

SECTION 5 SITE PLAN REVIEW

5.1 STATEMENT OF INTENT

Site Development Plans are required to ensure that new *development* complies with the *Comprehensive Plan*, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

5.2 GENERAL REQUIREMENTS

1. *Single family dwellings*, residential *accessory uses*, agricultural *buildings*, and alternations and remodeling of existing *structures* require *Plot Plan Review*. These projects have minor impact and thus, require less information. *Plot plans* are reviewed and approved by the Planning Director or the Planning Director's designee.
2. The following uses and developments require *Minor Site Plan Review*. These projects have less impact on the community, require less information and have a short review and approval process. The *Technical Advisory Committee* (TAC) reviews these projects. The Planning Director, or Planning Director's designee, may approve *minor site plans*. At the Director's discretion, a *minor site plan* may be submitted to the *Planning Commission* for approval. In the absence of a Planning Director, the *Planning Commission* shall approve, approve with conditions, or disapprove *minor site plans*. Minor site plan review includes the following:
 - a. Duplexes
 - b. Non-residential *buildings* with a gross *floor area* less than 5,000 square feet.
 - c. Non-residential additions that increase the size of the existing *building* by a maximum of 10%.
 - d. Adaptive Reuse Projects
 - e. Change of use that does not include additions that increase the size of each existing *building* by more than 10%.
 - f. Change in vehicular access points in an existing non-residential or multi-family *development*.
3. All other commercial and industrial *development*, *multi-family dwellings*, special exceptions, public facilities, and quasi-public facilities require *Major Site plan Review* - Concept Plan, Preliminary Plan and Final Plan. The *Technical Advisory Committee* reviews these projects. The *Planning Commission* reviews and approves *major site plans*. Where deemed appropriate by the Planning Director, the final *site plan* may be combined with the preliminary *site plan*. In unusual cases with a minor impact on the community, and with approval of the Planning Director, the concept, preliminary and final *site plans* may be combined.
4. These procedures are to protect the health, safety, convenience, and general welfare of the inhabitants of the County. *Site plan* review regulates the *development* of *structures* and *sites* in a manner which considers the following concerns and, where necessary, requires modification of *development* proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:
 - a. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
 - b. The convenience and safety of vehicular and pedestrian movements within the *site*, and in relation to adjacent areas or *roads*;

- c. The adequacy of disposal methods and protection from pollution of surface or groundwater;
 - d. The protection of historic, natural, and environmental features on the *site* under review, and in adjacent areas.
5. At each stage of review the *Planning Commission* shall review the *site plan* and supporting documents taking into consideration the reasonable fulfillment of the following objectives:
- a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relationship to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.
 - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
 - i. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.
 - j. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the *development*, and how these features harmonize with the surrounding townscape and the natural landscape.
6. *Site plans*, both *major* and *minor*, shall expire after 12 months unless otherwise extended. *Site plans* approved prior to the date of the adoption of this Ordinance shall expire 6 months after that date, unless otherwise extended.

Site plans under appeal shall be automatically extended for 12 months. A *site plan* may receive more than one extension.

When the applicant can show that the project is in the process of obtaining permits from a state, local or federal agency and that these permits have been pursued diligently, the *Planning Commission* shall grant a 12-month extension. A *site plan* may receive more than one extension.

7. Appeals – Within thirty days of the decision with respect to *minor site plans*, any *person* aggrieved by a decision of the Planning Director, or Planning Director's designee, may appeal the decision to the Kent County Planning Commission.

Within thirty days of the decision, any *person* aggrieved by a decision of the *Planning Commission* may file a notice of appeal with the Circuit Court.

5.3 SITE PLAN REVIEW PROCEDURES

A. MINOR SITE PLAN

1. Applications for a *minor site plan* shall be filed with the Kent County Department of Planning and Zoning on the *site plan* review application form, together with the fee prescribed by the County Commissioners, the *site plan*, a narrative, and other supporting documents as required by this Ordinance. A pre-submission conference is recommended but not required.
2. The Kent County Department of Planning and Zoning shall schedule the project for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.
3. The Department of Planning and Zoning shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. Adjacent property owners shall have 10 days from the date of the notice to comment on the project.
4. The *Technical Advisory Committee* reviews the proposal and submits formal comments to the applicant.
5. The Planning Director, or Planning Director's designee, has the authority to approve, approve with conditions, or disapprove *minor site plans*. At the Director's discretion, a *minor site plan* may be submitted to the *Planning Commission* for approval. In the absence of a Planning Director, the *Planning Commission* shall approve, approve with conditions, or disapprove *minor site plans*.
6. The Planning Director, or Planning Director's designee, shall review the *site plan* and supporting documents, taking into consideration and prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
 - a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relationship to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.
 - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
 - i. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.

- j. The applicants efforts to design the *development* to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities
 - k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the *development*, and how these features harmonize with the surrounding townscape and the natural landscape.
7. The applicant shall submit to the Department of Planning and Zoning, three (3) copies of the approved *site plan* for signatures. One copy shall remain in the Department of Planning and Zoning with the other copies distributed to the Kent County Health Department and other applicable agencies. Where deemed necessary, the Planning Director may require additional copies of the signed plat.

B. MAJOR SITE PLAN

1. Applications for a *major site plan* shall be filed with the Kent County Department of Planning and Zoning on the *site plan* review application form, together with the fee prescribed by the County Commissioners, the *site plan*, the narrative, and other supporting documents as required by this Ordinance. A pre-submission conference is recommended but not required.
2. On the application, the Zoning Administrator shall certify that the proposed use is a permitted use.
3. The Kent County Department of Planning and Zoning shall schedule the project for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.
4. After determining that the application is substantially complete, the Department of Planning and Zoning shall place the project on the appropriate meeting of the Kent County Planning Commission for concept *site plan* review. The concept plan review process will review at a conceptual level, the feasibility, design, and environmental characteristics of the proposal based on the standards set forth in this Ordinance, the *Comprehensive Plan*, and, where applicable, the Village Master Plan, with the understanding that additional technical engineering design material, survey work, and preparation of other *site plan* documents will be submitted for review at latter steps in the *site plan* review process.
5. At least 20 days before the date of the *Planning Commission* meeting, the Department of Planning and Zoning shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. The notice shall include that the Zoning Administrator has determined that the proposed use is a permitted use.
6. The *Planning Commission* will comment and provide guidance as to the feasibility, design, and environmental characteristics of the proposal based on the standards set forth in this Ordinance, the Village Master Plans, and *Comprehensive Plan*.
7. After conceptual review of the *site plan*, the applicant shall submit to the Department of Planning and Zoning, the preliminary plan and supporting documents required by this Ordinance.
8. The Kent County Department of Planning and Zoning shall schedule the project for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.

9. In the case where a project has not appeared before the *Planning Commission* for 6 months, The Department of Planning and Zoning shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
10. After determining that the preliminary plat application is substantially complete, the Department of Planning and Zoning shall place the project on the appropriate meeting of the Kent County Planning Commission for preliminary review. The preliminary review process will review the projects compliance with the Land Use Ordinance, Village Master Plan, and *Comprehensive Plan*, and its feasibility, design and environmental characteristics based on a specific *site plan* that complies the requirements for a preliminary plan. At this stage, the applicant must demonstrate adequate provisions for water supply and sewage disposal, proposed methods for fire protection, preliminary *stormwater management*, and *Forest Conservation Plans*.
11. The *Planning Commission* may approve, approve with conditions, or disapprove the preliminary *site plan*. Conditional approval of the preliminary plan shall include a complete list and clear explanation of all conditions. Denial of the preliminary plan shall include a listing of reasons for denial. If the *Planning Commission* determines that more information is required for a decision to be made on the proposal, the *Planning Commission* may table its consideration of the plan.
12. After approval or approval with conditions of the preliminary *site plan*, the applicant shall submit to the Department of Planning and Zoning, the final plan and supporting documents required by this Ordinance.
13. The Kent County Department of Planning and Zoning shall schedule the project for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.
14. In the case where a project has not appeared before the *Planning Commission* for 6 months, The Department of Planning and Zoning shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
15. After determining that the final plat and supporting documents are substantially complete, the Department of Planning and Zoning shall place the project on the appropriate meeting of the Kent County Planning Commission for final review. The final review process will review the final plat and supporting documents for compliance with all applicable *regulations* and shall include approved final improvement plans, deed restrictions, *conservation easements*, irrevocable letters of credit or other surety acceptable to the County Commissioners of Kent County, and any other reports or studies as necessary.
16. The *Planning Commission* shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
 - a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relationship to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.

- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
 - i. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.
 - j. The applicant's efforts to design the *development* to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
 - k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the *development*, and how these features harmonize with the surrounding townscape and the natural landscape.
17. After approval of the final *site plan*, the applicant shall submit to the Department of Planning and Zoning, three (3) copies of the approved *site plan* for signatures. One copy shall remain in the Department of Planning and Zoning with the other copies distributed to the Kent County Health Department and other applicable agencies. Where deemed necessary, the Planning Director may require additional copies of the signed plat.
18. Where deemed appropriate by the Planning Director, the final *site plan* may be combined with the preliminary *site plan*. In unusual cases with a minor impact on the community, and with approval of the Planning Director, the concept, preliminary and final *site plans* may be combined.

5.4 PLAT REQUIREMENTS

A. PLOT PLAN

The following information may be required as determined by the Planning Director. The information shall be presented in a clear and legible manner but does not have to be to scale.

- 1. Plat showing existing and proposed *topography*, location and dimensions of the *lot*, *lot* and block number, and name of *subdivision*, if any.
- 2. Road name(s), width of *right of way*, centerline, road widths, and grades.
- 3. *Front*, *side*, and *rear yard* widths, and *easements*.
- 4. Sediment control measures and limit of work.
- 5. Discharge and storm drainage measures including rights and *easements*.
- 6. Legal restrictions (such as *easements*, existing covenants, zoning boundaries, etc.)
- 7. *Critical Area* boundary and acreage in the *Critical Area*

8. Location of existing and proposed *structures*, new construction, driveways, other access, septic systems and wells including the distance to all property lines.
9. Where applicable, areas of *afforestation* and/or *forest retention*.
10. Where applicable, the width of the *waterway*, location of the *channel*, extended property lines, tidal wetlands, state and private, and non-tidal wetlands.
11. Where applicable, existing and proposed impervious surface coverage, existing forest and proposed clearing, the minimum 100-foot buffer, topography and soils.

B. NARRATIVE

The applicant shall provide a narrative that addresses the following. The Planning Director may waive some elements of the narrative that are not applicable to the proposed project.

1. Name and address of the landowner, the *developer* and/or representative, if different from the owner.
2. *Street* address, tax map, parcel number, and *subdivision* if any.
3. Zoning of *site*.
4. Current and proposed use of the property.
5. An explanation of the viewshed, *open space*, and conservation analysis undertaken during the design of the *site plan*
6. How the proposed *development* complies with the *Comprehensive Plan* and the design and environmental standards of this Ordinance.
7. Proposed type of water and sewer service.
8. Number of employees.
9. The proposed *development* schedule and phases of *development* for all proposed construction.
10. Statement of provisions for ultimate ownership and maintenance of all parts of the *development* including *streets*, *structures*, and *open space*.
11. For water dependant uses in the *Critical Area*, the narrative shall include documentation that shows the following:
 - a. That the activities will not significantly alter existing water circulation patterns or salinity regimes;
 - b. That the water body upon which these activities are proposed has adequate flushing characteristics in the area of *development*.
 - c. That disturbance to *wetlands*, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized.
 - d. That *adverse impact* to water quality that may occur as a result of these activities, such as non-point source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, is minimized.

- e. That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting.
 - f. That dredging shall be conducted in a manner, and using a method, which creates the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the *Critical Area*.
 - g. That dredge spoil will not be placed within the minimum 100-foot *buffer* or elsewhere in that portion of the *Critical Area* which has been designated as a Habitat Protection Area except as necessary for the following:
 - i. Backfill for permitted shore *erosion* protection measures;
 - ii. Use in approved vegetated shore *erosion* projects;
 - iii. Placement on previously approved channel maintenance spoils disposal area
 - iv. Beach nourishment
 - h. That interference with the natural transport of sand will be minimized.
 - i. That in the context of existing uses, the proposed use will result in only minimal individual and cumulative impact on water quality and fish, wildlife and *plant habitat* in the *Critical Area*.
 - j. That the activity meets all required environmental standards.
12. Critical Area density calculations based on the original parcel.
13. Citizen Participation Plan*
- C. MINOR SITE PLAN
1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different scale or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing.
 2. North arrow
 3. Vicinity Map, with site location clearly marked.
 4. Title Block that includes:
 - a. Names of owners of record and where applicable, names of *developer, architect, surveyor, planner, and/or engineer*.
 - b. Location by *Street Address, Election District, County and State*.
 - c. Date of plan and all revisions
 5. Signature Blocks for Director of Planning, Kent County *Health Officer*, and where applicable, the Director of Water and Wastewater Services.
 6. Names of adjoining property owners with Liber and Folio or name, recording reference, and *lot numbers* of adjoining recorded *subdivision*.
 7. Property boundaries
 8. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer*; *Stream Protection Corridor*; Habitat Protection Area; *Forest Stand Delineation* and *Forest Conservation Plan*; and *100-year floodplain* boundary and *flood* elevation.

9. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Natural features* to be preserved in accordance with these *regulations*
 - b. *Slopes* in excess of 15% separate from those in excess of 25%
 - c. *Watercourses*, including both *perennial* and *intermittent streams*
 - d. *Forest, tree groves*, and significant trees
 - e. Outstanding natural topographic features
 - f. Tidal, state and private, and *non-tidal wetlands*
 - g. Scenic, cultural and/or historic areas
 - h. Existing *buildings*, parking, and other *impervious surfaces*
 - i. *Easements*, covenants, *right of ways*, P.D.A. ditches, and *stormwater management structures* and devices and the purpose for which these *easements*, covenants and rights-of way were established
 - j. Existing and proposed impervious surface coverage, existing forest and proposed clearing and soils.

10. The layout of all the proposal with the following:
 - a. Location, height and dimensions of *buildings* and lots
 - b. The proposed use
 - c. Proposed setbacks
 - d. Proposed driveways, parking, and loading areas including the number of spaces
 - e. Areas reserved for public use, recreation, *open space*, utilities, other *easements*
 - f. Stormwater management areas
 - g. *Signs* and lighting

11. A tabulation of the following:
 - a. Total acreage
 - b. Acreage in *100-year floodplain*
 - c. Acreage in the *Critical Area*
 - d. Acreage in recreation and *open space*
 - e. Acreage of *impervious surfaces*
 - f. The total number of *dwelling units* or *building types*
 - g. Total area of *buildings*
 - h. The number and type of multi-family units for each *structure* and the total number of units with the subtotal of each type
 - i. The total number of parking and *loading spaces*, the number of parking and *loading spaces* in each *off-street parking* area, and total of number of handicap parking spaces
 - j. Where applicable, maximum number of employees

12. Location of any municipal or corporate limits, election district line, or *Critical Area* boundary close to or crossing the *tract*.

13. Proof that the required utilities, i.e. electric and telephone are available to the proposed *development*

14. The method and type of sewer and water service.

15. The current zoning classifications.

16. Width of *waterway*, depth measurements, *channel*, adjacent *piers* or landings, and 25% of the *waterway*
17. Front, side and rear elevations of all exterior walls, where applicable.
- D. CONCEPT PLAN
 1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different scale or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing.
 2. North arrow
 3. Vicinity map, with site location clearly marked.
 4. Title Block that includes:
 - a. Names of owners of record and where applicable, names of *developer*, *architect*, *surveyor*, *planner*, and/or *engineer*
 - b. Location by *Street Address*, *Election District*, *County* and *State*
 - c. Date of plan and all revisions
 5. Names of adjoining property owners with *Liber* and *Folio* or name, recording reference, and *lot* numbers of adjoining recorded *subdivision*.
 6. Property boundaries
 7. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer*; *Stream Protection Corridor*; *Habitat Protection Area*; *Forest Stand Delineation*; *100-year floodplain* boundary and *flood* elevation.
 8. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Natural features* to be preserved in accordance with these *regulations*
 - b. *Slopes* in excess of 15% separate from those in excess of 25%
 - c. *Watercourses*, including both *perennial* and *intermittent streams*
 - d. *Forest*, *tree groves*, and significant trees
 - e. Outstanding natural topographic features
 - f. Tidal, state and private, and *non-tidal wetlands*
 - g. Scenic, cultural and/or historic areas
 - h. Existing *buildings*, parking, and other *impervious surfaces*
 9. Proposed use, *street* layout, parking and loading areas, building *setback* lines, building location, if known, and recreation and *open space* areas.
 10. Conceptual *stormwater management*.

E. PRELIMINARY PLAN

1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different scale or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing.
2. North arrow
3. Vicinity map, with site location clearly marked.
4. Title Block that includes:
 - a. Names of owners of record and where applicable, names of *developer, architect, surveyor, planner, and/or engineer*
 - b. Location by *Street Address, Election District, County and State*
 - c. Date of plan and all revisions
5. Names of adjoining property owners with Liber and Folio or name, recording reference, and *lot numbers of adjoining recorded subdivision.*
6. Property boundaries
7. Field *topography* and a boundary survey. The Planning Director may waive field *topography.*
8. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer; Stream Protection Corridor; Habitat Protection Area; Forest Conservation Plan; and 100-year floodplain* boundary and *flood* elevation.
9. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Soil* classifications mapped
 - b. *Natural features* to be preserved in accordance with these *regulations*
 - c. *Slopes* in excess of 15% separate from those in excess of 25%
 - d. *Watercourses*, including both *perennial* and *intermittent streams*
 - e. *Forest, tree groves, and significant trees*
 - f. Outstanding natural topographic features
 - g. Tidal, state and private, and *non-tidal wetlands*
 - h. Scenic, cultural and/or historic areas
 - i. Existing *buildings, parking, and other impervious surfaces*
 - j. *Easements, covenants, right of ways, P.D.A. ditches, and stormwater management structures* and devices and the purpose for which these *easements* covenants and rights-of way were established.
 - k. Sewer, water mains, culverts, fire hydrants, power transmission towers and the approximate location, pipe size, and direction of flow of each underground utility that exists in or is contiguous to the property.
10. The layout of all the proposal with the following:
 - a. Location, height and dimensions of *buildings* and lots
 - b. The proposed use
 - c. Proposed setbacks
 - d. Proposed driveways, parking, and loading areas including the number of spaces

- e. Areas reserved for public use, recreation, *open space*, utilities, and other *easements*
 - f. Stormwater management areas
 - g. *Signs* and lighting
 - h. Where applicable, approved septic and septic reserve areas and well locations
11. The location, width, and name of each existing improved or unimproved *street* or *alley* within 200 feet of the proposal.
 12. A tabulation of the following:
 - a. Total acreage
 - b. Acreage in *100-year floodplain*
 - c. Acreage in *Critical Area*
 - d. Acreage in recreation and *open space*
 - e. Acreage of *impervious surfaces*
 - f. The total number of *dwelling units* or building types
 - g. Total area of *buildings*
 - h. The number and type of multi-family units for each *structures* and the total number of units with the subtotal of each type
 - i. The total number of parking and *loading spaces*, the number of parking and *loading spaces* in each *off-street parking* area, and total number of handicap parking spaces
 - j. Where applicable, maximum number of employees
 13. Conceptual and schematic plans for:
 - a. Water and sewer services
 - b. The storm drainage system, including the overall *drainage area*.
 - c. *Grading* and sediment control measures
 - d. Landscaping
 14. Location of any municipal or corporate limits, election district line, or *Critical Area* boundary, close to or crossing the *tract*.
 15. Proof that the required utilities, i.e. electric and telephone are available to the proposed *development*.
 16. The method and type of sewer and water service.
 17. The current zoning classifications.
 18. Width of *waterway*, depth measurements, *channel*, adjacent *piers* or landings, property lines extended, and 25% of the *waterway*
 19. Front, side and rear elevations of all exterior walls, where applicable.
 20. Delineation of *development* staging, if any.

F. FINAL PLAN

1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different scale or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing.
2. North arrow
3. Vicinity map, with site location clearly marked.
4. Title Block that includes:
 - a. Names of owners of record and where applicable, names of *developer, architect, surveyor, planner, and/or engineer*
 - b. Location by *Street Address, Election District, County and State*
 - c. Date of plan and all revisions
5. Signature Blocks for the *Planning Commission, Director of Planning, Health Officer, and where applicable, Director of Water and Wastewater Services.*
6. Names of adjoining property owners with Liber and Folio or name, recording reference, and *lot numbers of adjoining recorded subdivision.*
7. Location and description of all monuments as may be required.
8. No distances marked “approximate” except mean high water.
9. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer; Stream Protection Corridor; Habitat Protection Area; Forest Conservation Plan; and 100-year floodplain* boundary and *flood elevation.*
10. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Natural features* to be preserved in accordance with these *regulations*
 - b. *Slopes* in excess of 15% separate from those in excess of 25%
 - c. *Watercourses*, including both *perennial and intermittent streams*
 - d. *Forest, tree groves, and significant trees*
 - e. Outstanding natural topographic features
 - f. Tidal, state and private, and *non-tidal wetlands*
 - g. Scenic, cultural and/or historic areas
 - h. Existing *buildings, parking, and other impervious surfaces*
11. The exact dimensional layout of the project including *buildings, parking, loading spaces, driveways, use, all easements, etc.*
12. Registered surveyor’s, *architect’s, and/or engineer’s* signature and seal
13. Landscaping, lighting, and *signs*

14. Renderings and elevations, if applicable
15. Deed restrictions, bonds, irrevocable letter of credit, or other surety accepted by the County Commissioners of Kent County

5.5 SITE PLAN AMENDMENT

A *site plan* approved under this Ordinance or under any prior Ordinance, including any conditions or guarantees attached to its approval, may be amended in accordance with this section. If the Planning Director determines that the amendment does not represent a significant change from the use or character of the *site plan* as originally approved or in previously approved amendments, the Planning Director may approve the amendment after the amendment is reviewed by the Technical Advisory Committee.

If the Planning Director determines that the amendment represents a significant change from the use or character of the original *site plan* and previously approved amendments or that the amendment requires more detailed review, the proposed amendment shall be regarded as an original application for a *site plan* and follow the procedures for review for a new *site plan*.

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SECTION 6 SUBDIVISION

6.1 STATEMENT OF INTENT

Subdivision review has been established for the purpose of guiding and accomplishing the coordination and harmonious *development* of the unincorporated area of Kent County, in order to promote the health, safety, and welfare of the citizens of the county. *Subdivision* review is required to ensure that new *development* complies with the *Comprehensive Plan*, Land Use Ordinance, Village Master Plan, and other agency requirements.

6.2 GENERAL REQUIREMENTS

1. Adjustment of *lot lines* between adjoining property owners that do not create additional building lots are reviewed and may be approved by the Planning Director, or Planning Director's designee, and are subject to the following rules:
 - a. Transfer of these lots is not counted in determining the number of lots in a *subdivision*.
 - b. Plat requirements are at the discretion of the Planning Director but may not exceed those required for a minor *subdivision*.
 - c. Procedures shall be the same as that for a minor *subdivision*.
2. Minor subdivisions contain five or fewer lots, *sites*, parcels, tracts, or other divisions of land. The Planning Director, or Planning Director's designee, may approve minor subdivisions. At the Director's discretion, a minor *subdivision* may be submitted to the *Planning Commission* for approval. In the absence of a Planning Director, the *Planning Commission* shall approve, approve with conditions, or disapprove minor subdivisions. All lots, parcels, tracts, *sites*, and other divisions of land recorded after December 23, 1969, from an original *lot*, *tract*, or parcel of land described in the Land Records of Kent County, shall be counted in determining the number of lots in a *subdivision*. The original *lot* is also counted in determining the number of lots.
3. Major subdivisions contain six or more lots, parcels, *sites*, tracts, or other divisions of land. The *Technical Advisory Committee* reviews and the *Planning Commission* approves major subdivisions at three stages - Concept, Preliminary, and Final. Where deemed appropriate by the Planning Director, the final plat may be combined with the preliminary plat and in unusual cases, the concept, preliminary, and final plat may be combined. All lots, parcels, tracts, *sites*, and other divisions of land recorded after December 23, 1969, from an original *lot*, *tract*, or parcel of land described in the Land Records of Kent County, shall be counted in determining the number of lots in a *subdivision*. The original *lot* is also counted in determining the number of lots.
4. These procedures are to protect the health, safety, convenience, and general welfare of the inhabitants of the County. *Subdivision* review regulates the *development* of *sites* in a manner which considers the following concerns and, where necessary, requires modification of *development* proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:
 - a. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
 - b. The convenience and safety of vehicular and pedestrian movements within the *site*, and in relation to adjacent areas or *roads*;
 - c. The adequacy of disposal methods and protection from pollution of surface or groundwater; and;

- d. The protection of historic, natural, and environmental features on the *site* under review and in adjacent areas.
5. At each stage of review the *Planning Commission* shall review the *subdivision* and supporting documents taking into consideration the reasonable fulfillment of the following objectives:
- a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relation to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.
 - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
 - i. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.
 - j. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the *development*, and how these features harmonize with the surrounding townscape and the natural landscape.
6. Subdivisions, both major and minor, shall be recorded within six months of approval or shall expire after six months unless otherwise extended. Subdivisions approved prior to the date of the adoption of this Ordinance shall be recorded six months after that date or expire unless otherwise extended.

Subdivisions under appeal shall be automatically extended for twelve months. A *subdivision* may receive more than one extension.

When the applicant can show that the project is in the process of obtaining permits from county, state, or federal agencies and that these permits have been pursued diligently, the *Planning Commission* shall grant a 12-month extension. A *subdivision* may receive more than one extension.

7. Appeals - Within thirty days of the decision with respect to a minor *subdivision*, any *person* aggrieved by a decision of the Planning Director, or Planning Director's designee, may appeal the decision to the Kent County Planning Commission.

Within thirty days of the decision, any *person* aggrieved by a decision of the *Planning Commission* may file a notice of appeal with the Circuit Court.

6.3 SUBDIVISION REVIEW PROCEDURES

A. MINOR SUBDIVISION

1. Applications for a minor *subdivision* shall be filed with the Kent County Department of Planning and Zoning on the *subdivision* application form, together with the fee prescribed by the County Commissioners, the *subdivision* plat, proposed deed restrictions, a narrative, sureties, and other supporting documents as required by this Ordinance. A pre-submission conference is recommended but not required.
2. The Kent County Department of Planning and Zoning shall schedule the project for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.
3. The Department of Planning and Zoning shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. Adjacent property owners shall have ten days from the date of the notice to comment on the project.
4. The *Technical Advisory Committee* shall review the proposal and submit formal comments to the applicant.
5. The Planning Director, or Planning Director's designee, has the authority to approve, approve with conditions, or disapprove minor subdivisions. At the Director's discretion, a minor *subdivision* may be submitted to the *Planning Commission* for approval. In the absence of a Planning Director, the *Planning Commission* shall approve, approve with conditions, or disapprove minor subdivisions.
6. The Planning Director, or Planning Director's designee, shall consider and prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
 - a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relation to adjoining ways and properties.
 - d. Reasonable demands placed on public services and infrastructure.
 - e. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
 - f. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
 - g. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.

7. The applicant shall submit to the Department of Planning and Zoning, two mylar and three paper copies of the approved plat for signatures and a copy of the deed restrictions. The *Planning Commission* attorney shall sign approved deed restrictions. One copy of the approved plat shall remain in the Department of Planning and Zoning with the other copies distributed to the Kent County Health Department and other applicable agencies. Where deemed necessary, the Planning Director may require additional paper copies of the signed plat.

B. MAJOR SUBDIVISION

1. Applications for a major *subdivision* shall be filed with the Kent County Department of Planning and Zoning on the *subdivision* application form, together with the fee prescribed by the County Commissioners, the plat, the narrative, and other supporting documents as required by this Ordinance. A pre-submission conference is recommended but not required.
2. The Kent County Department of Planning and Zoning shall schedule the project for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.
3. After determining that the application is substantially complete, the Department of Planning and Zoning shall place the *subdivision* on the appropriate meeting of the Kent County Planning Commission for concept review. The concept review process will review at a conceptual level, the feasibility, design, and environmental characteristics of the proposal based on the standards set forth in this Ordinance, the *Comprehensive Plan*, and, where applicable, the Village Master Plan, with the understanding that additional technical engineering, design material, survey work, and preparation of other *subdivision* documents will be submitted for review at later steps in the *subdivision* review process.
4. At least twenty days before the date of the *Planning Commission* meeting, the Department of Planning and Zoning shall send notice of the proposed *subdivision* to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
5. The *Planning Commission* will comment and provide guidance as to the feasibility, design, and environmental characteristics of the proposal based on the standards set forth in this Ordinance, the *Comprehensive Plan*, and where applicable, the Village Master Plan.
6. After conceptual review of the *subdivision*, the applicant shall submit to the Department of Planning and Zoning, the preliminary plat and supporting documents required by this Ordinance.
7. The Kent County Department of Planning and Zoning shall schedule the *subdivision* for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.
8. In the case where a *subdivision* has not appeared before the *Planning Commission* for six months, the Department of Planning and Zoning shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
9. After determining that the preliminary *subdivision* application is substantially complete, the Department of Planning and Zoning shall place the *subdivision* on the appropriate meeting of the Kent County Planning Commission for preliminary review. The preliminary review process will review the *subdivision* for compliance with the Land Use Ordinance, *Comprehensive Plan*, and where applicable the Village Master Plan, and its feasibility, environmental, and design

characteristics based a specific *subdivision* that complies the requirements for a preliminary plan. At this stage, the applicant must demonstrate adequate provisions for water supply and sewage disposal, proposed methods for fire protection, preliminary *stormwater management*, and *Forest Conservation Plans*.

10. The *Planning Commission* may approve, approve with conditions, or disapprove the preliminary *subdivision*. Conditional approval of the preliminary plan shall include a complete list and clear explanation of all conditions. Denial of the preliminary plan shall include a listing of reasons for denial. If the *Planning Commission* determines that more information is required for a decision to be made on the proposal, the *Planning Commission* may table its consideration of the plan.
11. After approval or approval with conditions of the preliminary *subdivision*, the applicant shall submit to the Department of Planning and Zoning, the final plat, deed restrictions, sureties and other supporting documents required by this Ordinance.
12. The Kent County Department of Planning and Zoning shall schedule the *subdivision* for the next meeting of the *Technical Advisory Committee* and shall circulate the completed application, the plat, and supporting documents to the members of the Technical Advisory Committee.
13. When a project has not appeared before the *Planning Commission* for six months, the Department of Planning and Zoning shall send notice of the proposed *subdivision* to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
14. After determining that the final plat and supporting documents are substantially complete, the Department of Planning and Zoning shall place the *subdivision* on the appropriate meeting of the Kent County Planning Commission for final review. The final review process will review the final plat and supporting documents for compliance with all applicable *regulations* and shall include approved final improvement plans, deed restrictions, *conservation easements*, irrevocable letters of credit or other surety acceptable to the County Commissioners of Kent County, and any other reports or studies as necessary.
15. The *Planning Commission* shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
 - a. Conformance with the *Comprehensive Plan* and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and *regulations* of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the *site* and in relation to adjoining ways and properties.
 - d. Reasonable demands placed on public services and infrastructure.
 - e. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing *soil erosion* both during and after construction.
 - f. Minimizing the area over which existing vegetation is to be removed. Where *tree* removal is required, special attention shall be given to planting of replacement trees.
 - g. The applicant's efforts to integrate the proposed *development* into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of *open space* and agricultural land.

16. After approval of the final *subdivision*, the applicant shall submit to the Department of Planning and Zoning, two mylar and three paper copies of the approved *subdivision* for signatures and a copy of the deed restrictions. The *Planning Commission* attorney shall sign approved deed restrictions. One copy of the signed plat shall remain in the Department of Planning and Zoning with the other copies distributed to the Kent County Health Department and other applicable agencies. Where deemed necessary, the Planning Director may require additional paper copies of the signed plat.
17. Where deemed appropriate by the Planning Director, the final *subdivision* may be combined with a preliminary *site plan*. In unusual cases with a minor impact on the community, and with approval of the Planning Director, the concept, preliminary, and final *subdivision* plats may be combined.

6.4 PLAT REQUIREMENTS

A. NARRATIVE

The applicant shall provide a narrative that addresses the following. The Planning Director may waive some elements of the narrative that are not applicable to the proposed *subdivision*.

1. Name and address of the landowner, the *developer* and/or representative, if different from the owner.
2. *Street* address, tax map, parcel number, and *subdivision* if any.
3. Zoning of the *site*.
4. Current and proposed use of the property.
5. An explanation of the viewshed, *open space*, and conservation analysis undertaken during the design of the *site plan*
6. How the proposed *development* complies with the *Comprehensive Plan*, the Village Master Plan, and the design and environmental standards of this Ordinance.
7. Proposed type of water and sewer service.
8. The proposed *development* schedule and phases of *development* for all proposed construction.
9. A statement of provisions for ultimate ownership and maintenance of all parts of the *development* including *streets*, *structures*, and *open space*.
10. Critical Area density calculations based on the original parcel and subdivision history of the original parcel dating back to December 23, 1969.
11. Proposed impervious surface coverage for the subdivision and where applicable, impervious surface coverage allotted to each lot.
12. Citizen Participation Plan*

B. MINOR SUBDIVISION

1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing.
2. North arrow
3. Vicinity Map, with site location clearly marked.
4. Surveyor’s signature and seal.
5. Title Block that includes:
 - a. *Subdivision* name
 - b. Names of owners of record and where applicable, names of *developer, architect, surveyor, planner, and/or engineer*
 - c. Location by *Street* Address, Election District, County and State
 - d. Date of plan and all revisions
6. Signature Blocks for Director of Planning, Kent County *Health Officer*, and where applicable, the Director of Water and Wastewater Services.
7. Names of adjoining property owners with Liber and Folio or name, recording reference, and *lot* numbers of adjoining recorded *subdivision*.
8. Property boundaries
9. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer; Stream Protection Corridor; Habitat Protection Area; Forest Stand Delineation and Forest Conservation Plan; 100-year floodplain* boundary, *flood* elevation and the *Airport Safety Zone*.
10. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Natural features* to be preserved in accordance with these *regulations*
 - b. *Slopes* in excess of 15% separate from those in excess of 25%
 - c. *Watercourses*, including both *perennial* and *intermittent streams*
 - d. *Forest, tree groves, and significant trees*
 - e. Outstanding natural topographic features
 - f. Tidal, state and private, and *non-tidal wetlands*
 - g. Scenic, cultural and/or historic areas
 - h. Existing *buildings, parking, and other impervious surfaces*
 - i. *Easements, covenants, right of ways, P.D.A. ditches, and stormwater management structures* and devices and the purpose for which these *easements, covenants, and rights-of way* were established
11. Boundary of *subdivision* shown in heavy outline
12. Distances of courses to hundredths of a foot.
13. Bearings accurate to 10 seconds.

14. Location, width, and names of existing or proposed *roads* within or abutting the *subdivision*
15. Identification of *private roads*.
16. Curve data in tabular form, if applicable
17. Area of each *lot* in acres and thousandths
18. No distance marked “more or less” except mean high water.
19. Location and description of all monuments and markers as required
20. Location of water and sewer, or septic reserve area and well, where applicable.
21. Where applicable, statement: “*Private roads* are not the responsibility of Kent County.”
22. A tabulation of the following:
 - a. Total acreage
 - b. Acreage in *100-year floodplain*
 - c. Acreage in *Critical Area*
 - d. Acreage in recreation and *open space*
 - e. Acreage in *forest*
 - f. Acreage in lots and *streets*
23. Location of any municipal or corporate limits, election district line, or *Critical Area* boundary close to or crossing the *tract*.
24. Width of *waterway*, depth measurements, *channel*, adjacent *piers* or landings, and 25% of the *waterway*, where applicable.
25. The Director may require *topography*.

C. CONCEPT PLAN

1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing.
2. North arrow
3. Vicinity Map, with site location clearly marked.
4. Surveyor’s signature and seal.

5. Title Block that includes:
 - a. *Subdivision* name, section, and *lot* number, where applicable
 - b. Names of owners of record and where applicable, names of *developer*, *architect*, surveyor, planner, and/or *engineer*
 - c. Location by *Street* Address, Election District, County and State
 - d. Date of plan and all revisions
6. Names of adjoining property owners with Liber and Folio or name, recording reference, and *lot* numbers of adjoining recorded subdivisions.
7. Property boundaries and boundary survey.
8. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer*; *Stream Protection Corridor*; Habitat Protection Area; *Forest Stand Delineation*; *100-year floodplain* boundary, *flood* elevation, and the *Airport Safety Zone*.
9. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Natural features* to be preserved in accordance with these *regulations*
 - b. *Slopes* in excess of 15% separate from those in excess of 25%
 - c. *Watercourses*, including both *perennial* and *intermittent streams*
 - d. *Forest*, *tree* groves, and significant trees
 - e. Outstanding natural topographic features
 - f. Tidal, state and private, and *non-tidal wetlands*
 - g. Scenic, cultural and/or historic areas
 - h. Existing *buildings*, parking, and other *impervious surfaces*
10. Proposed layout of *streets*, lots (including estimate dimensions and *lot area*), *stormwater management* areas, *forest conservation* areas, and *open space*.
11. A tabulation of the following:
 - a. Total acreage
 - b. Acreage in *100-year floodplain*
 - c. Acreage in *Critical Area*
 - d. Acreage in recreational and *open space*
 - e. Acreage of *forest*
 - f. Acreage in lots and *streets*
12. Location of any municipal or corporate limit close to or crossing the *tract*.

D. PRELIMINARY PLAT

1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing
2. North arrow
3. Vicinity Map, with site location clearly marked.

4. Surveyor's signature and seal
5. Title Block that includes:
 - a. *Subdivision* name, section, and *lot* number
 - b. Names of owners of record and where applicable, names of *developer*, *architect*, surveyor, planner, and/or *engineer*
 - c. Location by *Street* Address, Election District, County and State
 - d. Date of plan and all revisions
6. Names of adjoining property owners with Liber and Folio or name, recording reference, and *lot* numbers of adjoining recorded *subdivision*.
7. Boundary of *subdivision* in heavy outline
8. Field *topography*. The Planning Director may waive field *topography*. When the Planning Director grants a waiver, a written explanation must accompany the plat.
9. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer*; *Stream Protection Corridor*; Habitat Protection Area; *Forest Conservation Plan*; *100-year floodplain* boundary, *flood* elevation, and Airport Safety Zone.
10. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Soil* classification mapped
 - b. *Natural features* to be preserved in accordance with these *regulations*
 - c. *Slopes* in excess of 15% separate from those in excess of 25%
 - d. *Watercourses*, including both *perennial* and *intermittent streams*
 - e. *Forest*, *tree* groves, and significant trees
 - f. Outstanding natural topographic features
 - g. Tidal, state and private, and *non-tidal wetlands*
 - h. Scenic, cultural and/or historic areas
 - i. Existing *buildings*, parking, and other *impervious surfaces*
 - j. *Easements*, covenants, *right of ways*, P.D.A. ditches, and *stormwater management structures* and devices and the purpose for which these *easements*, covenants, and rights-of way were established
 - k. Sewer, water mains, culverts, fire hydrants, power transmission towers and the approximate location, pipe size, and direction of flow of each underground utility that exists in or is contiguous to the property
11. The location, width, and name of each existing or proposed *street* or *alley* within or abutting the *subdivision*.
12. Layout of all existing and proposed lots including:
 - a. *Lot* numbers
 - b. Scaled areas
 - c. Scaled dimensions
13. Location, dimension and areas of property reserved for public or community use, where applicable
14. Location of any municipal or corporate limit or election district close to or crossing the *tract*.

15. A tabulation of the following:
 - a. Total number of lots
 - b. Acreage of each *lot*
 - c. Acreage in *100-year floodplain*
 - d. Acreage in *Critical Area*
 - e. Acreage in recreation and *open space*
 - f. Acreage in *forest*
 - g. Acreage of existing and proposed *forest*
 - h. Total area of *roadways* and other lands to be dedicated.
 - i. Total acreage of *subdivision*
16. Conceptual and schematic plans for:
 - a. Water and sewer services
 - b. The storm drainage system, including the overall *drainage area*.
 - c. *Grading* and sediment control measures
 - d. Landscaping
 - e. *Forest Conservation Plan*
17. Proof that the required utilities, i.e., electric and telephone, are available to the proposed *development*.
18. The method and type of sewer and water service.
19. Where applicable, the width of *waterway*, depth measurements, *channel*, adjacent *piers* or landings, and 25% of the *waterway*.
20. Delineation of *development* staging, if any.

E. FINAL PLAT

1. Scale – 1 inch = 100 feet or greater detail. The Planning Director may authorize the use of a different or waive the requirement for a scale drawing, if, in the Director’s opinion, the information shown on the plat can be presented with equal clarity by the use of a different scale or drawing.
2. North arrow
3. Vicinity Map, with site location clearly marked.
4. Surveyor’s signature and seal
5. Title Block that includes:
 - a. *Subdivision* name, section, and *lot* number
 - b. Names of owners of record and where applicable, names of *developer*, *architect*, surveyor, planner, and/or *engineer*
 - c. Location by *Street* Address, Election District, County and State
 - d. Date of plan and all revisions
6. Names of adjoining property owners with Liber and Folio or name, recording reference, and *lot* numbers of adjoining recorded *subdivision*.

7. Boundary of *subdivision* in heavy outline
8. Signature Blocks for the Chairman of the *Planning Commission*, Director of Planning, *Health Officer*, and where applicable, Director of Water and Wastewater Services
9. Owner's *certification* and dedication.
10. Location and description of all monuments as may be required.
11. No distances marked "approximate" except mean high water.
12. Where applicable, the *Critical Area* boundary and minimum 100-foot *buffer*; *Stream Protection Corridor*; Habitat Protection Area; *Forest Conservation Plan*; *100-year floodplain* boundary, *flood* elevation, and the *Airport Safety Zone*.
13. Existing features, whether natural or manmade, that may influence the design of the project including but not limited to the following:
 - a. *Natural features* to be preserved in accordance with these *regulations*
 - b. *Slopes* in excess of 15% separate from those in excess of 25%
 - c. *Watercourses*, including both *perennial* and *intermittent streams*
 - d. *Forest, tree* groves, and significant trees
 - e. Outstanding natural topographic features
 - f. Tidal, state and private, and *non-tidal wetlands*
 - g. Scenic, cultural and/or historic areas
 - h. Existing *buildings*, parking, and other *impervious surfaces*
14. Distances of courses to hundredths of a foot.
15. Bearings accurate to 10 seconds.
16. Curve data in tabular form, if applicable.
17. Area of each *lot* in acres and thousandths
18. Location and description of all monuments and markers as required
19. A tabulation of the following:
 - a. Total acreage
 - b. Acreage in *100-year floodplain*
 - c. Acreage in *Critical Area*
 - d. Acreage in recreation and *open space*
 - e. Acreage of *forest*
 - f. Acreage in lots, and *streets*
20. Location of any municipal or corporate limit, election district line, or *Critical Area* boundary close to or crossing the *tract*.
21. Location, width, and names of existing or proposed *roads* within or abutting the *subdivision*.

22. Final landscape, *forest conservation*, *stormwater management*, sediment control and other applicable improvement plans.

6.5 SUBDIVISION AMENDMENT

A *subdivision* approved under this Ordinance or under any prior Ordinance, including any conditions or guarantees attached to its approval, may be amended in accordance with this section. If the Planning Director determines that the amendment does not represent a significant change from the use or character of the *subdivision* as originally approved or in previously approved amendments, the Planning Director may approve the amendment after the amendment is reviewed by the Technical Advisory Committee.

If the Planning Director determines that the amendment represents a significant change from the use or character of the original *subdivision* and previously approved amendments or that the amendment requires more detailed review, the proposed amendment shall be regarded as an original application for a *subdivision* and follow the procedures for review of a new *subdivision*.

6.6 INTRAFAMILY TRANSFER IN THE CRITICAL AREA

1. A bona fide *intrafamily transfer* shall be permitted only from parcels of land in the Resource Conservation District that:
 - a. Were of record on March 1, 1986;
 - b. Are seven (7) acres or more and less than sixty (60) acres in size.
2. Land shall be subdivided as indicated:
 - a. A parcel that is seven (7) acres or more and less than twelve (12) acres in size may be subdivided into two lots;
 - b. A parcel that is twelve (12) acres or more and less than sixty (60) acres in size may be subdivided into three lots. The lots may be created at different times.
3. As a condition of approval, the following shall be required:
 - a. The owner of the subdivided parcel attests to the bona fide family relationship and that the intent is not for ultimate transfer to a third party.
 - b. Any deed for a *lot* that is created by a bona fide *intrafamily transfer* shall contain a covenant stating that the *lot* is created subject to the provisions of this section.
 - c. A *lot* created by a bona fide *intrafamily transfer* shall not be conveyed subsequently to any *person* other than a member of the owner's immediate family except under procedures established pursuant to Article VI, Section 6.6.4 of this Ordinance.
 - d. This subsection does not prevent the conveyance of the *lot* to a third party as security for a mortgage or a deed of trust, or subsequent conveyance resulting from a foreclosure.
4. Subsequent conveyance of lots to *persons* other than immediate family members:
 - a. The *lot* was created as a part of a bona fide *intrafamily transfer* and not with the intent of subdividing the original parcel of land for purposes of ultimate transfer to a third party; and
 - b. The owner of the transferred property dies; or
 - c. (i) A change in circumstances has occurred since the original transfer was made that is not inconsistent with the *Critical Area Law* and that warrants an exception, or (ii) other circumstances that are consistent with the *Critical Area Law* and the *Critical Area Law* Criteria to maintain land areas necessary to support the protective uses of *agriculture*, *forestry*, *open space*, and natural habitats in Resource Conservation Areas warrant an exception as determined and approved by the *Planning Commission*.

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