



**PUBLIC NOTICE**  
**WILLIAMSBURG PLANNING COMMISSION**

The Williamsburg Planning Commission will hold a public hearing on Wednesday, May 18, 2016, 3:30 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

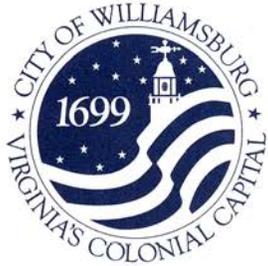
**PCR #16-004:** New Subdivision Ordinance (Williamsburg Code, Chapter 16). This replaces and updates the City's existing Subdivision Ordinance, which dates from 1958.

Additional information is available at [www.williamsburgva.gov/publicnotice](http://www.williamsburgva.gov/publicnotice) or at the Planning Department (757) 220-6130, 401 Lafayette Street. Interested citizens are invited to attend this hearing and present their comments to Planning Commission.

If you are disabled and need accommodation in order to participate in the public hearing, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Wednesday, May 11, 2016.

A handwritten signature in black ink that reads "Reed T. Nester". The signature is written in a cursive, flowing style.

Reed T. Nester  
Planning Director



## CITY OF WILLIAMSBURG

### MEMORANDUM

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**TO: Planning Commission**

**DATE: April 13, 2016**

**SUBJECT: PCR #16-004  
New Subdivision Ordinance**

The City's current Subdivision Ordinance dates from 1958. It has been updated several times, as listed below:

- Provisions for a Preliminary Plat (Master Plan) and Development Plan were added in 1993 (PCR #93-001).
- Minor changes to street and right-of-way width were made in 1994 (PCR #94-001).
- A requirement for sidewalks on both sides of streets was added in 1998 (PCR #98-015).
- A prohibition for construction on slopes in excess of 30%, and provisions for variances, were added in 1998 (PCR #98-015).
- Provisions for Minor Subdivisions and Boundary Line Adjustments were added in 2008 (PCR #06-037).
- Preliminary Plat requirements were amended to raise the threshold for a Preliminary Plat from 25 lots to 50 lots, as mandated by a change in the state, in 2014 (PCR #14-019).

The "New Subdivision Ordinance" completely rewrites the existing Subdivision Ordinance, adding it as Chapter 16 of the Williamsburg Code. Highlights of the new subdivision ordinance follow:

1. **In General** lists the purpose and intent of the Subdivision Ordinance, and includes a definition section. **[Article I, Secs. 16-1 to 16-3]**
2. **Administration** creates the position of Subdivision Administrator, who administers the ordinance. The Subdivision Administrator is appointed by the City Manager. Decisions of the Subdivision Administrator and of the Planning Commission can be appealed to City Council. **[Article II, Secs. 16-11 to 16-16]**
3. **Preparation and Recordation of Subdivision Plats** spells out the basic requirements for subdividing property. **[Article III, Secs. 16-21 to 16-25]**
4. **Minor Subdivision** procedures are similar to those in the existing ordinance. A minor subdivision is the division of a parcel into not more than five lots fronting on an existing public street with adequate public utilities. It can also be a boundary

line adjustment or a property line extinguishment. Minor subdivisions are administratively approved by the Subdivision Administrator. Digital copies of minor subdivision are required. **[Article IV, Secs. 16-31 to 16-40]**

5. A **Preliminary Plan** is required for subdivisions containing more than 50 lots (this threshold is mandated by the Code of Virginia). This is called the “Preliminary Plat” in the existing ordinance, but was changed to “Preliminary Plan” to differentiate it from a plat for recordation. Both James City County and York County refer to “Preliminary Plan” in their subdivision ordinances. The requirements for the Preliminary Plan are similar to those for a Preliminary Plat in the current subdivision ordinance. Planning Commission holds a public hearing on a Preliminary Plan and recommends to City Council. City Council approves the Preliminary Plan, but is not required to hold a public hearing. **[Article V, Secs. 16-41 to 16-48]**
6. **Development Plan** requirements are similar to those in the current ordinance. The Development Plan is essentially the fully engineered site plan for the subdivision. The Development Plan requires approval by Planning Commission, but not by City Council. No public hearing is required. Digital copies of Development Plans are required. The latest Development Plan approved by Planning Commission was for the Quarterpath Townhomes. **[Article VI, Secs. 16-61 to 16-66]**
7. **Final Plat** requirements are similar to those in the current ordinance. The Final Plat is approved by the Subdivision Administrator, and must be in accordance with the approved Development Plan. Digital copies of Final Plats are required. **[Article VII, Secs. 16-71 to 16-75]**
8. **Required Improvements** deal with the requirement for streets, sidewalks and utilities. These requirements are similar to the existing ordinance. Sidewalks are required on both sides of streets, and a shared-use path may be substituted for a sidewalk. Underground electric, telephone and TV cable is required for new subdivisions. **[Article VIII, Secs. 16-81 to 16-84]**
9. **Design Standards** deal with the detailed design of the subdivision: streets, blocks, lots, easements, storm drainage, water supply, sanitary sewer, fire protection, landscaping, provision of land for parks, schools and open space, and preservation of natural features. Many of the details are different from the current ordinance, but the intent is the same: to encourage good community design. One new requirement is for the provision of street trees, which is not included in the current ordinance [Sec. 16-102]. **[Article IX, Secs. 16-91 to 16-105]**
10. **Chesapeake Bay Preservation** requires that all subdivisions meet the Chesapeake Bay Preservation requirements contained in the City’s Zoning Ordinance. **[Article X, Sec. 16-111]**

11. **Construction and bonding** deals with the construction of the subdivision and when bonding of public improvements is required. This is similar to the current Subdivision Ordinance. [**Article XI, Secs 16-121 to 16-124**]

## **PUBLIC HEARING DATE**

A public hearing is scheduled for the regular Planning Commission meeting on May 18.



Reed T. Nester, AICP  
Planning Director

**ORDINANCE #16-\_\_**  
**PROPOSED ORDINANCE #16-\_\_**

**AN ORDINANCE REPEALING AND REENACTING THE WILLIAMSBURG  
SUBDIVISION ORDINANCE  
(PCR #16-004)**

**WHEREAS**, the existing Williamsburg Subdivision Ordinance, Secs. 25-1 to 25-41 is in need of major updating; and

**WHEREAS**, the Williamsburg Subdivision Ordinance, Secs. 16-1 to 16-119, is designed to update the City's subdivision requirements to current standards and requirements.

**THEREFORE, BE IT ORDAINED** that the existing Williamsburg Subdivision Ordinance be repealed and replaced with the following Williamsburg Subdivision Ordinance as Chapter 16 of the Williamsburg Code, to read as follows:

**CHAPTER 16  
SUBDIVISIONS**

**ARTICLE I. IN GENERAL.**

**Sec. 16-1. Purpose and intent**

(a) Purpose. This chapter is intended (1) to guide and facilitate the orderly, beneficial growth of the city; (2) to assure the orderly subdivision of land and its development; (3) to insure that the growth of the community is consonant with the efficient and economical use of public funds; to insure that residential areas are provided with healthy surroundings for family life; (4) to improve and protect the public health, safety, and welfare of the citizens of the city; (5) to clearly establish the procedure which must be followed in order to subdivide land in the city; (6) to insure that the subdivision process includes appropriate and applicable reviews; and (7) to accomplish the objectives of Section 15.2-2241 of the Code of Virginia (1950), as amended.

(b) Relationship to the Comprehensive Plan. The Williamsburg Comprehensive Plan provides a framework within which public and private decisions can promote the most beneficial arrangement of land uses and related public services. There is mutual responsibility between the city and the developer to subdivide land in an orderly manner in accordance with the intent of the Plan, which provides for a balanced development policy to accommodate and direct future growth in order to preserve and enhance the character of the community. All departments of the city shall employ, and all other public agencies impacted by this chapter are encouraged to employ, the standards and recommendations of the Williamsburg Comprehensive Plan in the review of subdivisions.

(c) Relationship to Chesapeake Bay Preservation Act. These subdivision regulations shall be implemented in concert with city regulations and standards pertaining to the Chesapeake Bay Preservation Act [Chapter 21, Section 10.1-2100 et seq., of Title 10.1 of the Code of Virginia (1950) as amended] and more specifically, with Chapter 21, ZONING, Article VIII, CHESAPEAKE BAY PRESERVATION. Performance criteria for the implementation of the Act have been incorporated into Chapter 21, Article VIII.

## **Sec. 16-2. Definitions**

For the purpose of this chapter, certain words and terms are defined as follows:

- (1) Words used in the present tense include the future tense; words used in the singular include the plural number; and words in the plural include the singular number; unless the obvious construction of the wording indicates otherwise.
- (2) The word "shall" is mandatory; "may" is permissive.
- (3) Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
- (4) The word "used" shall include the words "arranged, designed, or intended to be used".
- (5) The word "occupied" shall include the words "arranged, designed, or intended to be occupied".
- (6) The word "state" shall mean the Commonwealth of Virginia.
- (7) The word "city" shall mean the City of Williamsburg, Virginia.
- (8) The word "person" shall include the words "firm", "association", "organization", "partnership", "limited liability company", "trust", "company", or "corporation" or other type of entity as well as "individual".

*Alley* means a secondary thoroughfare less than 30 feet in width dedicated for the public use of vehicles and pedestrians, affording access to abutting property.

*Administrator* – see *Subdivision Administrator*.

*Best Management Practices* means a practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

*Buffer area* means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

*Chesapeake Bay Preservation Area (or CBPA)* means any land designated by the City of Williamsburg pursuant to the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20 et seq., and the Code of Virginia, § 10.1-2107. The Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

*Comprehensive Plan* means the Comprehensive Plan adopted by the Williamsburg city council, and amendments thereto.

*Cul-de-sac* means a minor street with only one outlet and having a circular turnaround at the opposite end for a safe and convenient reversal of traffic movement.

*Development plan* means the fully engineered construction drawings addressing all development issues and construction details and from which a determination can be reasonably made on the adequacy of the lot layout, design elements and facilities proposed, as required by Article VI. Development Plans.

*Frontage* means the width of the front of a lot measured along the street from one side lot line to the other.

*Highly erodible soils* means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula  $RKLS/T$ , where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope, length and steepness; and T is the soil loss tolerance.

*Highly permeable soils* means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service.

*Lot* means a parcel of land occupied or to be occupied by one main building or group of main buildings and accessory buildings and uses, together with such yards and open space required by this chapter.

*Lot, corner* means a lot fronting on two or more streets at their intersection. The owner shall choose which yard is the front yard unless the front yard is designated on the recorded subdivision plat. The rear yard shall be opposite the chosen front yard. The other yard abutting the street shall be a side yard.

*Lot, depth of* means the average horizontal distance between the front and rear lot lines.

*Lot, double frontage* means an interior lot having frontage on two streets.

*Lot, interior* means any lot other than a corner lot.

*Lot, width of* means the horizontal distance between side lot lines at the required front yard setback, or at a front yard setback shown on an approved subdivision plat.

*Lot of record* means a lot, a plat, or description of which has been recorded in the Circuit Court Clerk's office.

*Open space* means that area within the boundaries of a lot or development parcel that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space may include, but need not be limited to, lawns, decorative planting, flower beds, sidewalks/walkways, fountains, active and passive recreation areas, playgrounds, swimming pools, wooded areas, and water bodies and watercourses interior to the lot or development parcel. Open space shall not include driveways, parking lots, other vehicular surfaces, or any area occupied by a building, or the surface area of any water bodies or watercourses whose shoreline adjoins other property outside of the lot or development, even if ownership includes part of the water body or watercourse beyond the shoreline.

*Parking space, off-street* means a space provided for the parking of a motor vehicle which is not located on a public right-of-way, and which includes any necessary area for ingress and egress.

*Plat* means a plan or map of a tract or parcel of land meeting the requirements of this chapter which is to be or has been subdivided. As a verb, the term is synonymous with subdivide.

*Plat, final* means the record subdivision plat drawn according to specifications of Article VII. Final Plat.

*Preliminary plan* means the master plan for the proposed subdivision, as required by Article V. Preliminary Plan and authorized by §15.2-2260 of the Code of Virginia.

*Resource Management Area (or RMA)* means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area.

*Resource Protection Area (or RPA)* means that component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property.

*Street line* means a dividing line between a lot, tract or parcel of land and a contiguous public or private street.

*Subdivider* means an individual, corporation, partnership or other entity owning any property to be subdivided.

*Subdivision* means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for the purpose, whether immediate or future, of transfer of ownership.

*Subdivision Administrator* means the officer who administers and enforces the provisions of this chapter (the “Administrator”), who shall be appointed by the city manager.

*Substantial alteration* means expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

*Tidal shore (or shore)* means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

*Tributary stream* means any perennial stream that is so depicted on the most recent U.S. Geological Survey 7½ minute topographic quadrangle map (scale 1:24,000).

*Wetlands* means tidal and nontidal wetlands.

*Wetlands, nontidal* means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

*Wetlands, tidal* means vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia.

*Yard* means an open space at grade between a building and a lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided by this chapter or by chapter 21 zoning. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and the building shall be used.

*Yard, front* means a yard extending across the full width of the lot and located between the street line and the main building.

*Yard, rear* means a yard extending across the full width of the lot and located between the rear lot line and the main building.

*Yard, side* means a yard extending from the front yard to the rear yard and located between the side lot line and the main building.

*Zoning Ordinance* means the Zoning Ordinance adopted by the Williamsburg City Council as chapter 21 of the Williamsburg Code, and amendments thereto.

**Secs. 16-3 – 16-10. Reserved**

## **ARTICLE II. ADMINISTRATION.**

### **Sec. 16-11. Administration and enforcement**

(a) The provisions of this chapter shall be administered and enforced by the Subdivision Administrator (hereafter, the "Administrator"). The Administrator shall have all necessary authority on behalf of the city to administer and enforce the provisions of this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter, the bringing of legal action to enforce compliance with this chapter.

(b) The Administrator may call for opinions or decisions, either verbal or written, from other departments or agencies in considering details of any submitted plat.

(c) The Administrator shall be responsible for the receipt and processing of subdivision applications, and shall establish such administrative procedures deemed necessary for the proper administration of this chapter.

(d) No person shall subdivide land without making and recording a plat of subdivision and fully complying with the provisions of this chapter.

(e) No plat of subdivision shall be recorded unless and until it shall have been submitted to and approved by the Administrator or by the Administrator's designee.

(f) No person shall sell or transfer any land of a subdivision before the plat of such subdivision has been duly approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of this subdivision ordinance; provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

(g) No clerk of any court shall file or record a plat of a subdivision required by this chapter until such plat has been approved by the Administrator as required herein. No clerk or deputy clerk of the Circuit Court of the City shall file or record a plat of subdivision unless the plat has been submitted within 12 months of final approval.

(h) The requirements of this chapter are separate from, and supplementary to, any requirements otherwise specified by the City Code or by state or federal law. Nothing contained herein shall excuse compliance with other applicable ordinances or laws. Where local requirements are in conflict with mandatory state or federal requirements, the state or federal requirements shall prevail.

### **Sec. 16-12. Penalties.**

Any person, whether as principal, agent, employee or otherwise, who records a plat of subdivision that has not been approved by the Administrator as required by this chapter, or who sells or transfers any lot(s) or parcels of land in violation of the requirements of this chapter or who otherwise violates the provisions of this chapter shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in an instrument of transfer or other document used in the process of selling or

transferring shall not exempt any transaction from such penalties or from other remedies.

**Sec. 16-13. Effect of private contracts.**

Approval of a subdivision in accordance with this chapter shall not constitute approval or acceptance of any private easement, covenant, agreement or restriction, and neither the City nor any employee, officer or agent thereof shall have any responsibility to enforce such private easement, covenant, agreement or restriction. When this chapter calls for more restrictive standards than are required by any private easement, covenant, agreement or restriction, the provisions of this chapter shall control.

**Sec. 16-14. Appeals.**

In the event a plat for subdivision is disapproved by the Administrator or Planning Commission, the subdivider may appeal to City Council. The City Council may override the recommendation of the Administrator or Planning Commission and approve said plat. No appeal shall be made unless it is filed in writing with the City Clerk within 30 days of disapproval by the Administrator or Planning Commission.

**Sec. 16-15. Changes, erasures and revisions.**

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets, after the Administrator has approved in writing the plat or sheets, unless authorization for such changes has been granted in writing by the Administrator.

**Sec. 16-16. Amendments**

The Planning Commission may on its own initiative or at the request of the City Council prepare and recommend amendments to this chapter. No amendments shall be adopted without public hearings being held by Planning Commission and by City Council. Notice of the public hearings shall be given as required by the Code of Virginia, §15.1-2204.

**Secs. 16-11 – 16-20. Reserved.**

### **ARTICLE III. PREPARATION AND RECORDATION OF SUBDIVISION PLATS.**

#### **Sec. 16-21. Platting required.**

Any owner or developer of any tract of land situated within the corporate limits of the City who subdivides the same shall have recorded in the office of the Clerk of the Circuit Court a duly approved plat of the subdivision. No such subdivision plat shall be recorded unless it has been approved in accordance with this chapter. No lot shall be sold or transferred in any such subdivision, nor shall any building permit be granted, until a final plat for the subdivision has been approved and recorded, except for model homes in accordance with Chapter 21, Zoning, Sec. 21-617, Construction of model homes in new single-family detached, duplex and townhouse subdivisions.

#### **Sec. 16-22. Draw and certify.**

Every subdivision plat intended for recording shall be prepared by a land surveyor or professional engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by such surveyor or engineer setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title whereby the property to be subdivided was conveyed or otherwise transferred to the current owner(s). If title was transferred by will or other instrument that does not include a description of the property, the plat shall also reference the most recent deed(s) in the chain of title that describe the property. When a plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat in a manner approved by the Administrator.

#### **Sec. 16-23. Owner's certificate.**

Every subdivision plat intended for recording, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, the following statement: "The platting or dedication of (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." This shall be signed by the owners, proprietors, and trustees, if any, and shall be notarized, and when executed and approved as specified in this chapter, shall be filed and recorded in the office of the Clerk of Circuit Court and indexed under the names of the landowners signing such statement and under the name of the subdivision.

#### **Sec. 16-24. No one exempt.**

No person shall subdivide or resubdivide any tract of land that is located within the corporate limits of the City of Williamsburg except in conformity with the provisions of this chapter.

#### **Sec. 16-25. Fees.**

Fees shall be charged in accordance with the fee schedule adopted by City Council.

#### **Secs. 16-26 – 16-30. Reserved.**

## **ARTICLE IV. MINOR SUBDIVISIONS/BOUNDARY LINE ADJUSTMENTS**

### **Sec. 16-31. Minor subdivisions.**

(a) A minor subdivision shall be the division of a parcel of land into not more than five lots, each of which fronts on an existing public street and does not involve a new public street or the extension of any existing public street or public utilities. Existing facilities must adequately accommodate the subdivision; and the subdivision must meet all requirements of Chapter 21, Zoning.

(b) Any subdivision that would create any lot or lots which, based upon the zoning classification of the property, could be further subdivided into a total of more than three lots shall not be considered to be a minor subdivision.

### **Sec. 16-32. Boundary line adjustments**

(a) A boundary line adjustment shall be a resubdivision of a part of two or more adjacent lots, where no additional lots are created. Typically, a boundary line adjustment is a minor realignment or extinguishment of a single line between two platted lots.

(b) The lots reconfigured by the boundary line adjustment shall meet all requirements of Chapter 21, Zoning, as determined by the Zoning Administrator. Boundary line adjustments involving one or more nonconforming lots shall not be permitted where the result of such adjustment would increase the degree of nonconformity.

### **Sec. 16-33. Information required on minor subdivision/boundary line adjustment plats**

(a) The following information shall be shown on the minor subdivision or boundary line adjustment plat:

- (1) Title block indicating: subdivision name; name and address of surveying or engineering firm; scale of plat; date of preparation of plat; seal and signature (on each sheet) by a Virginia registered land surveyor or professional engineer.
- (2) Surveyor's or engineer's certificate in accordance with Sec. 16-27.
- (3) Owner's certificate, properly notarized, in accordance with Sec. 16-28.
- (4) Location map when required by the Administrator.
- (5) North arrow and designation of north orientation used for the survey.
- (6) Street names and utility easements.
- (7) The boundaries of the subdivision showing the length of its courses and distances to 1/100 of a foot and bearings to the second of arc, based upon an accurate field survey with an error of closure not exceeding one foot in 10,000 feet.

- (8) Two points tied to the Geodetic Control Network with coordinates in the Virginia State Plane Coordinate System. All features shown on the plan must be drawn to scale based upon the two points.
- (9) Approval block indicating either "MINOR SUBDIVISION PLAT" or "BOUNDARY LINE ADJUSTMENT", and a space for the signature and date of signature of the Administrator.

(b) Minor subdivision/boundary line adjustment GIS digital data. An electronically formatted computer file shall be submitted containing all information shown on the Final Plat. The computer file shall conform to standards as determined by the Geographic Information System office for program compatibility. Only the following file formats will be accepted: CAD file (.DWG); ESRI - Shape files; or ESRI - File Geodatabase.

**Sec. 16-34. Minor subdivision/boundary line adjustment approvals**

If the Administrator finds that the proposed minor subdivision or boundary line adjustment meets all the requirements set forth above and elsewhere in this chapter, final subdivision approval shall be granted. However, minor subdivisions and boundary line adjustments may, at the discretion of the Administrator, be referred to the Planning Commission for approval.

**Secs. 16-35 – 16-40. Reserved**

## **ARTICLE V. PRELIMINARY PLAN.**

### **Sec. 16-41. Purpose.**

The Preliminary Plan review process is an opportunity for the subdivider to present conceptual subdivision plans for review and approval prior to the submittal of the required Development Plan. This review allows the subdivider to understand and anticipate subdivision design related issues and requirements prior to the submittal of the detailed Development Plan and the expenditure of substantial funds on engineering design. This review also allows the city staff, Planning Commission, City Council and citizens to comment on the subdivision design in its preliminary stages. Review of the Preliminary Plan shall be based upon the standards contained in this subdivision ordinance and Chapter 21 Zoning. Because of the importance of this review, it is made a requirement for all subdivisions containing more than 50 lots, and is optional for subdivisions containing 50 or fewer lots.

### **Sec. 16-42. Intent.**

The Preliminary Plan review is intended to examine the following:

- (1) The location, design, scope, type, density, physical characteristics and phasing of the proposed subdivision.
- (2) The impact of the proposed subdivision on adjacent property.
- (3) Compatibility of the proposed subdivision with the Comprehensive Plan, adopted master facilities plans, the capital improvements program, and plans for the development of neighboring properties.
- (4) Compatibility of proposed streets and transportation improvements with other existing and planned streets within the general area of the proposed development, and with the transportation section of the Comprehensive Plan.
- (5) Compatibility of the proposed subdivision with applicable ordinances, design guidelines and development criteria; and particularly those contained in the zoning district in which the subdivision is located, and the Chesapeake Bay Preservation requirements of the Zoning Ordinance (Chapter 21, Article VIII).

### **Sec. 16-43. When to be filed.**

The preliminary plan shall be filed prior to the preparation of the development plan and/or final plat.

**Sec. 16-44. Development of portion of tract.**

If the subdivider proposes to develop only a portion of the tract of land designated by the Comprehensive Plan as being served by an interconnected street system, or which will result in future extensions of streets proposed to be constructed in the initial development of a portion of the tract of land, a preliminary plan for the entire tract of land shall be required to be approved prior to approval of the development plan for the portion of the tract to be developed. An individual section or sections of the preliminary plan may be approved prior to the approval of the entire preliminary plan if it is determined that all issues affecting the individual section or sections and the entire preliminary plan have been satisfactorily resolved.

**Sec. 16-45. Information required on preliminary plans.**

Preliminary plans shall be prepared by an engineer, land surveyor, landscape architect, architect, city planner, land planner or others having training or experience in subdivision planning or design. The preliminary plan of the proposed subdivision, at a scale of not less than 200 feet to the inch, shall contain the following information:

- (1) Vicinity map at a scale of not less than 1 inch = 2000 feet.
- (2) The boundaries of the property by bearings and distances, the area of the property, a north arrow, and adjacent land owners.
- (3) The names, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property.
- (4) The location of all recorded easements.
- (5) The width and approximate location of all proposed streets, including approximate grades when required by the City Engineer.
- (6) The topography of the property with a maximum contour interval of five feet. In cases of unusual topography, the Administrator may require a contour interval of one foot over all or a portion of the property.
- (7) Conceptual plans for water, sanitary sewer and storm sewer facilities, including preliminary profiles when required by the City Engineer.
- (8) The location, area, and percentage of total land area of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) specified by Chapter 21, Article VIII, Chesapeake Bay Preservation.
- (9) The location of any required or proposed buffer areas.
- (10) The approximate limits of clearing and grading for the construction of all streets, utilities and stormwater management facilities.

- (11) Conceptual plans for stormwater management in accordance with Chapter 7, Article I Stormwater Management, including preliminary calculations for the Water Quality Impact Assessment required by Chapter 21, Article VIII, Chesapeake Bay Preservation.
- (12) A phasing plan if the subdivision is proposed to be developed in phases.
- (13) The gross acreages, and percentage of total land area, of the following physical land units, tabulated and computed by accurate planimetric methods at the preliminary plan scale:
  - a. Slopes less than 10%
  - b. Slopes from 10% but less than 20%
  - c. Slopes from 20% but less than 30%
  - d. Slopes 30% or more
  - e. 100 year floodplains
  - f. Wetlands
  - g. Existing water features (bodies of water, drainage channels, streams, etc.)
  - h. Above ground electric transmission line easements

These areas shall also be graphically identified on the concept plat. When acreages of these categories are not needed to calculate the permitted density, acreage breakdowns and the designation of categories within Resource Protection Areas and other buffer areas shall not be required.
- (14) Number of lots proposed, minimum lot areas and widths, and average lot area.
- (15) Total site area; and areas and percentage of total site area used for lots, streets and other areas to be dedicated or reserved.
- (16) When deemed necessary by the Administrator, Planning Commission or City Council, the following information shall be provided:
  - a. A traffic impact analysis, showing the effect of traffic generated by the proposed subdivision on surrounding streets and neighborhoods.
  - b. A public utility analysis, showing the effect of the proposed subdivision on public water, sewer and/or storm drainage facilities.
  - c. An environmental impact analysis.
- (17) Such other reasonable information relating to the above listed factors that the Administrator, Planning Commission or City Council deems necessary.

**Sec. 16-46. Planning Commission action and public hearing.**

(a) The Planning Commission shall review the Preliminary Plan, and recommend to city council the approval, approval with conditions, or disapproval of the Preliminary Plan, based upon the standards contained in this chapter, Chapter 7 Environmental Protection and Chapter 21 Zoning. Before taking action, the Planning Commission shall hold at least one public hearing after notice as required by the Code of Virginia, Sec. 15.2-2204.

(b) In addition to the notices required, there shall be posted upon the affected parcel or parcels, clearly visible from a public street, a sign containing the heading "PUBLIC NOTICE" prominently displayed in bold print. Such sign shall state the subdivision case number, and the telephone number of the Planning Department. Such notice shall be posted at least 14 days prior to the Planning Commission public hearing but failure to constantly maintain such sign on the property until the date of the Planning Commission public hearing shall not invalidate any resulting Planning Commission decision. An affidavit by the Administrator or the Administrator's agent stating that the sign was properly posted shall be prima facie evidence of compliance with the posting requirement.

(c) The Planning Commission shall act on the Preliminary Plan within 60 days after the date of the first Planning Commission meeting at which the Preliminary Plan meeting all the requirements of this article is presented, unless this requirement is waived by mutual consent of the subdivider and the Administrator.

**Sec. 16-47. City Council action; approval or disapproval.**

(a) The City Council shall review the Preliminary Plan following receipt of the Planning Commission's recommendation and, following the review, shall approve, approve with conditions, or disapprove the Preliminary Plan, based on the standards contained in this chapter, Chapter 7 Environmental Protection and Chapter 21 Zoning.

(b) Approval of a Preliminary Plan shall expire 12 months after the date of approval by City Council unless a Development Plan has been filed with the Administrator. When the subdivision is being developed in phases, the Development Plan for the first phase shall be filed within the stated time period. The Planning Commission, upon written request by the subdivider, may grant 12 month extensions of the Preliminary Plan approval. When the subdivision is being developed in phases, the Preliminary Plan shall remain valid so long as substantial construction work on public improvements for subdivision phases does not stop for more than 12 months.

**Sec. 16-48. Development Plan submittal following approval of Preliminary Plan.**

Following the approval of the Preliminary Plan, the subdivider may submit the Development Plan for approval in accordance with Article VI, Development Plans. The Development Plan shall be substantially in accord with the approved Preliminary Plan.

**Secs. 16-49 – 16-60. Reserved.**

## **ARTICLE VI. DEVELOPMENT PLANS.**

### **Sec. 16-61. When to be filed.**

Whenever a subdivision is proposed to be made and before any sale or transfer of such subdivision as a whole or any part thereof is made, or before any construction work, including grading, is started, the owner or proprietor of the proposed subdivision or his duly authorized representative shall file a Development Plan of the proposed subdivision with the Administrator for approval. The Development Plan and all procedures relating thereto shall in all respects be in full compliance with the provisions of this chapter and all applicable laws and ordinances affecting or regulating the subdivision of land, the use thereof and the erection of buildings or structures thereon.

### **Sec. 16-62. Development plan approval.**

(a) When a Preliminary Plan is not required by Article V of this chapter (a subdivision of 50 or fewer lots), the Planning Commission shall review the Development Plan and following the review, approve, approve with conditions, or disapprove the Development Plan based upon the standards contained in this chapter.

- (1) A decision to approve, approve with conditions, or disapprove the Development Plan shall be made within 60 days after the date of the first Planning Commission meeting at which the Development Plan meeting all the requirements of this article is presented, unless waived by mutual consent between the subdivider and the Planning Commission. If the Development Plan is disapproved, the Commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval.

(b) When a Preliminary Plan is required by Article V of this chapter (a subdivision of more than 50 lots), the Commission shall review the Development Plan and shall not approve the Development Plan unless it is in substantial accord with the Preliminary Plan approved by City Council, except for minor changes as allowed by Sec. 25-31(b)(2) below.

- (1) A decision to approve, approve with conditions, or disapprove the Development Plan shall be made within 60 days after the Development Plan meeting all the requirements of this Chapter is presented, unless waived by mutual consent between the subdivider and the Planning Commission. If the Development Plan is disapproved, the Commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval.
- (2) Minor changes from the approved Preliminary Plan may be approved by the Administrator, or, at the option of the Administrator, referred to the Planning Commission at a regular meeting without a public hearing. A change shall be considered minor if it:

- a. Does not change the general character of the approved preliminary plan.
- b. Does not adversely affect the development or use of adjacent properties and surrounding neighborhoods.
- c. Does not increase the approved number of lots.
- d. Does not result in any substantial change to major external access points.

Any changes not authorized by this section shall require amendment of the Preliminary Plan in accordance with the procedures contained in this chapter for a new application.

**Sec. 16-63. Information required on development plans.**

(a) Certification. Development Plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, land surveyor or landscape architect licensed to practice in accordance with the Code of Virginia, Sec. 54-17.1. No person shall prepare or certify design elements of a Preliminary Plan which are outside the limits of such person's professional expertise or license.

(b) Scale. Preliminary Plans shall be prepared at a scale of not less than 50 feet to the inch, and acceptable to the Administrator. Sheet size shall be 24" by 36"; however, the Administrator may approve different sheet sizes in advance of plan submission.

(c) Development plan title sheet. The Development Plan title sheet shall contain the following information:

- (1) Title block
  - (a) Subdivision name.
  - (b) Name, address and telephone number of the firm and/or individual preparing the site plan.
  - (c) Scale.
  - (d) Date of preparation; and dates and descriptions of all revisions.
  - (e) The preparer's file number for the plat.
- (2) Name and address of the record owner(s) of the land to be subdivided, and of the subdivider if different from the record owner(s).
- (3) Location of the property to be subdivided by an inset map at a scale of not more than 1" = 2000' showing landmarks sufficient to clearly identify the location of the property.
- (4) A general information section indicating the number of sheets comprising the preliminary plan, and an index showing the locations of the various sheets.
- (5) Proposed use of property.

- (6) Rezoning proffers, special use permit conditions and waivers or variances granted.
- (7) The zoning of the property.
- (8) Total site area; portion and percentage of total site area used for lots; streets and other areas to be dedicated or reserved.
- (9) A blank space four inches by four inches shall be reserved for the use of the city on the lower right hand corner of the title sheet.
- (d) General information required.
  - (1) Seal and signature, on each sheet, by the Virginia registered professional engineer, land surveyor, landscape architect or architect responsible for its preparation, pursuant to 18VAC10-20-760.
  - (2) Sources of data used in preparing the Development Plan including, but not limited to, plats of record and the deed book and page number or instrument number of the last instrument in the chain of title whereby the property to be subdivided was conveyed or otherwise transferred to the current owner(s). If title was transferred by will or other instrument that does not include a description of the property, the plat shall also reference the most recent deed(s) in the chain of title that describe the property.
  - (3) The owners, present zoning and current use of all abutting or contiguous parcels, and the names of adjoining subdivisions.
  - (4) The boundaries of the property by bearings and distances. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, with source of title shown.
  - (5) North arrow.
  - (6) All linear dimensions shown on the preliminary plan shall be in feet to the nearest one hundredth (0.01) of a foot. All angular measurements shall be expressed by bearings or angles to the nearest ten seconds. All curves shall be defined by their radius, central angle, tangent, distances, tangent bearing and arc lengths.
  - (7) A development phasing plan if the proposed subdivision is to be constructed in two or more phases.
  - (8) If the Development Plan consists of more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be included identifying the sheets.
- (e) Existing features.
  - (1) The location and use of all existing buildings and structures.
  - (2) Existing topography with a maximum contour interval of two feet.

- (3) All existing natural land features, trees, water features (including ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas).
- (4) All existing streets, utilities, stormwater management facilities, watercourses within and abutting the proposed subdivision, and their names and widths.
- (5) All easements, including recordation references.
- (6) Location and gross acreages of Resource Protection and Resource Management Areas as specified by Chapter 21, Zoning, Article VIII, Chesapeake Bay Preservation.
- (7) For cluster subdivisions, the gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the site plan scale:
  - a. Slopes less than 10%
  - b. Slopes from 10% but less than 20%
  - c. Slopes from 20% but less than 30%
  - d. Slopes 30% or greater
  - e. 100-year floodplains
  - f. Wetlands
  - g. Existing water features (bodies of water, drainage channels, streams, etc.)
  - h. Above ground electric transmission line easements
- (f) Proposed improvements.
  - (1) Proposed lots: locations, numbers, dimensions, areas and required yard areas.
  - (2) Proposed streets: locations, names, widths, centerlines, cross sections and profiles. Profiles shall include centerline elevations computed to the nearest one hundredth (0.01) of a foot at 50 foot horizontal station intervals and at other locations of geometric importance.
  - (3) Proposed sidewalks, shared-use paths and/or bike lanes: locations, widths and cross sections.
  - (4) Provisions for water supply and sewage disposal indicating:
    - a. Plans and profiles for all existing and proposed public utilities, including elevations computed to the nearest one hundredth (0.01) of a foot at 50 foot horizontal station intervals and at other locations of geometric importance.
    - b. Location of all sanitary sewer lines and water lines and computations verifying supply and receiving line adequacy, and showing all pipe sizes, types and grades.
    - c. Location of all existing and proposed fire hydrants; and calculations verifying adequacy of fire flow when required by the City Engineer or the Fire Chief.

- d. Location of necessary easements.
- (5) Provisions for the adequate disposition of natural water and stormwater in accordance with Chapter 7, Article I Stormwater Management.
- (6) Provisions for adequate control of erosion and sedimentation, as required by Chapter 7, Article II, Erosion and Sedimentation Control. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.
- (7) Proposed landscaping.
- (8) Locations and method of street lighting.
- (9) Locations and type of all proposed signage, including street name and traffic signs.
- (10) Locations of all parcels of land intended to be dedicated or reserved for public use or to be reserved for the common use of property owners in the subdivision, with the purpose, condition or limitations of such dedication or reservation indicated.

(g) Development Plan GIS digital data. An electronically formatted computer file shall be submitted containing all information shown on the Development Plan. The computer file shall conform to standards as determined by the Geographic Information System office for program compatibility. Only the following file formats will be accepted: CAD file (.DWG); ESRI - Shape files; or ESRI - File Geodatabase.

(h) Additional information. Any additional information deemed necessary by the Administrator to render a decision on the proposal.

**Sec. 16-64. Development Plan approval.**

(a) The Planning Commission shall review the Development Plan and, following the review, approve, approve with conditions, or disapprove the Development Plan based upon the standards contained in this chapter and in Chapter 21 Zoning. When a Preliminary Plan is required by Article V, the Commission shall not approve the Development Plan unless it finds that it is in substantial accord with the Preliminary Plan approved by City Council.

(b) A decision to approve, approve with conditions, or disapprove the Development Plan shall be made within 60 days after the date of the first Planning Commission meeting at which the Development Plan is discussed, unless waived by mutual consent of the subdivider and the Administrator.

**Sec. 16-65. Sale of property not approved.**

No property shall be transferred or sold, nor shall any building permits be issued, on the basis of an approved Development Plan.

**Sec. 16-66. Time limit for submittal of Final Plat.**

The Final Plat must be submitted to the Administrator for review not more than 12 months after approval of the Development Plan by Planning Commission. Failure to do so shall render the Development Plan null and void. When the subdivision is being developed in phases, the Final Plat for the first phase shall be filed within the stated time period. The Administrator, upon written request by the subdivider, may grant one 12 month extension of the Development Plan approval. When the subdivision is being developed in phases, the Development Plan shall remain valid so long as substantial construction work on public improvements for subdivision phases does not stop for more than 12 months.

**Secs. 16-67 – 16-70. Reserved.**

## **ARTICLE VII. FINAL PLAT.**

### **Sec. 16-71. When to be filed.**

The Administrator shall review all Final Plats when submitted as required by the Code of Virginia. A Final Plat shall be deemed submitted when it contains all information required by this chapter. The Final Plat of a proposed subdivision shall be filed following approval of the Development Plan. The Final Plat shall comply with the provisions of this chapter and be in substantial accord with the Development Plan approved by planning commission under the provisions of Article VI.

### **Sec. 16-72. Information required on final plats.**

(a) The Final Plat shall be on a sheet 18 inches by 24 inches in size with a margin of one-half inch outside ruled border lines at the bottom and right sides, and 1 inch at the top and left side, and at a scale of 100 feet to the inch, unless otherwise permitted by the Administrator. The Final Plat shall clearly show the following:

- (1) Identifying information within a space four inches high and four inches wide in the lower right-hand corner of the plat. Identifying information shall include the name of the subdivision (and section, if only a portion of the approved preliminary plan is being developed), the city, the date and scale, and the name of the person who prepared the plat. The subdivision name shall be in bolder type than the other information.
- (2) The names of the record owner of the land being subdivided and of the subdivider.
- (3) The boundaries of the subdivision showing the length of its courses and distances to 1/100 of a foot and bearings to the second of arc, based upon an accurate field survey with an error of closure not exceeding one foot in 10,000 feet. The names and locations of adjoining subdivisions or the names of owners of adjoining parcels shall also be provided.
- (4) Two points tied to the Geodetic Control Network with coordinates in the Virginia State Plane Coordinate System. All features shown on the plan must be drawn to scale based upon the two points.
- (5) Exact location, alignment, arrangement and width along property lines of all streets (opened and unopened) that intersect or parallel the boundary of the subdivision.
- (6) Exact location and material of all permanent reference monuments, including any monument of the Geodetic Control Network located on the property.

- (7) Exact location, alignment or arrangement of streets and alleys in the subdivision; the names of all streets; designation as public or private; and the bearing, angles of intersection and width of all streets, including their width along the line of any obliquely intersecting street.
- (8) Lengths of arcs and radii and tangent bearings.
- (9) Exact location, alignment or arrangement of all easements with a statement of any restrictions or limitations placed on their use.
- (10) Exact location, alignment or arrangement of all lot lines with their dimensions expressed in feet and hundredths of a foot and with their bearing or angles to within a second.
- (11) Tangent distances of all corners when rounded at intersections, except in cases where streets intersect at right angles.
- (12) Numbering of all lots. All lots shall be numbered with consecutive Arabic numerals in each block, and all blocks shall be lettered in consecutive alphabetical order. In case of a resubdivision of lots in any block, the lots shall be numbered with consecutive Arabic numerals, beginning with the numeral following the highest lot numeral in the block.
- (13) Exact boundaries of all property to be dedicated for public use; all property to be reserved for the common use of residents, and all property otherwise reserved, along with the purposes and reasons for the reservations or easements.
- (14) The north point with magnetic bearing or, if true meridian is shown, the basis of its determination.
- (15) Certification by the engineer or surveyor who prepared the plat that the plat represents and is based on a survey made by him or under his direction and supervision, that all monuments shown thereon are actually in place or will be put in place before a specified date, that their location and character are accurately shown on the plat, and that all the provisions and requirements of this chapter have been met.
- (16) A statement that the platting or dedication of the described land is with the free consent and in accordance with the desire of the subdivider, owner, proprietor, and trustee or mortgagee, or each of them if more than one, in any deed or other instrumentality creating a lien on the land in any part of the subdivision. The statement shall be signed by the subdivider, owner, proprietor, and trustee or mortgagee, and it shall be duly acknowledged before an officer authorized to take acknowledgments to deeds. All opaque prints and transparent copies shall contain such signatures.

- (17) A certificate stating the sources of data used in preparing the final plat including, but not limited to, plats of record and the deed book and page number or instrument number of the last instrument in the chain of title whereby the property to be subdivided was conveyed or otherwise transferred to the current owner(s). If title was transferred by will or other instrument that does not include a description of the property, the plat shall also reference the most recent deed(s) in the chain of title that describe the property.
- (18) The location of Chesapeake Bay Preservation Areas, including the boundaries of resource protection areas (RPAs) and resource management areas (RMAs), and a statement as follows: "All or a portion of this subdivision is located in a Chesapeake Bay Preservation Area which is subject to the provisions of Article VIII, Chapter 21 of the Williamsburg Zoning Ordinance."
- (19) A notation stating "All existing vegetation within the RPA shall remain in its undisturbed natural state, except as allowed by Article VIII, Chesapeake Bay Preservation, Section 21-821(d)(5) of the Williamsburg Zoning Ordinance."
- (20) A notation stating "Permissible development in the RPA is limited to water dependent facilities, redevelopment, or other uses specifically allowed by Sec. 21-818 of the Williamsburg Zoning Ordinance."
- (21) Mapped dam break inundation zones.
- (22) The approximate location of any floodplain area as depicted on the flood insurance rate map (FIRM) for Williamsburg, including the flood hazard zone designations(s) and elevation(s).

(b) Final Plat GIS digital data. An electronically formatted computer file shall be submitted containing all information shown on the Final Plat. The computer file shall conform to standards as determined by the Geographic Information System office for program compatibility. Only the following file formats will be accepted: CAD file (.DWG); ESRI - Shape files; or ESRI - File Geodatabase.

**Sec. 16-73. Submission of Final Plat for portion of subdivision.**

The subdivider may submit a Final Plat for a portion of a subdivision which has been approved as a Preliminary Plan and/or a Development Plan.

**Sec. 16-74. Action by Administrator**

(a) The Administrator shall review all Final Plats as required by state law. A Final Plat shall be deemed submitted when it contains all the information required by this chapter. If state agency review is required, the Administrator shall forward the final plat within ten business days of submission to each state agency which must review it under state law.

- (1) Real property used for residential and noncommercial uses. The Administrator shall act on a Final Plat within the later of 35 days of the receipt of approvals from all state agencies or, if state review is not required, within 60 days of submission. The reasons for disapproval may be given in a separate document or may be written on the Final Plat itself. The reasons for disapproval shall identify deficiencies in the Final Plat by reference to specific duly adopted ordinances, regulations or policies and shall identify the modifications or corrections necessary for approval. The Administrator shall act on a proposed Final Plat he has previously disapproved within 45 days after the Final Plat has been modified, corrected and resubmitted for approval. These timelines may be extended by mutual written agreement of the subdivider and the Administrator.
- (2) Real property used for commercial uses. In addition to the requirements of subsection (a) of this section, the following requirements apply to Final Plats for real property used for commercial use:
  - a. The Administrator's review of a resubmitted Final Plat that has been previously disapproved shall only be limited to the deficiencies identified in the previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's Final Plat filings after the initial submission of the Final Plat.
  - b. The Final Plat shall be deemed approved if the Administrator fails to approve or disapprove a resubmitted Final Plat within 45 days of resubmission.
  - c. Notwithstanding the Administrator's approval or deemed approval of a proposed Final Plat, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory department of transportation engineering and safety requirements, or other mandatory engineering and safety requirements, shall not be treated as approved.
  - d. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the state department of transportation or other state agency, the Administrator may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

**Sec. 16-75. Recordation.**

(a) The subdivider shall submit six opaque prints and one transparent copy of the Final Plat using the recording medium and inscription standards specified by the Administrator.

(b) After the Administrator has given final approval and signed the final plat, the subdivider shall file the Final Plat for recordation in the Clerk's Office of the Circuit Court within 12 months of final approval, or such approval shall become null and void and the plat marked void and returned to the Administrator unless the Administrator has granted an extension in writing. However, in any case where construction of improvements to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the City, or where the subdivider has furnished surety to the City by certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of such facilities, the time for Final Plat recordation shall be extended to the time limit specified in the surety agreement approved by the City if greater than 12 months after final approval.

(c) If a subdivider records a Final Plat for a section of the subdivision shown on an approved Preliminary Plan and has furnished a certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of improvements dedicated in the final plat for public use and to be maintained by the city, the state or other public agency, the subdivider shall have the right to record the remaining sections shown on the Preliminary Plan for a period of five years from the recordation date of any section, subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

(d) Once an approved Final Plat for all or a portion of the property is recorded, the underlying Preliminary Plan shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the last recorded plat.

**Secs. 16-76 – 16-80. Reserved.**

## **ARTICLE VIII. REQUIRED IMPROVEMENTS.**

### **Sec. 16-81. In general.**

The subdivider shall install the following improvements in accordance with the minimum requirements and regulations set forth in this article. These improvements shall be installed at the cost of the subdivider and in compliance with the requirements of any or all plans and plats approved by the City.

### **Sec. 16-82. Streets and sidewalks.**

(a) Construction and right-of-way dedication, as required for streets, service drives, driveway entrances or other access connections, which will permit vehicular travel within the subdivision and to and from adjacent properties.

(b) Construction of, and/or fee dedication for, the widening of existing streets, the construction of existing streets on new alignments and the construction of proposed streets, all as indicated in the Comprehensive Plan and where the need for such streets are substantially generated by the proposed subdivision.

(c) Sidewalks shall be constructed on both sides of streets; however, the Administrator may approve sidewalks on one side of the street, or eliminate sidewalks, where it is determined that they are not necessary for pedestrian safety and circulation. The Administrator may also approve a shared-use path in lieu of a sidewalk. Connection shall be made to existing public sidewalks contiguous to the subdivision, or the sidewalk shall be located to allow connection to future sidewalks as designated in the adopted Comprehensive Plan. The arrangement of sidewalks in new subdivisions shall provide for the planned continuation of proposed sidewalks into adjoining undeveloped areas, even when no street connections are planned, to ensure that all subdivisions are connected to the public sidewalk system.

### **Sec. 16-83. Utilities.**

(a) Construction of all utilities necessary to serve the proposed subdivision. All utilities provided by the developer shall be installed underground in accordance with adopted City standards, provided, however, that:

- (1) Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed in accordance with accepted utility practices for underground distribution.
- (2) Meters, service connections and similar equipment normally attached to the outside wall of the premises the serve may be so installed.

(b) Dedication of easements or rights-of-ways for all utilities and facilities within subdivisions which are intended to be publicly maintained. Such easements or rights-of-way shall be clearly defined on the plat or plan for the purposes intended.

**Sec. 16-84. Stormwater Management; Erosion and sedimentation control.**

(a) Installation of an adequate drainage system for the disposition of stormwater runoff in accordance with Chapter 7, Article I Stormwater Management and compatible with any adopted stormwater management facilities plan for the watershed.

(b) Installation of adequate temporary and permanent erosion and sediment control measures in accordance with Chapter 7, Article II, Erosion and Sedimentation Control.

**Secs. 16-85 – 16-90. Reserved.**

## ARTICLE IX. DESIGN STANDARDS.

### Sec. 16-91. In general.

(a) The quality of design of a community is dependent on the quality of design of the individual subdivisions that are included in it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the City of Williamsburg. Therefore, the design of each subdivision shall be prepared in accordance with the principles and recommendations established by the Comprehensive Plan for land use, circulation, community facilities and public services, and in accordance with the following general principles:

- (1) The size of lots and blocks and other areas for residential, commercial, industrial and public uses shall be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities.
- (2) The arrangements of lots and blocks and the street system shall be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees shall, whenever possible and consistent with the provisions of this chapter, be preserved. Permanent greenbelts shall be provided along a major street as recommended by the Comprehensive Plan. Any system of sidewalks, shared-use paths, roadways and lot layout shall be designed to take advantage of the visual and topographic qualities of the area.

(b) In furtherance of the purposes of this chapter, the following minimum design standards contained in this article, as applicable, shall be required and provided for in the design of all subdivisions.

### Sec. 16-92. Streets.

- (a) Street location and alignment.
- (1) All street and highway construction standards and geometric design standards shall be in accord with applicable City standards and the Virginia Department of Transportation Road Design Manual, as may be periodically amended.
  - (2) All subdivisions must have direct access to public streets. Such developments are to be designed so that lots will not have direct access to any arterial street unless the physiography, shape or size of the tract would preclude other methods of providing access.
  - (3) The arrangement of streets in new subdivisions shall provide for the planned continuation of existing streets in adjoining areas, and must not be such as to cause unnecessary hardship to owners of adjoining property which is available for future subdivision.
  - (4) Subdivision streets shall be provided and designed to give access to adjoining acreage in conformance with the Comprehensive Plan.

- (5) "Half-street" sections (streets of less than the full right-of-way required) or "partial street" sections along the property line of land proposed for subdivision shall not be permitted. When a new subdivision abuts one side of an existing or platted street, the subdivider shall dedicate at least half the right-of-way necessary to make such street comply with the minimum width fixed for the same by this chapter.
- (6) Streets in predominantly residential subdivisions shall be designed to discourage through traffic.
- (7) Buffer or reserve strips limiting access from existing or planned through streets shall be prohibited.
- (b) Street approach angle. Streets shall intersect at right angles (90 degrees) unless approved by the city for specific reasons of contour, terrain or matching or existing patterns.
- (d) Cul-de-sacs.
  - (1) Cul-de-sacs shall not be longer than 1,000 feet. Where the topography, property configuration or other physical constraints are such that a cul-de-sac of greater length is required for the effective and efficient development of the property, the city may authorize cul-de-sacs which exceed 1,000 feet in length.
  - (2) All cul-de-sacs must be terminated by a turnaround meeting applicable standards of the Virginia Department of Transportation Road Design Manual, as may be periodically amended.
- (e) Street grades.
  - (1) The grades of streets shall not exceed 8% unless approved by the city.
  - (2) A minimum street grade of 0.5% shall be required.
- (f) Street extensions. Proposed streets which will extend an existing street shall be improved in like manner as the existing street. If the existing street does not meet current standards, the Administrator may permit the extension without meeting the current standards. Otherwise, the type of improvement and construction materials shall be in accord with the current City standards and the Virginia Department of Transportation Road Design Manual, as may be periodically amended.
- (g) Street specifications. Specifications for improvement of existing and proposed streets shall be in accordance with applicable City standards and the Virginia Department of Transportation Road and Bridge Specifications, as may be periodically amended.
- (h) Street names and street name signs. At each street intersection, within or adjacent to the proposed subdivision, one street identification sign of a design approved by the City shall be installed by, and at the expense of, the subdivider. The City Council shall have the authority to assign and/or approve all new subdivision street names.

(i) Street width. The right-of-way width for public streets shall be in accordance with the Virginia Department of Transportation Road Design Manual, Subdivision Street Acceptance Criteria, as may be periodically amended.

(j) Entrances. Each entrance onto any public street for vehicular traffic to and from such subdivision shall be constructed in accordance with applicable city and Virginia Department of Transportation design and construction standards.

(k) Classifications.

(1) The classification of proposed streets shall be determined by an estimate of the anticipated vehicular traffic volume as currently prescribed, or as revised, by the Virginia Department of Transportation, and shall apply to streets proposed by the subdivider and to all streets shown on the transportation element of the Comprehensive Plan.

(2) Subdividers shall be required to dedicate and construct all public and private streets directly serving the proposed subdivision.

(l) Private streets.

(1) Single family detached and duplex subdivisions. Lots in subdivisions for single family detached and duplex dwellings shall front on public streets.

(2) Planned development and townhouse subdivisions. Lots in a planned development (Planned development residential district PDR) or townhouse subdivision shall front on either a public street or a private street meeting the requirements of chapter 21, Zoning.

(3) Alleys. Privately maintained alleys may be permitted. No alley shall be less than 20 feet wide. Dead end alleys longer than 200 feet shall not be permitted.

(4) Requirements for private streets and alleys. When access is provided by private streets and/or alleys, the following shall apply:

a. All lot owners granted perpetual right of access to the private street or alley.

b. No private streets shall carry in excess of 1,000 vehicles per day.

c. The final plat shall note each private street or alley as "privately owned and privately maintained by the lot owners." The final plat shall also provide an adequate easement for ingress, egress, maintenance of utilities, and for public agencies including Police, Fire and Utility Departments to allow them to carry out their duties.

d. All permitted private streets shall have an approved street name and shall be identified by a street identification sign of a design approved by the City and installed by and at the expense of the subdivider.

(4) Design standards.

- a. Geometric design requirements for private streets shall conform to applicable City and Virginia Department of Transportation Road and Bridge Specifications, as may be periodically amended.
- b. A cul-de-sac or appropriate turnaround must be provided at the end of all private streets. If a turnaround is provided, it shall be designed to allow for the safe movement of emergency vehicles, service trucks and school busses when necessary. Otherwise, private streets shall interconnect to provide for adequate emergency vehicular access within the same development.
- c. Pavement for private streets shall meet applicable City and Virginia Department of Transportation Road and Bridge Specifications, as may be periodically amended.

(5) Maintenance.

- a. A property owners' association shall be established and given the responsibility for the ownership and perpetual maintenance of private streets. All documents pertaining to the organization shall be approved by the City Attorney.
  1. The subdivider must establish the organization prior to the recordation of the Final Plat.
  2. Membership in the association shall be mandatory for all lot owners, present or future, within the subdivision.
- b. The Final Plat for subdivisions being served by private streets shall contain the following statement in a highlighted box on each sheet containing private streets: "The streets serving this subdivision are private and are not eligible for acceptance into the City of Williamsburg public street system. Maintenance of these streets, including snow removal and leaf collection, is not the responsibility of the City of Williamsburg."

**Sec. 16-93. Blocks.**

(a) Block length. The length of blocks shall be determined by public safety, traffic flow and natural topography considerations. Where streets are approximately parallel, connecting streets shall be provided. In general, residential blocks should be between 500 and 1,200 feet in length.

(b) Block width. The width of a block shall be sufficient to allow two tiers of lots, except where fronting on primary streets. A single tier of lots may be approved where necessitated by topography, size of property or adjoining railroads or waterways.

(c) Block orientation. Where a proposed subdivision adjoins an arterial street or a major collector street, the Administrator may require that blocks be oriented and designed to limit or reduce the number of points of access, and/or that reverse frontage lots be required.

(d) Nonconforming blocks. Any proposed blocks of irregular shape or not conforming to the dimensions required by this chapter may be accepted upon special approval by the planning commission.

**Sec. 16-94. Lots.**

(a) Relationship to street. Each lot shall abut on a street dedicated by the subdivision plat or deed of dedication, an existing public street, or an approved private street.

(b) Arrangement and design generally. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Unusually shaped or elongated lots established primarily for the purpose of meeting minimum lot size and frontage requirements when such area would be unusable for normal purposes shall not be permitted.

(c) Size. The minimum lot size and dimensions shall be in accordance with Chapter 21, Zoning, and the requirements for the zoning district in which the proposed subdivision is located.

(d) Side lines. Side lines of lots shall be approximately perpendicular to or radial to the street right-of-way line, except where a variation of this rule will provide a better street or lot layout.

(e) Corner lots. Corner lots shall have extra width sufficient for maintenance of the required front yard on both streets upon which the corner lot abuts.

(f) Remnants. All remnants of lots not meeting minimum lot size requirements shall be added to adjacent lots or dedicated to a duly constituted property owners' association for the common use of all residents of the subdivision, in which case a minimum 10 foot wide easement or other form of access shall be provided from a public or private street right-of-way or other property dedicated to the common use. The subdivider shall demonstrate, to the satisfaction of the Administrator, that remnants proposed for dedication to a duly constituted property owners' association shall be of some usefulness to said association; otherwise such remnants shall be added to adjacent lots.

(g) Double frontage and reverse frontage lots. Double frontage or reverse frontage lots may be permitted where essential to provide separation of residential development from streets, to overcome disadvantages of topography, or where exceptional subdivision design permits.

(h) Monuments and corners.

- (1) Permanent reference monuments shall be placed at all boundary points, points of curvature, points of tangency, points of compound curves, reverse curves, and at other points along all dedicated rights-of-way deemed of geometric significance. They shall be solid ferrous metal pins, or a material approved by the Administrator, of not less than ½ inch in diameter and 24 inches long and shall be set to approved finish grades.
- (2) All lot corners shall be marked with solid ferrous metal pins, or a material approved by the Administrator, of not less than ½ inch in diameter and 24 inches long and driven so as to be either flush with the finished grade or not more than three inches below finished grade. When rock is encountered, the solid metal monument shall be set and secured in a hole drilled at least six inches deep in the rock.

**Sec. 16-95. Easements.**

Easement widths shall be in accordance with City standards, as may be periodically amended, and shall be approved by the City Engineer.

**Sec. 16-96. Storm drainage.**

Subdivisions shall comply with the provisions of Chapter 7, Article I Stormwater Management.

**Sec. 16-97. Water supply.**

(a) All subdivisions of land in the City shall be approved for connection to the City water system.

(b) The design and construction standards of the City shall be followed for all water systems, unless specific deviations are approved by the City Engineer.

(c) Subject to the adoption of a comprehensive water facilities plan, a subdivider shall be required to pay a pro-rata share of the cost of providing reasonable and necessary water facilities which may be outside the property limits of the land owned or controlled by the subdivider, but necessitated or required, at least in part, by the subdivision of such land. Payment shall be in accordance with the intent and provisions of the Code of Virginia, Section 15.2-2243, the Comprehensive Plan, any adopted comprehensive water facilities plan, and this chapter.

(d) The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and Utilities.

**Sec. 16-98. Sanitary sewer.**

(a) Every subdivision shall be provided with a complete sanitary sewer system connected to a public sanitary sewer main, and shall include a lateral connection for each lot, except as allowed by Sec. 16-145.

(b) The design and construction standards of the city shall be followed for all sanitary sewer systems, unless specific deviations are approved by the City Engineer.

(c) Subject to the adoption of a comprehensive sewerage facilities plan, a subdivider shall be required to pay a pro-rata share of the cost of providing reasonable and necessary sewerage facilities which may be outside the property limits of the land owned or controlled by the subdivider, but necessitated or required, at least in part, by the subdivision of such land. Payment shall be in accordance with the intent and provisions of the Code of Virginia, Section 15.2-2243, the Comprehensive Plan, any adopted comprehensive sewerage facilities plan, and this chapter.

(d) The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and Utilities.

(e) An acceptance test shall be required for all sanitary sewer lines. All acceptance tests shall be conducted by the contractor in the presence of the City Engineer or his representative.

(f) Final approval of the sanitary sewer facilities shall not be given until all construction is complete and the as-built plan is submitted to and approved by the City Engineer.

**Sec. 16-99. As-Built Plans for Storm Drainage, Water Supply and Sanitary Sewer**

(a) As-built plans, prepared by a land surveyor or professional engineer duly authorized by the Commonwealth of Virginia to prepare same, shall be submitted to the City as a condition precedent to the acceptance of the storm drainage, water supply and/or sanitary sewer systems.

(1) Scale. As-built plans shall be prepared at a scale of not less than 50 feet to the inch, and acceptable to the Administrator. One paper copy shall be submitted. Sheet size shall be 24" by 36"; however, the Administrator may approve different sheet sizes in advance of as-built plan submission.

(2) As-built Plan GIS digital data. In addition to the paper copy, an electronically formatted computer file shall be submitted containing all information shown on the As-built Plans. The computer file shall conform to standards as determined by the Geographic Information System office for program compatibility. Only the following file formats will be accepted: CAD file (.DWG); ESRI - Shape files; or ESRI - File Geodatabase.

### **Sec. 16-100. Private on-site sewage treatment systems**

(a) When a public sanitary sewer is not accessible, and where it is unreasonable or financially impractical for the city to extend such public sanitary sewer lines, in the opinion of the Director of Public Works and Utilities, individual private on-site sewage treatment systems may be approved for subdivisions of up to five lots.

(b) No such subdivision shall be improved until the Virginia Department of Health has approved the proposed on-site sewage treatment systems.

(c) On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit and located in the Chesapeake Bay Preservation Area shall:

- (1) Have pump-out accomplished for all such systems at least once every five years.
- (2) For new construction, a reserve sewage disposal site shall be provided with a capacity at least equal to that of the primary sewage disposal site. Building shall be prohibited on the primary and reserve areas of all sewage disposal sites until the structure is served by public sewer or an on-site sewage discharge system which operates under a permit issued by the State Water Control Board.

### **Sec. 16-101. Fire protection.**

(a) The installation of adequate fire hydrants by the subdivider at locations approved by the Fire Chief shall be required as necessary to provide adequate fire protection.

(b) Fire hydrants shall normally be installed in the public right-of-way at the cost of the subdivider.

(c) In situations where fire hydrants are not located in the public rights-of-way, the subdivider shall dedicate or obtain all necessary easements to adequately service the fire hydrants. The location of such easements shall be approved by the Fire Chief, and the easements shall be dedicated to the city.

### **Sec. 16-102. Required landscaping.**

(a) Purpose. The purpose of this section is to establish general standards and processes by which the city's landscape architecture and urban design objectives will be implemented. These regulations are designed to: (a) preserve and enhance the aesthetic character of the community; (b) conserve and protect sensitive environmental resources; (c) enhance erosion and sediment control practices through the use of plant materials and ground cover; and (d) improve the physical relationship between adjacent properties via sensitive landscaping and buffering.

(b) General standards. The following general standards shall apply to the planning, design, installation and maintenance of all landscape, screening and related site development practices required by this section.

- (1) Landscape design plans shall seek to maximize the preservation of existing trees and minimize the disruption of established landscape materials by employing preservation and protection criteria such as those provided in the Virginia Erosion and Sediment Control Manual and the State's Urban Best Management Practices Handbook. The removal of trees or the clearing and grading of land by the subdivider shall be generally permitted only to accommodate the construction and installation of those improvements required by this chapter. The limits of clearing and grading shall be clearly shown on the preliminary plan.
  - (3) The quality and type of all new plant materials installed on a site shall be in accord with the specifications of the American Association of Nurserymen, provided that the transplanting of trees and shrubs may be done in accordance with accepted horticultural and silvicultural practices. The planting and placement of trees shall be done in accord with the standardized landscape specifications of the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects.
  - (4) Landscape plans shall be certified by a professional landscape architect licensed to practice in the State of Virginia, or certification shall be provided by a registered design professional that the landscape plan was prepared by an affiliated landscape architecture designer duly qualified to perform such work.
  - (5) The landscaping standards established by these landscape requirements provide minimum guidelines for landscape design for residential, institutional, commercial and industrial properties.
- (c) Subdivision landscaping and tree preservation standards.
- (1) The applicant shall make every effort to protect existing trees in the design and development of subdivisions.
  - (2) The subdivision landscape plan shall provide for the placement of street trees within or contiguous to the public right-of-way. A minimum of one street tree for each 40 feet of right-of-way length on either side of the street shall be provided.
  - (3) All landscape materials shall conform with the following minimum size and height standards: (a) Deciduous shade trees – two inch caliper; (b) Ornamental trees – six foot height; (c) Coniferous trees – Six foot height. The planning commission may modify the stipulated sizes based on specific site conditions and design requirements.

- (4) The subdivider shall consult with the Administrator during the concept plat and preliminary plan phases to determine the most appropriate species of street trees for use in a given subdivision.
- (d) Maintenance.
  - (1) The property owner shall be responsible for the continued maintenance, repair and replacement of all trees required by the provisions of this chapter. The City shall assume maintenance responsibility for street trees within the public right-of-way when the public streets have been accepted by the City.
  - (2) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
  - (3) A failure to adequately maintain landscape improvements in a healthy state and to keep such improvements free of litter, refuse and debris shall be deemed a violation of this chapter.
- (e) Subdivision landscape plan requirements.
  - (1) A conceptual subdivision landscape plan shall be submitted with all preliminary plans, and a final subdivision landscape plan shall be submitted with all development plans. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.
  - (2) The subdivision landscape plan shall include:
    - a. Canopy dimensions, location, size, description and the botanical name of proposed trees, landscape materials, ground covers and planting beds.
    - b. Delineation of all existing landscape materials proposed to be removed during the site development process, including the classification and location of any diseased trees which should be removed during site development. For areas of major clearing, clearing limits may be delineated in lieu of a detailed listing of landscape materials.
    - c. Delineation of all existing landscape materials to be retained during the site development process as well as appropriate landscape protection measures to be implemented during the site construction process. For areas of major retention, retained areas may be delineated in lieu of a detailed listing of landscape materials.
    - d. Planting specifications and construction details, including a schedule of recommended planting times for trees, plant materials and ground covers.
    - e. Limits of grading and site disturbing activities.
    - f. Delineation of required setbacks.

**Sec. 16-103. Provision for parks, schools, open space, etc.**

In the subdividing of land, consideration shall be given to suitable sites for parks, schools, open space and other areas of public use as recommended by the Comprehensive Plan. Such areas should be located and indicated on the preliminary plan in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for or required by the city for such use. The provision shall not be construed to preclude the dedication of property for public use not included in the Comprehensive Plan, provided such property is acceptable to the city for such dedication and maintenance.

**Sec. 16-104. Preservation of natural features and cultural resources.**

The natural terrain and features of the land, including heritage, memorial, significant and specimen trees, natural watercourses and other scenic areas and other features and resources worthy of preservation located within the area encompassed by any proposed subdivision shall be preserved and protected during the development process to the maximum extent possible.

**Sec. 16-105. General Standards.**

All other design criteria and construction standards shall be in accordance with city design and construction standards. Where standards and criteria are not provided or are found not applicable, the City Engineer and/or the Subdivision Administrator shall provide the governing standards or shall rule upon those standards proposed by the subdivider.

**Secs. 16-106 – 16-110. Reserved.**

## **ARTICLE X. CHESAPEAKE BAY PRESERVATION.**

### **Sec. 16-111. Regulations to apply.**

Subdivisions located wholly or partially in Chesapeake Bay Preservation Areas shall comply with the provisions of Chapter 21, Zoning, Article VIII, Chesapeake Bay Preservation.

### **Secs. 16-112 – 16-120. Reserved**

## **ARTICLE XI. CONSTRUCTION AND BONDING.**

### **Sec. 16-121. Prerequisites for construction activities.**

No site improvement or construction activities may occur unless all of the following requirements are met:

- (1) Approval of a development plan in accordance with Article VI.
- (2) Approval of a stormwater management plan and an erosion and sediment control plan and surety in accordance with Chapter 7, Articles I and II.
- (3) Approval of clearing and grading plan and issuance of a land disturbing permit.
- (4) Installation of adequate erosion and sediment control measures in accordance with the approved plans.

### **Sec. 16-122. Improvement costs.**

All improvements required by this Chapter shall be installed at the cost of the developer.

### **Sec. 16-123. Installation of improvements or bonding; release of bond.**

(a) Prior to final approval of a Final Plat for recordation, the subdivider shall complete or provide for completion of all required public improvements (and all private streets) at the subdivider's expense. To provide for completion, the subdivider shall provide the Administrator a certified check, cash escrow, surety bond, or bank or savings and loan association's letter of credit approved by the City Attorney in an amount sufficient to cover the estimated costs of all required improvements. The amount of the certified check, cash escrow, bond or letter of credit shall not exceed the estimated cost of construction based on unit prices for new public or private sector construction in the city plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities, which shall not exceed ten percent of the estimated construction cost. The subdivider shall obtain the Administrator's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the Administrator, the Administrator shall arrange for completion of the improvements using the certified check, cash escrow, or letter of credit or by calling on the surety on the bond.

(b) Upon the subdivider's written request, the Administrator shall make periodic partial releases of bonds, escrows, letters of credit or other performance guarantees in a cumulative amount equal to no more than 90 percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the city department or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee. The Administrator shall not be required to execute more than three periodic partial releases in any 12-month period.

(c) Within 30 days of receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the Administrator shall notify the subdivider of any specified defects or deficiencies in construction and suggested corrective measures. Written notice under this subsection shall consist of a letter from the subdivider to the Administrator requesting reduction or release of the performance guarantee along with a set of as-built plans and a certificate of completion by a duly licensed engineer. If no action is taken by the Administrator within the 30-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after such 30-day period has expired and there is an additional request in writing sent by certified mail, return receipt requested, to the city manager. The Administrator shall have ten working days after receipt of the second request for final release to act, and, if no action is taken, the request shall be deemed approved and final release granted to the subdivider.

(d) Upon final completion and acceptance of the required improvements, the Administrator shall release any remaining bond, escrow, letter of credit or other performance guarantee to the subdivider, subject to the requirements for the warrantee bond listed below. For the purpose of release, the term "acceptance" means when the improvements are accepted in writing for maintenance by the City of Williamsburg.

- (1) Warranty Bond. For a period of one year from the date of City's written acceptance of the public streets and public utility systems installed in the subdivision ("Public Improvements"), the subdivider shall warrant and guarantee to the City all materials and workmanship in such Public Improvements and further warrants that such Public Improvements are free of defects. The subdivider shall also warrant and guarantee to the City for a period of five years from the date of City's written acceptance thereof the road fills and trench work performed for the installation of underground public utility systems (water, sanitary sewer and public storm sewer). The City agrees to give the subdivider prompt notice of any defects during the warranty periods and the subdivider shall promptly and without cost to the City correct or replace the defective work or materials. Prior to the acceptance of said facilities by the City, the subdivider shall post sufficient surety bond, letter of credit or certified check, in form acceptable to the City Attorney, with a value equal to five percent of the total cost of the facilities, to remain in effect during the warranty periods.

**Sec. 16-124. Certification of completion of improvements.**

Upon the completion of all improvements, the subdivider shall furnish a statement by a certified land surveyor or professional engineer that all construction is in substantial conformity to the regulations and requirements of this chapter and the plans approved by the Administrator. The Administrator may release the subdivider from the obligation to complete all of the improvements in the subdivision if the undeveloped portion of the subdivision has been vacated as provided by law and the subdivider furnishes a statement by a certified surveyor or engineer that all construction which has been completed conforms to the regulations and requirements of this chapter and the plans approved by the Administrator.

**EXCEPT**, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Clyde A. Haulman, Mayor

Attest: \_\_\_\_\_  
Gerry S. Walton, Deputy Clerk

# WILLIAMSBURG SUBDIVISION ORDINANCE

## ARTICLE I. IN GENERAL

### Sec. 25-1. Application of chapter.

The regulations contained in this chapter are adopted for the subdivision of land situated within the corporate limits of the city.

### Sec. 25-2. Definitions.

The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

*Development plan:* Fully engineered construction drawings addressing all development issues and construction details and from which a determination can be made on the adequacy of the lot layout, design elements and facilities proposed.

*Final plat plan:* "Final plat plan" means the record subdivision map drawn according to specifications approved by sections 25-36 to 25-39, which must be approved by the plat-approving authorities of the city and the county or by their designated agents before it can be filed for recordation by the clerk of court.

*Governing bodies:* The city council is the governing body of the city.

*Lot:* A parcel of land occupied or intended to be occupied by one main building and accessory buildings and uses, including the open spaces required by this chapter.

*Lot, corner:* A lot abutting upon two (2) or more streets at their intersection.

*Lot, depth of:* The mean horizontal distance between the front and rear lot lines.

*Lot, double frontage:* An interior lot having frontage on two (2) streets.

*Lot, interior:* A lot other than a corner lot.

*Lot of record:* A lot which has been recorded in the office of the clerk of court.

*Lot, width of:* The mean horizontal distance between the side lot lines.

*Plat-approving authority:* The city council or its designated agent shall be the plat-approving authority.

## WILLIAMSBURG SUBDIVISION ORDINANCE

*Preliminary plat:* "Preliminary plat" is the master plan for the proposed subdivision, as required by sections 25-29.1 to 25-29.7, submitted for review and approval by the plat-approving authority.

*Shall:* The word "shall" is mandatory and not directory.

*Subdivision:* A subdivision is the division of a lot tract or parcel of land into two or more lots or other divisions of land for the purpose, whether immediate or future, of sale or building development; provided, that divisions of land for agricultural purposes in parcels of more than five acres, not involving any new street or easement of access, shall be exempted; provided further, that the division of any lot or parcel of land containing less than one acre, not involving any new street or easement of access, shall be exempted.

### **Sec. 25-3. Plats required to be submitted for approval.**

(a) Whenever any owner or proprietor of land within the city's corporate limits desires to subdivide the same, he shall submit a preliminary plan of the proposed subdivision for approval by the plat-approving authority or a designated agent. A final plat shall be submitted for approval by the plat-approving authority or a designated agent prior to its recordation in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

(b) Whenever any owner or proprietor of land within the city desires to subdivide the same, he shall submit preliminary plats, development plans, and final plats, as required by sections 25-29.1 to 25-39, for the approval in accordance with the provisions of this chapter. All plans shall be submitted to the Planning Department.

### **Sec. 25-4. General requirements and principles to be observed.**

The following general requirements and principles of land subdivision shall be observed in preparing the preliminary and final subdivision plats:

(a) *Matters to be considered by plat-approving authority.* The plat-approving authority shall consider the requirements of the community and the best use of the land being subdivided, as set forth in the comprehensive plans of the city or the county, if any exist. Particular attention shall be given to width, arrangement and locations of streets and alleys or utility easements, to drainage, to lot sizes and arrangement and to other facilities, such as parks, playgrounds or school sites, boulevards and main highways.

(b) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of section 30-20.

(c) *Standards which govern in case of conflict.* Any provisions of this chapter requiring higher standards than are required in any other statute, local ordinance or

## WILLIAMSBURG SUBDIVISION ORDINANCE

regulation shall govern; but the provisions of any other statute, local ordinance or regulation requiring higher standards than those contained herein shall govern.

(d) *Provision for access independent of adjoining owners.* Where parcels of land are subdivided into larger lots than building lots, such parcels shall be divided so as to allow for the opening and future extension of adjacent local streets. Where parcels are so divided, each lot indicated shall be of such size and shape as to permit any individual owner to resubdivide, giving each lot legal access independent of the adjoining owners.

(e) *Variation of requirements.* The plat-approving authority may reduce or waive a subdivision ordinance requirement in particular cases when a property owner can show that the property was acquired in good faith and where by reason of the special or unusual size, shape, topography or other special or unusual condition of the specific property or of the use and development of immediately adjacent property, the strict application of the terms of the subdivision ordinance would effectively prohibit or unreasonably restrict the ability to subdivide the property; or where the plat-approving authority is satisfied, upon the evidence heard by it, that the reduction or waiver of a subdivision ordinance requirement will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege sought by the applicant. All reductions or waivers of requirements shall be in harmony with the intended spirit and purpose of the subdivision ordinance. No reduction or waiver shall be approved unless it is found by the plat-approving authority that:

- (1) The strict application of the subdivision ordinance would result in substantial hardship;
- (2) That such hardship is not shared generally by adjacent properties;
- (3) That the granting of such reduction or waiver will not be of substantial detriment to adjacent property; and
- (4) That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the subdivision ordinance.

### **Sec. 25-5. Amendments to chapter.**

Amendments to this chapter may be made according to the procedure provided by section 30-5.

# WILLIAMSBURG SUBDIVISION ORDINANCE

## ARTICLE II. SUBDIVISION DESIGN STANDARDS.

### **Sec. 25-6. Relation of streets to existing street system; through streets; street names.**

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary by the plat-approving authority for public requirements. The width of such streets in new subdivisions shall be not less than the minimum widths established herein. The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. In general, provisions should be made for through streets at intervals not exceeding a half mile. Offset streets should be avoided. The angle of intersection between streets should not vary more than ten degrees from a right angle.

(b) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked against duplication of other street names.

### **Sec. 25-7. Widths of streets and alleys; dead-end alleys; reserved strips restricting access.**

(a) The widths of major highways shall conform to the widths designated on the major street plan.

(b) The minimum right of way width for minor streets shall be fifty (50) feet; however, this width may be reduced by the plat-approving authority if such reduction is approved by the Virginia Department of Transportation.

(c) Alleys are not recommended, except under very unusual conditions, in a residential block. When provided, a minimum width of fifteen feet shall be required, and all dead-end alleys shall terminate in a twenty-foot radius. Alleys are required in the rear of all business lots and shall be at least twenty feet wide. A five-foot cut-off shall be made at all acute-angle alley intersections.

(d) Reserved strips restricting access to streets or alleys will not be permitted.

### **Sec. 25-8. Easements for poles, wires, sewers, etc.**

Easements of at least five feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

## WILLIAMSBURG SUBDIVISION ORDINANCE

### Sec. 25-9. Blocks.

(a) No block shall be longer than one thousand two hundred feet between cross streets. Blocks over one thousand feet in length shall have a crosswalk at least ten feet in width near the center of the block.

(b) In platting residential lots containing less than fifteen thousand square feet, the depth of the block should not exceed three hundred feet.

### Sec. 25-10. "Places"

Where a tract of land is of such size or location as to prevent a lot arrangement directly related to a normal street arrangement, there may be established one or more "places." Such place may be in the form of a court, a dead-end street or other arrangement; provided, that proper access shall be given to all lots from a dedicated place (street or court). A dead-end street or place shall terminate in an open space (preferably circular) having a minimum radius of fifty feet. A dead-end street or place shall not exceed one thousand (1,000) feet in length.

### Sec. 25-11. Lots.

(a) *Arrangement and design generally.* The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(b) *Side lines; double frontage.* All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout: Lots with double frontage shall be avoided.

(c) *Minimum width; maximum depth.* The minimum width of residential lots shall be fifty (50) feet at the building lines. No lot shall have a depth greater than three (3) times its width at the building line, except where a variation to this rule will provide a better street and lot layout. No lot shall have an area less than that required by Chapter 30.

(d) *Extra width of certain corner lots.* Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

(e) *Radius or chord where lot on street intersection.* Lots on major street intersections and at all other acute-angle intersections which, in the opinion of the plat-approving authority or its designated agent, are likely to be dangerous to traffic movement shall have a radius of twenty (20) feet at the street corner. On business lots a chord may be substituted for the circular arc.

## **WILLIAMSBURG SUBDIVISION ORDINANCE**

### **Sec. 25-12. Building lines.**

(a) Building lines shall be shown on all lots intended for residential use of any character and on commercial or industrial lots immediately adjoining residential areas. Such building lines shall not be less than required by any zoning or building line regulations applying to the property. Where the subdivided area is not under zoning control, the subdivider shall establish building lines in accordance with the needs of each development, but in no case shall such building lines be less than twenty-five (25) feet from the right-of-way of the street or highway upon which the lot fronts. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat.

(b) Except where zoning regulations apply, restrictions shall also be made, and shown on or referred to on the plat, requiring all residential buildings to be set at least five (5) feet off each side lot line and not less than twenty-five (25) feet from rear lot lines.

### **Sec. 25-12.1. Construction on slopes in excess of 30 percent.**

The construction of streets, utilities or stormwater management facilities on slopes in excess of 30 percent shall be prohibited, unless waivers are granted by the plat-approving authority in accordance with section 25-4(e).

### **Sec. 25-13. Type and character of development; deed restrictions and provisions required therein; trust agreement for maintenance of facilities.**

(a) The plat-approving authority or its designated agent shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings and to control the type of structures or the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should provide for the creation of a property owners' association or board of trustees for the proper protection and maintenance of the development in the future; provided that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants. No subdivision plat shall be approved subsequent to the date of this amendment unless accompanied by a restrictive covenant, to be recorded therewith among the land records of the city, requiring underground installation by all lots owners of all utility customer service lines and facilities located upon their respective lots; provided, however, that meters, service connections and similar equipment normally attached to the outside wall of the premises served may continue to be so installed. Said restrictive covenant shall be enforceable by the city or by any lot owner in the subdivision.

(b) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or

## **WILLIAMSBURG SUBDIVISION ORDINANCE**

desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreement, made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

### **Sec. 25-14. Provision for school sites, parks, playgrounds, etc.**

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the city plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

### **Sec. 25-15. Easements along streams.**

Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

### **Sec. 25-16. Streets in subdivision contiguous to railroad.**

A subdivision plat contiguous to a railroad shall plan streets so as to anticipate grade crossings or to provide an area for industrial or commercial uses or to provide a barrier strip for planting and landscaping.

# WILLIAMSBURG SUBDIVISION ORDINANCE

## ARTICLE III. IMPROVEMENTS

### **Sec. 25-17. Installation in accordance with article.**

Improvements shall be installed by the subdivider in accordance with the minimum requirements and regulations setout in this article.

### **Sec. 25-18. Grading and surface of streets.**

Streets shall be graded to the full width and constructed with an all-weather surface material, for a minimum width of thirty (30) feet, in accordance with city or state highway specifications in effect at the time. However, the width may be reduced by the plat-approving authority if such reduction is approved by the Virginia Department of Transportation.

### **Sec. 25-19. Curbs and gutters.**

Curbs and gutters shall be constructed on both sides of all streets.

### **Sec. 25-20. Sidewalks.**

Sidewalks shall be constructed on both sides of streets; however, the plat-approving authority may approve sidewalks on one side of the street, or eliminate sidewalks, where it is determined that they are not necessary for pedestrian safety and circulation. Connection shall be made to existing public sidewalks contiguous to the subdivision, or the sidewalk shall be located to allow connection to future sidewalks as designated in the adopted Comprehensive Plan. The arrangement of sidewalks in new subdivisions shall provide for the planned continuation of proposed sidewalks into adjoining undeveloped areas, even when no street connections are planned, to ensure that all subdivisions are connected to the public sidewalk system.

### **Sec. 25-21. Storm sewers.**

Every subdivision shall be provided with a storm water drainage system adequate to serve the area being platted.

### **Sec. 25-22. Water system.**

Every subdivision shall be provided with a complete water distribution system adequate to serve the area being platted.

### **Sec. 25-23. Sewage system.**

Every subdivision shall be provided with a sanitary sewage-disposal system.

## **WILLIAMSBURG SUBDIVISION ORDINANCE**

(a) When a public sanitary sewer main is reasonably accessible, in the opinion of the city manager, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot.

(b) When a public sanitary sewer is not accessible, in the opinion of the city manager, proper provision shall be made for the disposal of sewage, to be approved by the district health officer.

### **Sec. 25-24. Placement of poles or underground conduits; undergrounding of utilities required in new subdivisions.**

(a) Poles or underground conduits for electric lights or telephone lines shall be placed in alleys or easements provided along rear or side lot lines wherever this is practical.

(b) All transmission and distribution utility facilities, carrying or used in connection with electric power, telephone, telegraph, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision, the final plat of which is approved subsequent to the effective date of this amendment [October 13, 1977] shall be placed below the surface of the ground; provided that equipment such as electric distribution transformers, primary express or bulk power supply feeders for potential future need, 35-kilovolt transmission and above, switchgear, meter pedestals, and telephone pedestals, which are normally installed aboveground in accordance with accepted utility practices for underground distribution systems may be so installed.

### **Sec. 25-25. Reference monuments.**

Permanent reference monuments shall be either concrete blocks at least twenty (20) inches long by six (6) inches square, with a cast-iron corner, or stone of the same dimensions and shall be set to approved grades where practicable. Monuments shall be set at street corners, at all points of curve, all points of tangent and such other points as may be required by the plat-approving authority.

### **Sec. 25-26. Street name signs.**

Street name signs, of a type meeting the approval of and in locations designated by the city manager and city planning commission, shall be erected at each highway, thoroughfare and street intersection.

### **Sec. 25-27. Completion of improvements; performance bond.**

(a) All of the improvements required under this chapter shall be completed prior to the filing with the plat-approving authority of the plat for final approval and prior to recordation.

## WILLIAMSBURG SUBDIVISION ORDINANCE

(b) In lieu of completing the improvements required, the subdivider shall furnish a performance bond satisfactory to the legal representative of the city council and sufficient to cover the cost of any or all of the improvements which this chapter requires the subdivider to install.

### **Sec. 25-28. Supervision of installation; approval of water and sewer systems.**

All of the improvements required by this chapter shall be installed in accordance with the specifications of the city or county and under the supervision of the city manager. In the area of joint control, the improvements shall be installed under the supervision of the city manager or of an engineer designated by the county governing body. All water and sanitary sewer systems shall also be approved by the district health officer.

### **Sec. 25-29. Construction plans.**

Construction plans for improvements to be installed shall be furnished in accordance with the specifications of the city or county having jurisdiction and shall be approved by the city manager before improvements are installed. Such plans shall show:

(a) The profiles along both sides and the center of each street, at a scale of one (1) inch equals five (5) feet vertical and one (1) inch equals fifty (50) feet horizontal, with tentative grades indicated.

(b) A typical cross-section of each proposed street at a scale of one (1) inch equals one (1) foot vertical and one (1) inch equals five (5) feet horizontal, showing the width of the pavement, the location and width of sidewalks and the location of utility mains.

(c) The plans and profiles of proposed sanitary sewers and storm sewers at a scale of one inch equals fifty feet or one inch equals one hundred feet, with grades and sizes indicated, or the method of sanitary sewage disposal and storm water disposal, in lieu of sanitary sewers or storm water sewers, respectively.

(d) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants or other system of water supply.

# WILLIAMSBURG SUBDIVISION ORDINANCE

## ARTICLE IIIA. PRELIMINARY SUBDIVISION PLAT

### **Sec. 25-29.1. Purpose.**

The preliminary plat review process is an opportunity for the subdivider to present a conceptual master plan for a subdivision for review and approval. This review allows the subdivider to understand and anticipate subdivision design related issues and requirements prior to the submittal of the detailed development plan and the expenditure of substantial funds on engineering design. This review also allows the City staff, Planning Commission, City Council and citizens to comment on the subdivision design in its preliminary stages. Review of the preliminary plat (master plan) shall be based upon the standards contained in this Subdivision Ordinance and the Zoning Ordinance. Because of the importance of this review, it is made a requirement for all subdivision plats containing more than 50 lots, and is optional for plats containing 50 or fewer lots.

### **Sec. 25-29.2. Intent.**

The preliminary plat review is intended to examine the following:

- (1) The location, design, scope, type, density, physical characteristics and phasing of the proposed subdivision.
- (2) The impact of the proposed subdivision on adjacent property.
- (3) Compatibility of the proposed subdivision with the Comprehensive Plan, adopted master facilities plans, the capital improvements program, and plans for the development of neighboring properties.
- (4) Compatibility of proposed streets and transportation improvements with other existing and planned streets within the general area of the proposed development, and with the transportation section of the Comprehensive Plan.
- (5) Compatibility of the proposed subdivision with applicable ordinances, design guidelines and development criteria; and particularly those contained in the zoning district in which the subdivision is located, and the Chesapeake Bay Preservation requirements of the Zoning Ordinance (Chapter 21, Article VIII).

### **Sec. 25-29.3. When to be filed.**

The preliminary plat shall be filed prior to the preparation of the development plan and/or final plat.

### **Sec. 25-29.4. Development of portion of tract of land.**

If the subdivider proposes to develop only a portion of the tract of land designated by the Comprehensive Plan as being served by an interconnected street system, or which will result in future extensions of streets proposed to be constructed in

## WILLIAMSBURG SUBDIVISION ORDINANCE

the initial development of a portion of the tract of land, a preliminary plat for the entire tract of land shall be required to be approved prior to approval of the development plan for the portion of the tract to be developed. An individual section or sections of the preliminary plat may be approved prior to the approval of the entire preliminary plat if it is determined that all issues affecting the individual section or sections and the entire preliminary plat have been satisfactorily resolved.

### **Sec. 25-29.5. Information required on preliminary plats.**

Preliminary plats shall be prepared by an engineer, land surveyor, landscape architect, architect, city planner, land planner or others having training or experience in subdivision planning or design. The preliminary plat of the proposed subdivision, at a scale of not less than two hundred (200) feet to the inch, shall contain the following information:

- (1) Vicinity map at a scale of not less than 1 inch = 2000 feet.
- (2) The boundaries of the property by bearings and distances, the area of the property, a north arrow, and adjacent land owners.
- (3) The names, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property.
- (4) The location of all recorded easements.
- (5) The width and approximate location of all proposed streets, including approximate grades when required by the Director of Public Works and Utilities.
- (6) The topography of the property with a maximum contour interval of five (5) feet. In cases of unusual topography, the Subdivision Administrator may require a contour interval of two (2) feet over all or a portion of the property.
- (7) Conceptual plans for water, sanitary sewer and storm sewer facilities, including preliminary profiles when required by the Director of Public Works and Utilities.
- (8) The location, area, and percentage of total land area of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) specified by Chapter 21, Article VIII, Chesapeake Bay Preservation.
- (9) The location of any required or proposed buffer areas.
- (10) The approximate limits of clearing and grading for the construction of all streets, utilities and stormwater management facilities.
- (11) Conceptual plans for stormwater management, including preliminary calculations for the Water Quality Impact Assessment required by Chapter 21, Article VIII, Chesapeake Bay Preservation.
- (12) A phasing plan if the subdivision is proposed to be developed in phases.
- (13) The gross acreages, and percentage of total land area, of the following physical land units, tabulated and computed by accurate planimetric methods at the preliminary plat scale:
  - a. Slopes less than 10%
  - b. Slopes from 10% but less than 20%

## WILLIAMSBURG SUBDIVISION ORDINANCE

- c. Slopes from 20% but less than 30%
- d. Slopes 30% or more
- e. 100 year floodplains
- f. Wetlands
- g. Existing water features (bodies of water, drainage channels, streams, etc.)
- h. Above ground electric transmission line easements

These areas shall also be graphically identified on the concept plat. When acreages of these categories are not needed to calculate the permitted density, acreage breakdowns and the designation of categories within Resource Protection Areas and other buffer areas shall not be required.

- (14) Number of lots proposed, minimum lot areas and widths, and average lot area.
- (15) Total site area; and areas and percentage of total site area used for lots, streets and other areas to be dedicated or reserved.
- (16) When deemed necessary by the Planning Director, Planning Commission or City Council, the following information shall be provided:
  - a. A traffic impact analysis, showing the effect of traffic generated by the proposed subdivision on surrounding streets and neighborhoods.
  - b. A public utility analysis, showing the effect of the proposed subdivision on public water, sewer and/or storm drainage facilities.
  - c. An environmental impact analysis.
- (17) Such other reasonable information relating to the above listed factors that the Planning Director, Planning Commission or City Council deems necessary.

### **Sec. 25-29.6. Planning Commission action and public hearing.**

(a) The Planning Commission shall review the preliminary plat, and, following the review, recommend to City Council the approval, approval with conditions, or disapproval of the preliminary plat, based upon the standards contained in this Subdivision Ordinance and the Zoning Ordinance. Any recommendation for disapproval shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval. Before taking action, the Planning Commission shall hold at least one (1) public hearing, after public notice as required by the Code of Virginia, Sec. 15.1 431.

(b) In addition to the notices required, there shall be posted upon the affected parcel or parcels, clearly visible from a public street, a sign containing the heading PUBLIC NOTICE prominently displayed in bold print. Such sign shall state the subdivision case number, and the telephone number of the Planning Department. Such notice shall be posted at least fourteen (14) days prior to the Planning Commission public hearing but failure to constantly maintain such sign on the property until the date of the Planning Commission public hearing shall not invalidate any resulting approval.

## **WILLIAMSBURG SUBDIVISION ORDINANCE**

An affidavit by the Planning Director or his agent stating that the sign was properly posted shall be prima facie evidence that the posting requirement was complied with.

(c) The Planning Commission shall act on the preliminary plat within sixty (60) days after the date of the first Planning Commission meeting at which the preliminary plat meeting all the requirements of this article is presented, unless this requirement is waived by mutual consent between the subdivider and the Planning Commission.

### **Sec. 25-29.7. City Council action; approval or disapproval.**

(a) The City Council shall review the preliminary plat following receipt of the Planning Commission's recommendation and, following the review, shall approve, approve with conditions, or disapprove the preliminary plat, based on the standards contained in this chapter.

(b) The City Council shall act on the preliminary plat within ninety (90) days after the date of the first Planning Commission meeting at which the preliminary plat meeting all the requirements of this article is presented, unless the requirement is waived by mutual consent between the subdivider and City Council.

(c) Approval of a preliminary plat shall expire 24 months after the date of approval by City Council unless a development plan has been filed with the Planning Director. When the subdivision is being developed in phases, the development plan for the first phase shall be filed within the stated time period. The Planning Commission, upon written request by the subdivider, may grant 12 month extensions of the preliminary plat approval. When the subdivision is being developed in phases, the preliminary plat shall remain valid so long as substantial construction work on public improvements for subdivision phases does not stop for more than 24 months.

### **Sec. 25-29.8. Development plan submittal following approval of preliminary subdivision plat.**

Following the approval of the preliminary plat, the subdivider may submit the development plan for approval in accordance with Article IV, DEVELOPMENT PLANS. The development plan shall be substantially in accord with the approved preliminary plat.

## **WILLIAMSBURG SUBDIVISION ORDINANCE**

### **ARTICLE IIIB. MINOR SUBDIVISIONS/BOUNDARY LINE ADJUSTMENTS**

#### **Sec. 25-29.9. Minor subdivisions.**

A subdivision shall be considered a minor subdivision if:

- (1) The proposal is to divide a parcel of land into not more than five lots fronting on an existing public street and not involving a new public street or the extension of any existing public street or public utilities, and the existing facilities will adequately accommodate the subdivision; and
- (2) The proposal meets all requirements of Chapter 21, Zoning.
- (3) Any proposal which results in the creation of a lot or lots which, based upon the zoning classification of the property, could be further subdivided into a total of more than five lots shall not be considered to be a minor subdivision.

#### **Sec. 25-29.10. Boundary line adjustments.**

(a) A boundary line adjustment is the resubdivision of a part of two or more adjacent lots where no additional lots are created, or the vacation of interior property lines. Typically, a boundary line adjustment is a minor realignment of a single line between two platted lots, or the vacation of interior property lines to create a single lot.

(b) The lots reconfigured by the boundary line adjustment shall meet all applicable requirements of Chapter 21, Zoning. Boundary line adjustments involving one or more nonconforming lots shall not be permitted where the result of such adjustment would increase the degree of nonconformity.

#### **Sec. 25-29.11. Information required on minor subdivision/boundary line adjustment plats**

The following information shall be shown on the minor subdivision or boundary line adjustment plat:

- (1) The applicable information that is required for final plats, contained in Sec. 25-39.
- (2) An approval block indicating either "MINOR SUBDIVISION PLAT" or "BOUNDARY LINE ADJUSTMENT", and a space for the signature and date of signature of the Planning Director.

#### **Sec. 25-29.12. Minor subdivision/boundary line adjustment approvals.**

If the Planning Director finds that the proposed minor subdivision or boundary line adjustment meets all the requirements set forth above and elsewhere in this chapter, final subdivision approval shall be granted. However, minor subdivisions and boundary line adjustments may, at the discretion of the Planning Director, be referred to the Planning Commission for a final decision.

# WILLIAMSBURG SUBDIVISION ORDINANCE

## ARTICLE IV. DEVELOPMENT PLANS.

### Sec. 25-30. When to be filed.

Whenever a subdivision is proposed to be made and before any sale of such subdivision as a whole or any part thereof is made, or before any construction work, including grading, is started, the owner or proprietor of the proposed subdivision or his duly authorized representative shall file a development plan of the proposed subdivision with the Planning Commission for approval. The development plan and all procedures relating thereto shall in all respects be in full compliance with the provisions of this chapter and all applicable laws and ordinances affecting or regulating the subdivision of land, the use thereof and the erection of buildings or structures thereon.

### Sec. 25-31. Development plan approval

(a) When a preliminary plat is not required by this chapter (a subdivision of more than 50 lots), the Planning Commission shall review the development plan and, following the review, approve, approve with conditions, or disapprove the development plan based upon the standards contained in this chapter.

- (1) A decision to approve, approve with conditions, or disapprove the development plan shall be made within 60 days after the date of the first Planning Commission meeting at which the development plan meeting all the requirements of this article is presented, unless waived by mutual consent between the subdivider and the Planning Commission. If the development plan is disapproved, the Commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval.

(b) When a preliminary plat is required by this chapter (a subdivision of more than 50 lots), the Commission shall review the development plan and shall not approve the development plan unless it is in substantial accord with the preliminary plat approved by City Council, and except for minor changes as allowed by Sec. 25-31(b)(2) below.

- (1) A decision to approve, approve with conditions, or disapprove the development plan shall be made within 60 days after the development plan meeting all the requirements of this article is presented, unless waived by mutual consent between the subdivider and the Planning Commission. If the development plan is disapproved, the Commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval.

## **WILLIAMSBURG SUBDIVISION ORDINANCE**

- (2) Minor changes from the approved preliminary plat may be approved by the Planning Commission at a regular meeting without a public hearing. A change shall be considered minor if it:
- a. Does not change the general character of the approved preliminary plat.
  - b. Does not adversely affect the development or use of adjacent properties and surrounding neighborhoods.
  - c. Does not increase the approved number of lots.
  - d. Does not result in any substantial change to major external access points.

Any changes not authorized by this section shall require amendment of the preliminary plat in accordance with the procedures contained in this chapter for a new application.

### **Sec. 25-32. Duty to proceed with improvements after approval.**

The owner or proprietor of the subdivision, following approval of the development plan, shall:

(a) Secure from the appropriate authorities the necessary permits and proceed with the street and sanitary improvements or, in lieu of this

(b) Post a surety bond with the governing body, in an amount sufficient to cover the full cost of such improvements as estimated by the plat-approving authority or its designated agent, or a certified check may be deposited with the governing body in lieu of a surety bond.

### **Sec. 25-33. By whom prepared; number of copies.**

Three copies (B-W blueprints) prepared by a registered professional engineer, landscape architect or registered land surveyor shall accompany an application in writing to the plat-approving authority for tentative approval of the subdivision.

### **Sec. 25-34. Vicinity sketch.**

A vicinity sketch at a scale of four hundred feet or more to the inch shall be drawn on or accompany the preliminary plan, when necessary for identification of location, which shall show the relation of the proposed subdivision to known monuments or existing highways or thoroughfares and shall show roads, existing subdivisions and property lines within six hundred feet of the property proposed to be subdivided.

### **Sec. 25-35. Horizontal scale; details to be shown.**

The horizontal scale of the development plan shall be one hundred feet or less to the inch and shall clearly show the following:

## WILLIAMSBURG SUBDIVISION ORDINANCE

- (a) The subdivision name, which shall not duplicate or closely approximate the name of any other subdivision within the area controlled by this chapter.
- (b) The names and addresses of the recorded owner of the land proposed to be subdivided, the owner or proprietor of the subdivision and the surveyor.
- (c) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights of way and other important features.
- (d) The location and names of adjoining subdivisions and the names of the owners of adjoining acreage.
- (e) The boundary lines, accurate in scale, of the tract to be subdivided.
- (f) A profile of each street with tentative grades, if required.
- (g) All parcels of land intended to be dedicated or reserved for the public use or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitations of such dedication or reservation indicated.
- (h) The width and location of all easements and the location of all setback lines.
- (i) The layout, numbers and dimensions of proposed lots.
- (j) The proposed method of water supply and sewage disposal, including existing sewers, water mains, culverts and other underground structures within the tract and in immediately adjacent streets, with pipe sizes and grades indicated.
- (k) The proposed use of the property proposed to be subdivided.
- (l) The location of zoning district lines, if any.
- (m) A topographic map at a suitable scale and contour interval, when required by the plat-approving authority.
- (n) Date, north point (true meridian where practicable) and scale.

# WILLIAMSBURG SUBDIVISION ORDINANCE

## ARTICLE V. FINAL PLAT.

### **Sec. 25-36. When to be filed.**

Upon completion of all the improvements required by this chapter, or the posting of a satisfactory surety bond or a certified check sufficient to cover the cost of all improvements, the owner or proprietor shall file with the plat-approving authorities the final or record plat of the subdivision for final approval.

### **Sec. 25-37. Final plat approval.**

(a) The Planning Director shall review the final plat and, if the final plat is in compliance with the provisions of this chapter and is in substantial accord with the development plan approved by the Planning Commission, shall approve the final plat for recordation.

(b) A decision to approve or disapprove the final plat shall be made within sixty (60) days of the submittal of the final plat meeting all the requirements of this article to the Planning Director unless this requirement is waived by mutual consent between the subdivider and the Planning Director.

(c) If the final plat is not filed for recordation within six months after final approval thereof, such approval shall be withdrawn and the plat marked void.

### **Sec. 25-38. Size; scale; number of prints; disposition; vicinity sketch.**

The final subdivision plat shall be clearly and legibly drawn in black India ink. The size of the sheet shall not be larger than twenty-four inches by thirty-six inches, including a margin of one-half inch outside the ruled border lines at the top, bottom and right side, and one and one-half inches for binding on the left twenty-four-inch end of the sheet. The drawing shall be to a scale of one inch equals one hundred feet, unless otherwise authorized. If any part of the property proposed to be subdivided is within the corporate limits of the city, three prints on cloth or cloth-mounted prints and one transparent copy shall be submitted to the city manager. After approval, one print shall be returned to the owner or proprietor of the subdivision for recordation. If any part of the property is beyond the corporate limits of the city and within one and one-half miles thereof, two prints on cloth or cloth-mounted prints and one transparent copy shall be provided the city manager and two similar prints shall be submitted to the county governing body for approval, one of which shall be for recordation and the other retained for the county's records. When more than one sheet is necessary, an index sheet of the same size may be required, showing the entire subdivision. A sketch of the area in the vicinity of the subdivision on a small scale may also be required.

## WILLIAMSBURG SUBDIVISION ORDINANCE

### Sec. 25-39. Contents.

The final plat shall clearly show the following features and information:

(a) All plat boundary lines with the length of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and close with an error of closure of not to exceed one foot to ten thousand feet.

(b) The exact locations and the widths along the property lines of all existing or record streets intersecting or paralleling the boundaries of the tract.

(c) The accurate location and material of all permanent reference monuments.

(d) The exact layout, including: (1) Street and alley lines, street names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street); (2) the lengths of arcs and radii, points of curvature and tangent bearings; (3) all easements or rights of way when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); (4) all lot lines, with dimensions in feet and hundreds, and with bearings or angles, if other than right angles to the street and alley lines.

(e) Lots numbered in numerical order and blocks lettered in alphabetical order. In case there is a resubdivision of lots in any block, such resubdivision lots shall be designated numerically, beginning with the number following the highest lot numbers in the block.

(f) The accurate outline of all property, which is offered for dedication for public use and of all property that may be reserved by covenant in deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon.

(g) Front yard setback lines, unless controlled by zoning laws.

(h) The name of the subdivision and the name or number of the largest subdivision or tract of which the tract being subdivided forms a part.

(i) The names and locations of adjoining subdivisions and the ownership of adjoining unsubdivided property.

(j) The names and addresses of owners of record, the subdivider and the registered professional engineer or registered surveyor who prepared the plat.

(k) North point, scale and date.

## WILLIAMSBURG SUBDIVISION ORDINANCE

(1) A statement that any lot transferred will have a minimum width and area as shown on the plat.

(m) The final subdivision plat shall also contain a statement to the effect that the subdivision (insert a correct description of the land subdivided) as appears on the plat is with the free consent and in accordance with the desire of the owners or proprietors of the land subdivided and the trustees in any deed of trust, mortgage or other instrumentality imposing a lien upon such land, if any, which shall be signed by such owners, proprietors and trustees and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

### **Sec. 25-40. Certificates by surveyor or engineer.**

(a) Every final subdivision plat shall be prepared by a surveyor or civil engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat.

(b) The final subdivision plat shall also contain a certification by the surveyor or engineer who prepared the plat to the effect that the plat represents a survey made by him, that all monuments indicated thereon actually exist and that their location, size and material are correctly shown and that all requirements of this chapter have been fully complied with.

### **Sec. 25-41. Recordation.**

(a) When a final subdivision plat has been approved, executed, and acknowledged as provided in this chapter, and before any sale, it shall be recorded in the office of the clerk of the court in whose office deeds conveying the land contained in the plat are required by law to be recorded, and shall be indexed under the names of the owners of the land and under the name of the subdivision.

(b) No final plat of a subdivision shall be recorded unless and until it shall have been submitted to and approved by the plat-approving authority and no clerk of a court shall file or record a plat of a subdivision until such plat has been approved by the plat-approving authority.

(c) For the purpose of this chapter, an area of land which has been physically marked off into building lots, and a plat of which has been recorded in the proper clerk's office, shall be deemed to be a subdivision in existence on September 25, 1952, but not otherwise.

*NOTE: THIS VERSION OF THE WILLIAMSBURG SUBDIVISION ORDINANCE WAS COMPILED BY THE WILLIAMSBURG PLANNING DEPARTMENT, AND INCORPORATES THE ORIGINAL SUBDIVISION ORDINANCE AND SUBSEQUENT AMENDMENTS.*

*AMENDED OCTOBER 9, 2008 (PCR #06-037) AND SEPTEMBER 11, 2014 (PCR #14-009)*