plans, without the submission of new preliminary plans and payment of all applicable fees

**110.04.03 Revalidation of Approved Preliminary Residential Plans.** Following the end of the five (5) year validity period of a preliminary residential plan, for those phases of the project that have either not been completed, are under construction, or have been accepted for final approval, the County will require that the remaining phase(s) undergo a cursory review to reestablish conformity with all current regulations.

A. If the cursory review indicates the preliminary residential plan remains in conformity, its approval will be revalidated for an additional two and one-half (2-1/2) year period.

B. If the cursory review indicates the preliminary residential plan is not in conformity with various regulations, those areas of nonconformity shall be enumerated in written form to the applicant and design professional. In such instances, no additional final plans will be accepted for review until the preliminary residential plan is revised and approved. Modifications that require a revised preliminary plan include, but are not limited to, roads, stormwater management facilities location, addition of units, reduction or modification of open space and buffers, changes in the external points of ingress-egress. Any revisions necessary to the preliminary residential plan shall be processed and approved in accordance with Section 4.04.3.1(B) of the Administrative Procedures Manual, whichever is applicable.

#### **110.04.04 Final Plan Validity Period:**

A. All final site and subdivision plans and plats are valid for five (5) years from their date of approval.

B. Once the performance agreement has been executed, in accordance with Section 130.00, the plan approval shall remain valid and be coincident with the expiration of that performance agreement so long as consistent construction progress continues.

C. VDOT policy mandates that VDOT approvals are valid for three (3) years only. It is the developer's responsibility to ensure that final plans are re-approved by VDOT, if necessary, to meet this requirement.

#### **110.05 Permit Procedures for Final Site and Subdivision Plans:**

A. Following the approval of final plans, permits must be obtained and applicable fees paid, prior to commencement of any construction of site improvements which cumulatively exceed two thousand five hundred (2,500) square feet of disturbed area. Permits are issued subject to the following:

1. Posting of a construction performance bond in accordance with Section 130.00 of this manual, if applicable. This is a prerequisite to the release of plats and deeds for recordation and issuance of permits.
2. Payment of any monetary and/or proffered contributions and/or obligations as established during the plan approval process, and referenced in the plan approval letter. This is a prerequisite to the release of the plats for recordation, or the issuance of site development permits, building permits, and/or occupancy permits.
3. Recordation of all plats, along with the associated deeds. Following recordation of the plats and deeds, a copy of the recording receipt, a reproducible Mylar of the plat(s), and a copy of the deed(s), will be returned to the Department of Development Services by the applicant. This is a prerequisite to the issuance of site development permits, site preparation

permits, building permits, and/or occupancy permits for residential developments. Non-residential and offsite easement plats must be recorded within thirty days of approval.

4. Posting of erosion control escrow in accordance with Section 750.00. This is a prerequisite to the issuance of any permits.
5. Holding a pre-construction meeting to discuss construction and special requirements for projects that are subject to proffers and special use permit conditions or projects that include streets that are dedicated to public use and will be maintained by VDOT.
6. Signing a comprehensive inspection agreement by either the developer or his/her contractor, if the project includes any streets to be dedicated for public use and maintenance. The comprehensive inspection agreement is signed during the pre-construction meeting. This is a prerequisite to the issuance of site development permits.
7. Posting of a landscaping escrow in accordance with Section 800.00, if applicable. This is a prerequisite to the issuance of any permits.
8. Completion of any other special items, agreements and/or posting of any other escrows enumerated in the plan approval letter or compliance with applicable proffers. This is a prerequisite to the issuance of permits.
9. Obtaining a site preparation or site development permit, the fee for which is identified in the plan approval letter. A site development permit is a prerequisite to the issuance of building permits.

B. Following the approval of the plan completion of the above-enumerated items, the Department of Development Services can issue a building permit release letter. This letter shall indicate that all ordinance requirements have been satisfied and will recommend the issuance of building permits. The letter will also enumerate any additional specific items and/or requirements that must be completed prior to the issuance of building or occupancy permits, if applicable.

C. Based upon the specifics of the project, the County requires various permits, or a combination thereof, to be issued prior to the commencement of land disturbing activities: flood hazard use permit, A-1 residential/agricultural and erosion control grading permit, site development permit, water and sewer installations permit, VDOT land use permit, underground utility line permit, right of entry permit and a grading/grading infrastructure permit, where applicable.

**110.06 Supervision of the Project Site:** The developer/owner/permit holder shall provide adequate supervision of the project site during the installation of all required improvements, and have a responsible superintendent or foreman available at the project site at all times when work is being performed.

**110.07 Violation and Shutdown Notices and Procedures:** Construction activity on any site shall be in strict accordance with and conducted within the limits of clearing and grading shown on plans approved by the director of the Department of Development Services or designee. Construction activity shall also be conducted only on those items for which a permit has been obtained. Failure to obtain required permits, or develop the site in accordance with approved plans, will necessitate the County taking any and all necessary actions required to correct the situation.

**110.08 Certificate of Use and Occupancy:**

A. No new building, nor an addition to a previously constructed building, shall be occupied, nor shall a change of use of a property or any structure be permitted until a Certificate of Use and Occupancy has been issued by the building official in accordance with the Virginia Uniform Statewide Building Code (VUSBC), this manual and the provision of the Zoning Ordinance.

B. In addition, no Certificate of Use and Occupancy shall be issued for any residential, commercial, institutional or industrial uses until all required site improvements are installed in accordance with the approved plans, or in accordance with a phasing plan approved by the Department of Public Works, and inspected and approved by the director of Public Works, or the designee.

C. A Certificate of Use and Occupancy shall state that the use has been inspected by appropriate public officials and meets all requirements of applicable building codes, fire codes, and other laws, ordinances, rules and regulations governing the construction and use of structures on property.

D. For other than life safety issues and if not restricted by proffers, the building official has the authority to issue a temporary Certificate of Use and Occupancy for a period not to exceed six (6) months, where factors beyond the applicant's control prevent completion of the required site improvements. Prior to the issuance of a temporary Certificate of Use and Occupancy, all site improvements (bondable and otherwise) required by this manual and the Zoning Ordinance, not yet bonded or installed, shall be bonded in accordance with Section 130.00 of this manual. For all developments, to include detached single-family dwellings, all non-bonded deficiencies shall be guaranteed by the submission of an irrevocable letter of credit or establishment of a cash escrow account. The developer may voluntarily add any non-bondable items to the original bond amount that is posted at the beginning of the project to eliminate the need for this escrow. The bond amounts for these items may be reduced in accordance with bond reduction procedures.

E. A Certificate of Use and Occupancy shall only be issued by the building official, predicated on the following:

1. The director of Public Works or designee's review and approval of the entire site improvements required by the approved site development plan or the approved phased site development plan.

2. Approval of all safety related items (e.g., frontage improvements, ingress and egress, storm water management facilities, street lights, handicap parking signs, etc.).
3. Approval of adequate additional amenities as may be required to serve that portion of the project (e.g., trails and sidewalks, landscaping, etc) or proffer conditions, as applicable.

#### **110.09 Priority Processing of Certain Plans:**

A. Occasionally, plans are submitted for projects which are associated with a particular goal of the County or will create desirable employment opportunities in the County, as well as enhance the County's tax base. In these instances, it is beneficial to process the plans and permits of that project more expeditiously than normal processing would allow, and to allow construction to occur as soon as it is practical.

B. Furthermore, a Prince William County department or, independent public agencies will occasionally undertake construction or improvement of a facility meant to serve the general public. These projects may also be processed more expeditiously than the normal processing would allow.

**110.09.01 Project Eligibility:** The following types of projects may be eligible for priority processing:

A. Any project lying in a transportation improvement district, adopted by the Board of County Supervisors that enumerates priority processing as one of its benefits.

B. Any public project submitted by a County department or agency, or by an independent agency such as the Service Authority, Park Authority, or School Board.

C. "Targeted uses" as defined in the Economic Development Chapter of the Comprehensive Plan and approved by the director of Economic Development.

D. "County-based businesses" as defined in the Economic Development Chapter of the Comprehensive Plan and approved by the director of Economic Development.

E. Any project identified as desirable to the County, upon notification of the county executive to the Board of County Supervisors.

#### **110.09.02 Request Processing:**

A. The applicant must submit a written request for priority processing to the Department of Economic Development. Such request shall be made prior to application submittal.

B. Following the submittal of the request and review by the director of Economic Development, the Department of Development Services shall establish the project's eligibility and shall also evaluate the existing priority processing workload and the effect the proposed project will have

on that workload. The Department of Development Services, based on both eligibility and workload, shall take action to either approve or deny the request.

C. The director of the Department of Development Services shall provide written notice to the property owner stating approval or denial of the request for priority processing. If plans have not been submitted within thirty (30) days of such notification, priority status shall be revoked.

#### **110.10 Expedited Processing of Certain Plans:**

A. The purpose of this separate review procedure is to provide a process which allows the County to expedite the review of certain qualified site development plans which have been certified by licensed professional engineers, architects, landscape architects or land surveyors who are licensed pursuant to Section 54.1-408 of the Code of Virginia, and which are certified by Designated Plans Examiners (DPE) as being complete and designed in compliance with all applicable County regulations.

B. This expedited review process has been developed in accordance with Section 15.2-2263 of the Virginia Code Ann. and Chapter 33 of the Prince William County Code.

**110.10.01 Project Eligibility:** Any final site development plan certified by a Designated Plans Examiner shall be eligible for expedited processing.

**110.10.02 Processing:** The review process will be conducted in accordance with the relevant sections of the Administrative Procedures Manual. The time frames utilized shall be those enumerated for "expedited processing."

**110.11 As-Built Plans:** As-built plans shall be required on all currently valid final site development plans. The acceptance of as-built plans shall be a prerequisite to final construction acceptance, bond release, and the issuance of a final certificate of use and occupancy.

If the as-built plan contains a stormwater management pond, the as-built information pertaining to the pond shall be current within 6 months of submission to the County for review. The field survey will certify this date as part of the narrative section of the as-built. The acceptance of as-built plans shall be a prerequisite to final construction acceptance, and bond release. Copies of the as-built plans, prepared and certified by a registered land surveyor or professional engineer must be submitted to the County and the Service Authority at the time final inspections are conducted. Final inspections will not be made unless the as-built plans are available.

#### **120.00 SURVEY REQUIREMENTS/SUBDIVISION NAMES/SITE PLAN NAMES**

##### **120.01 Purpose:**

A. Subdivisions shall be referenced to the Virginia Coordinate System of 1983 (VCS 1983) by means of a field survey which ties the subdivision boundary to at least two (2) NGS or PWC geodetic control monuments that are acceptable to the Office of Information Technology (OIT).



The surveyor may be required to submit his or her computations to the Office of Information Technology showing how coordinate values were obtained. At least two (2) property corners on each plat sheet shall be annotated with VCS 1983 coordinate pairs in U.S. Survey feet.

B. The plat shall contain the following notes:

1. "The subdivision shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this subdivision boundary to (PWC or NGS) monuments (insert numbers and names of monuments)."
2. "The mean (County wide average) grid factor (elevation factor x scale factor), which has been applied to the field distances to derive the referenced coordinates, is 0.9999335183. The plat distances shown are intended to be horizontal distances measured at the mean elevation of this subdivision."
3. "The bearings shown are referenced to VCS 1983 Grid North. The foot definition used for conversion of the monument coordinates is the U.S. Survey foot' or 1 ft = 0.3048006096 meters. "

C. Funding for geodetic control monuments, based on the global positioning system (GPS), as administered by the National Geodetic Survey, shall be required for each subdivision and/or site plan, at a rate of \$8.00 per acre, with a maximum of \$3,000.00 per development. Monuments will only be placed under the direction of the Office of Information Technology.

D. The surveyor shall be responsible for ascertaining the existence of geodetic control monuments to be utilized in his or her surveys. Assistance shall be provided by the Office of Information Technology to the extent of granting access to its records on geodetic control data. Exceptions may be granted by the Office of Information Technology, upon written request of the developer or surveyor.

E. After final grading and stabilization, steel pipes or rods, one-half (1/2) inch to one (1) inch in diameter and eighteen (18) inches or greater in length shall be placed at all lot corners, angle points of the subdivision boundary, and at angle points of curvature in the right-of-way for streets within the subdivision.

F. Iron pipes shall be identified with witness stakes, survey tape, etc. to assist inspectors in making a timely inspection.

G. Iron pipes are required for final building inspection and prior to issuance of an occupancy permit, unless approval has been given by the building official on a site modification request.

#### **120.02 Subdivision Names:**

A. New subdivisions shall be identified by the name by which the intended subdivision is to be known. The name shall be reviewed for approval by the Office of Information Technology. This

shall not be construed, however, to prohibit the use of sales or marketing names for subdivision or portions thereof.

B. Lot or unit numbers within a subdivision section shall be consecutive whole numbers starting with the number one (1). There shall be no prefix or suffix attached to the number, except in the case of re-subdivision of lots.

**120.03 Site Plan Names:**

A. Names of site plans shall not duplicate or closely approximate names already in use or approved by OIT. All site plan names are subject to approval by OIT.

B. Site plans submitted for property, which is a recorded subdivision or a proposed subdivision under review by the County, shall use the same name as the subdivision for identification.

C. Site plan names shall not be changed subsequent to approval of the name during preliminary and final review.

**125.00 CONVEYANCE OF REAL PROPERTY AND EASEMENTS IN GENERAL**

**125.01 Purpose:**

A. Conveyance of interest in real property, required by the County to be granted, shall be made by appropriate plat and deed showing the Board of County Supervisors as grantee. Conveyances to the County, intended for ultimate use by another public entity, such as the School Board, shall also be made to the Board of County Supervisors as grantee. The Board may then further convey the interest as it shall deem proper. All deeds shall be approved by the County Attorney or designee, which approval shall be evidenced by appropriate signature on the face of the instrument.

B. In order to ensure that the property rights dedicated to the County may be used for the purpose intended, all conveyances of fee simple title shall be free of conditions, restrictions, and encumbrances.

C. Conveyances of real property may be made subject to all easements, rights-of-way, and other restrictions which properly appear in the lawful chain of title to the property, but only if a title report has been provided to, and approved by, the County.

D. All dedications of property shall be made without any restriction on use, but where properties are conveyed in compliance with a proffered condition of a rezoning and such proffer, as accepted by the Board of County Supervisors, expressly limits the use of the property conveyed, the deed may contain a reverter clause in a form acceptable to the County Attorney.

E. Title to property shall ordinarily be conveyed in fee simple by general warranty deed with English covenants of title, provided that a special warranty deed shall be acceptable only when

the grantor has received no better title to the subject property. Such lesser warranty of title may be accepted only upon the approval of the County Attorney.

F. Original and fully executed deeds shall be submitted to the Department of Development Services no later than when the plans and plats are submitted for pre-signature review. They shall be forwarded to the County Attorney, who shall note approval or disapproval of the documents.

G. Upon approval of deeds by the County Attorney, the director of the Department of Development Services or designee is authorized formally to accept the deed on behalf of the Board of County Supervisors, by appropriate notation on the plat or deed instrument, or both, without further action by the Board of County Supervisors. The signature of the Chairman of the Board of County Supervisors is hereby expressly authorized in the event that a deed has been approved requiring such signature, but the signature of the director of the Department of Development Services or designee, on an otherwise approved instrument, shall be sufficient to satisfy the requirements of this section, and to reflect legal approval and acceptance by Prince William County of all interests conveyed.

H. The Director of the Department of Development Services or designee shall be responsible for assuring that deeds and plats are recorded in the land records of Prince William County prior to final release of permits, if applicable, and shall file a copy of the recordation receipt with the appropriate deed book and page numbers in the project records.

I. Site/subdivision plans shall show a common or shared easement of no less than fifteen (15) feet of width for conveyance to franchised cable television operators furnishing cable television, and public service corporations furnishing cable television, gas, telephone, and electric service. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators, which may be expected to occupy them, shall be conveyed by reference on the final plat. Preferably, such easements will be located along the right-of-ways providing continuous service to each property.

The width of the easement may be reduced to ten (10) feet if at least one such cable television operator or public service corporation informs the County, in writing, that the company will not need an easement at this location. This letter must be received by the County prior to the submission of the final site development plan for the subdivision. The easement shall not be required if all cable television operators and public service corporations capable of serving the subdivision submit such a letter.

1. All on-site utility facilities serving new uses or installed after the effective date of this Chapter to serve any use, and not otherwise exempted by this subsection, and to include water, sewer, power, natural gas, telephone and cable, shall be installed underground. This requirement shall not apply to the following:

(a) Transmission power lines of thirty-four thousand five hundred (34,500) volts or greater;

- (b) Water towers;
- (c) Uses in the M-1 or M/T districts;
- (d) Residential subdivisions of two (2) acres or larger lots;
- (e) Uses established prior to the effective date of this Chapter. Such existing uses may expand within the limits provided by Section 32-601.33 of the Prince William County Zoning Ordinance without meeting the requirements of this section.

2. As-built plans showing location of underground facilities and easements shall be filed with the Director of Development Services.

3. Any underground utility may be placed within any setback, but not within any required buffer, or as otherwise prohibited by the Design and Construction Standards Manual, except as allowed by Section 32-250.32.3 of the Prince William County Zoning Ordinance.

4. Requirements of this section can only be waived by the Director of the Department of Development Services.

J. The Code of Virginia contains special provisions relating to property held for religious purposes. These provisions include the requirement that property for most churches and religious societies be held by trustees on behalf of the church congregation. These trustees have mere legal title to the property with no power to manage or control the use of the land. The Code of Virginia requires an order from the Circuit Court authorizing or approving any dedication of land or other conveyance of easements, etc., to the County. This requirement will apply to all churches of religious societies where the property is held by trustees.

K. Some churches have property held by ecclesiastical officers. In this case, the Code of Virginia provides for the appropriate ecclesiastical officer to have the power to convey real estate. In this limited instance, an order from the Circuit Court approving the dedication of land for public purposes or the conveyance of easements to the County is not necessary

## **130.00 BONDING POLICY**

### **130.01 Purpose:**

A. The purpose of bonding is to obtain an acceptable guarantee of performance to assure the timely construction and completion of legally required site improvements in accordance with approved plans and profiles, County standards and specifications, and County and State code requirements. Applicants shall construct all improvements in accordance with the approved plan and shall enter into agreements so to construct and post security thereof. Security may be in the form of a bond or escrow as specified in this section. Security shall be posted for the following:

1. Improvements required by the County in accordance with the Code of Virginia Section 15.2-2241 as identified in the Zoning Ordinance, Subdivision Ordinance and this manual.

2. Improvements proffered during the rezoning process, and required by the zoning administrator in accordance with Section 15.2-2303 of the Code of Virginia.

3. All slope stabilization devices including retaining walls and special stabilization materials or methods.

B. The director of the Department of Development Services is responsible for all Prince William County land development bonding matters.

C. Upon receipt of a written request from an applicant, the director of the Department of Development Services, after conferring with the county attorney, may waive elements of this bonding policy. The director of the Department of Development Services decision shall be final.

D. It is not the intent of this ordinance to allow the phasing of site plans and subdivisions for the purpose of bonding. If the development is to be phased in sections, each section must be able to stand alone and to include all infrastructure (water, sewer, stormwater management etc.)

### **130.02 Performance Agreements and Guarantees:**

A. An agreement supported by a form of guarantee shall be required on all projects. This agreement and guarantee shall obligate the developer to construct legally required improvements on approved site or subdivision plans in a timely manner and in accordance with applicable standards.

B. Corporate surety bonds, cash, letters of credit and set-aside agreements, in a form acceptable to the county attorney, are the only forms of guarantee (bond) acceptable to the County. The bond is designed to guarantee the County a fund for completion of required improvements in the event the developer fails to discharge the obligations of his or her performance agreement. The shared obligation of all bonds is by payment of the designated funds on demand.

C. The Department of Development Services shall approve and may amend from time to time, after conferring with the county attorney, standard forms which may be used for any performance agreement and bond.

### **130.03 Bond Extensions and Reductions:**

#### **130.03.01 Bond Extensions**

A. When an applicant enters into an agreement with the County, the necessary physical improvements shall be completed in the period specified in the agreement (the performance date). If the noted improvements are not completed within this time period, and an extension has not been obtained, or a replacement agreement and bond have not submitted and approved with a new expiration date, the agreement is deemed in default.

B. Prior to the expiration of the performance date, the applicant may submit a written request to the Department of Development Services for an extension of the expiration date. The Department of Development Services will act to either approve, approve with conditions, or deny the request. The primary criteria for approval or denial will be the extent to which improvements have been completed. If the extension is approved, the developer shall submit an addendum to the performance agreement reflecting the extension.

C. In the event the applicant does not request and gain approval of an extension, and the project is not completed by the expiration date, the matter shall be reviewed by the director of the Department of Development Services for appropriate action, including the possibility of referral to the Board of County Supervisors for its action.

### **130.03.02 Bond Reductions:**

A. Once at least thirty percent (30%) of the improvements covered by the guarantee are completed, any form of guarantee subject to this policy may be partially released periodically (i.e., reduced) to an amount not less than the actual cost of completion, plus permitted allowances.

B. Reduction requests shall not be approved if the performance agreement is in default or if the site is in violation.

C. An applicant seeking partial release of any bond or other form of guarantee shall submit a written bond reduction request, current price list identifying items to be completed, copy of the proffers (if applicable) and/or special permit conditions, and proffer/special use analysis, etc, to the director of the Department of Development Services.

D. The director of the Department of Development Services shall approve, approve with modification, or disapprove all reduction requests submitted within thirty (30) days of receipt. If a request is disapproved, the applicant shall be notified of the specific reasons for the disapproval.

### **130.04 Bond and Performance Agreement:**

A. A final bond release shall be authorized by the director of the Department of Development Services, provided the following criteria have been met:

1. Acceptance of all public facilities by the appropriate state or local government agency, or public authority.
2. Acceptance of as-built plans.
3. Payment by the applicant of all required fees.
4. The satisfaction of all applicable proffers and/or special use permit conditions.

5. In the event that the project was submitted and approved in sections, bond release shall not be granted if the plan depends on other projects or sections for access and/or other infrastructure. The required access or site improvements must be completed prior to bond release.

B. In the event a dedicated road cannot be taken into the state highway system, for reasons other than quality of construction, the applicant may, nevertheless, seek release in accordance with the provisions of this section, provided that he shall comply with the requirements of Section 130.05 of this manual.

**130.05 Maintenance Bonds:** Whenever Prince William County has accepted the dedication of a street which is not eligible for acceptance into the state highway system, for reasons other than quality of construction, the applicant may still, (1) request release of the performance agreement and bond; or (2) in the case of a successor developer, that successor developer may request to be excused from entry into a substitute performance agreement and posting a construction performance bond. In such instances, a maintenance and indemnifying bond, in a form acceptable to the county attorney, shall be proposed, providing that all additional requirements for release are met.

**130.06 Bond Deferral Option:**

A. The obligation of the applicant is to construct all public improvements in a timely manner and obtain their acceptance by the appropriate public body after construction. The Board of County Supervisors is sensitive to the need for any option lying between the extremes of the following: (a) requiring completion of all required improvements and their ongoing maintenance under a maintenance bond until all standards for acceptance are met, and (b) requiring as a condition to the release of a performance bond and agreement that the plat be vacated for those portions of the development in which improvements are not installed. The bond deferral option is not intended to extend the validity of approved plans without the initiation of construction.

B. The bond deferral option is available only upon written request by all owners of the property affected, which must include the trustees on any deeds of trust and the beneficiaries for whom they act.

C. The owners of property for which the developer requests release of the performance agreement and bond, or deferral from posting a performance agreement and bond, under this section shall execute an agreement approved in form by the director of Development Services and the county attorney. The agreement shall be recorded among the land records, by the County, at the applicant's expense.

**130.07 Default and Evaluation Procedures:** If the applicant fails to complete the required site improvements in the period of time specified in the agreement or any approved extension, the developer is in default. In such instances, the director of the Department of Development Services shall forward a recommendation to the Board of County Supervisors that the project be formally declared in default, together with a recommendation for a course of action in response

to default. Such recommendations may include, without limitation, using funds obtained from the guarantee of the defaulted performance agreement to complete required public improvements, vacation of all or a portion of the subdivision subject to the defaulted performance agreement, requiring successors in interest to the original developer to provide a substitute performance agreement, and/or requiring lot owners to post a right of entry bond prior to the issuance of building permits.

**130.08 Debarment of Surety:**

A. Any person, otherwise qualified in accordance with the requirements of this policy to act as surety for any performance bond, may nevertheless be disqualified from acting in such capacity on any agreement to which the Board of County Supervisors is party for cause following a hearing. The Board of County Supervisors may initiate such an action either on its own vote, or following a recommendation of the director of the Department of Development Services.

B. Any matter tending to establish that the surety will not perform in accordance with the terms of the surety's contract commitment shall be grounds for disqualification.

**140.00 MINIMUM PLAN AND PLAT SUBMISSION REQUIREMENTS**

The minimum requirements shall be those cited in the Administrative Procedures Manual.

**150.00 SITE DEVELOPMENT PLAN NOTIFICATION REQUIREMENTS**

**150.01 Access to Copies of Approved Subdivision Plans:**

A. Prior to the execution of an offer to buy, sellers of new homes in projects with active site development permits obtained after November 14, 1998 shall notify prospective home buyers of the location, and provide home buyers with access to copies of the following:

1. The approved sketch or preliminary plan for the section in which the property for sale is located.
2. The approved final subdivision plan and plat for the section in which the property for sale is located.
3. Any proffered conditions accepted pursuant to Section 15.2-2303 Va. Code Ann. as part of the zoning approval for the development that includes the property for sale.

B. The copies of these documents shall be located on the site of the property encompassed by the subdivision plat or planned unit development in which the property for sale is located, or at an office in its immediate vicinity. The copies of these documents shall be the most current version approved by the County as of the date access to such copies is provided.

**150.02 Notification to Adjacent Property Owners:**

A. Written notification to adjacent property owners shall be required with the submission of



the following plan types:

1. Residential preliminary plan.
2. Residential sketch plan.
3. Nonresidential sketch plan.
4. Nonresidential final site plan where no sketch plan preceded such submission.
5. Revisions of the above plan types that result in any of the following:
  - a. Increased density
  - b. Change in dwelling type.
  - c. Relocation or substantial modification of buffers and/or tree save areas.
  - d. Relocation of storm water management area, or change from a dry pond to a wet pond or vice versa.
  - e. Change in external access points.

B. When written notification is required by A above, such notification shall be provided to the following owners of property located in the County:

1. Owners or homeowners associations of property abutting the property to be subdivided and/or developed.
2. Owners of property located immediately across the street from the property to be subdivided and/or developed when the street is classified as a major collector or lower.
3. Any homeowners association(s) having jurisdiction over the property to be subdivided and/or developed.

C. A copy of the written notification, along with a list of the property owners notified, must be submitted to the Department of Development Services fifteen (15) calendar days prior to approval of the plan.

D. The required notification shall be sent by certified mail to the last known address of the owner(s), as shown in the current real estate assessment files and shall include the following information:

1. Description of the plan that has been accepted by the County for review, including type of plan, proposed use, and a summary of any proposed revisions if applicable.

2. Address and telephone number of the County office where a copy of the plan may be reviewed.
3. Address and telephone number of the applicant or applicant's representative.
4. Parcel reference number, street address and/or location of property.
5. Date accepted by the County for review.
6. Plan number assigned by County.

E. The applicant shall send a copy of the written notification to the members of the Board of County Supervisors and Planning Commission in whose district the site is located.