

Chapter 40 SUBDIVISIONS ^[1]

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ARTICLE I. IN GENERAL

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Sec. 40-1. Purpose.

The purpose of this chapter is to establish certain subdivision standards and procedures for the town and such of its environs as come under the jurisdiction of the town council as provided for by the Code of Virginia, as amended, and section 4.01 of the town Charter. These are part of a long range plan to guide and facilitate the orderly beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically to provide for the harmonious and economic development of the town, in conformity with the zoning ordinance of the town; for coordination of streets, alleys and parkways and other public areas within the subdivision with other existing and planned streets, alleys and public areas within the town; for adequate open spaces for traffic, recreation, light and air, and the width, grading, elevation, drainage and paving of such areas; the planting of trees and shrubs; the construction of sidewalks, curbs and gutters; the provision for laying and maintaining gas, sewer, water, electric and telephone lines, works, pipes and easements and for a distribution of the population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity and the general welfare of the citizenry of the town.

(Code 1972, § 26-1; Code 1992, § 26-1)

Sec. 40-2. Definitions.

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

Agent or subdivision agent means the representative of the town council who has been appointed to serve as the agent of the council in approving the subdivision plats.

Alley means a permanent public service way not designed for general travel, but, to the contrary, a way designed as a secondary means of access for special accommodation to the rear of abutting residences and building establishments.

Building setback line means the distance which a building is from any lot line.

Commission means the planning commission of the town.

Cul-de-sac means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Developer means an owner or lessee of property being subdivided, whether or not represented by an agent.

Easement means a grant by a property owner of the use of land for a specific purpose, or purposes.

Health official means the health director or sanitarian of the county.

Jurisdiction means the area or territory subject to the subdivision control of the town council.

Lot means a numbered and recorded portion of a subdivision.

Lot, corner, means a lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot and the longest side fronting upon a street shall be considered the side of the lot.

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

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

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

Lot of record means a lot which has been recorded in the office of the clerk of the appropriate court.

Lot, width of, means the mean horizontal distance between side lot lines.

Plat includes the terms "map," "plan," "plot," "replat" or "replot"; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, the term "plat" is synonymous with the term "subdivide."

Street means the principal means of public access to abutting properties.

Street or alley, public use of, means the unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

Street width means the total width of the strip of land dedicated or reserved for public use and travel.

Subdivide.

- (1) The term "subdivide" means the division of any tract, parcel or lot of land into two or more parts, in fact or by plat or replat, for the purpose, whether immediate or future, of sale or of building development.
- (2) Except, however:
 - a. The division of any tract, parcel or lot of land into lots or other divisions of land, each of which shall contain an area of five acres or more, shall not be considered a subdivision, unless streets, easements or access are required, in which case it shall be considered a subdivision.

- b. The division of any tract, lot or parcel of land ordered by a court of proper jurisdiction shall not be considered a subdivision.
 - c. The division by gift or will of any tract, lot or parcel of land shall not be considered a subdivision, nor shall a division of land made solely for agricultural purposes be so considered a subdivision.
 - d. The conveyance of a parcel or lot of land, whether or not in a duly approved and recorded plat of subdivision, for the purpose of enlarging an adjacent lot or parcel of land, shall not be considered a subdivision. It is provided, however, that no such conveyance shall be permitted if such would result as increasing a specific cause of an existing nonconformity or nonconformities of any parcel.
 - e. Conveyances between, or among, adjacent land owners by deeds of exchange for the sole purpose of improving utilization or configuration of one or more lots or parcels of land shall not be considered a subdivision.
 - f. The conveyance of a lot or parcel of land, and any part thereof, not having public access for the purposes of ingress and egress, to the owner or owners of adjoining lands having such access shall not be considered a subdivision.
 - g. The conveyance of all of a nonconforming lot to the owner, or owners, of an adjoining lot or simultaneously to the owner or owners of adjoining lots be the adjoining lot, or lots, nonconforming and still nonconforming after the resulting enlargement shall not be considered a subdivision.
 - h. The division for acquisition of a parcel or lot of land, and any part thereof, by the town for the purposes of insuring adequate provisions or safeguards for drainage and flood control and other public purposes, and for light and air, shall not be considered a subdivision.
- (3) The term "subdivide," and any derivative thereof, shall have reference to the term "subdivider" as defined of this section.

Subdivider means an individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision.

Traffic impact statement means a statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The traffic impact statement shall:

- (1) Identify any traffic issues associated with access from the site to the existing transportation network;
- (2) Outline solutions to potential problems;
- (3) Address the sufficiency of the future transportation networks; and
- (4) Present improvements to be incorporated into the proposed development.

The data and analysis contained in the traffic impact statement shall comply with the Virginia Department of Transportation traffic impact analysis regulations 24 VAC 30-155-60. If a traffic impact statement is required, data collection shall be by the developer, or owner, and the developer, or owner, shall prepare the traffic impact statement.

(Code 1972, § 26-2; Code 1992, § 26-2; Ord. of 11-3-1998; Ord. of 2-2-1999; Ord. of 5-4-1999; Ord. of 11-2-1999(2); Ord. No. 2002-5, 6-18-2002; Ord. No. 2012-10, § 26-2, 11-20-2012)

Sec. 40-3. Administrator.

- (a) Appointment. The town council may appoint an agent to administer this chapter and if so appointed the agent is hereby delegated to administer this chapter. In so doing, the agent shall be considered the agent of the town council. Final approval or disapproval shall be made by the town council through the agent. The agent may approve a single lot line revision or any lot line vacations provided public easements or rights-of-way are not altered as provided for in section 40-28(i) and (j). The agent may also consult with the planning commission on matters contained herein.
- (b) Duties. The agent shall perform his duties as regards subdivisions and subdividing in accordance with this chapter and the Land Subdivision and Development Act.
- (c) Consultation. In the performance of his duties the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat.
- (d) Additional authority. In addition to the regulations herein contained for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this chapter.

(Code 1972, § 26-3; Code 1992, § 26-3; Ord. of 11-3-1998)

State Law reference— Land subdivision and development, Code of Virginia, § 15.2-2240 et seq.

Sec. 40-4. General regulations.

- (a) Land must be suitable. The agent shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.
- (b) Flooding generally. Except as provided for in chapter 16, land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.
- (c) Building site. To ensure that the owner will have sufficient land upon which to build a structure which is not prone to flooding, the agent may require the subdivider to provide elevations and flood profiles.
- (d) Improvements. All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established, either by the Virginia Department of Transportation for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer.
- (e) Flood control and drainage. The subdivider shall provide, in accordance with chapter 16, Environment, all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all improvements together with a properly qualified certified professional engineer's or land surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The plans shall be approved or disapproved by the appropriate plan approving authority as outlined in chapter 16, or by the town engineer, as required. The subdivider shall also provide any other information required by the town engineer.

- (f) Easements. The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than 15 feet in width shall be provided for water, sewer, power lines and other utilities, when required by the agent.
- (g) Septic tanks. The agent shall not approve any subdivision with septic tanks unless:
 - (1) Sanitary sewer service is not available; and
 - (2) The agent shall receive, in writing, from the health department a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that such approval by the agent is only with the understanding that where septic tanks are to be installed, these must be approved on an individual lot basis by the health department.
- (h) Public water. Where public water is available, the service shall be extended to all lots within a subdivision by the developer.
- (i) Private water and/or sewer. Nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities if public systems are not available; provided, however, that any such installations must meet all of the requirements of the Virginia Department of Environmental Quality, Virginia Department of Health, and any other state or local regulation having authority over such installations.
- (j) Fire protection. The installation of adequate fire hydrants in a subdivision at locations approved by the agent shall be required. The agent shall consult with the proper authority before approving such location.
- (k) Bond. Before any lots within a subdivision can be sold, or building construction commenced, the subdivider shall, in lieu of construction, furnish bond in an amount calculated by the agent to secure the required improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the town engineer, which bond shall be payable to and held by the town council.

(Code 1972, § 26-4; Code 1992, § 26-4; Ord. of 11-3-1998)

Secs. 40-5—40-26. Reserved.

ARTICLE II. PLATS

[Sec. 40-27. Procedure for making and recording.](#)

[Sec. 40-28. Review and approval process.](#)

[Secs. 40-29—40-59. Reserved.](#)

Sec. 40-27. Procedure for making and recording.

- (a) Platting required. Any owner or developer of any tract of land situated within the jurisdiction of the town who subdivides the same or who creates, relocates or otherwise alters lot lines regardless of being exempted from the definition of the term "subdivide" contained in section 40-2 shall cause a plat of such subdivision or lot line creation, relocation or alteration, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat shall be recorded unless, and until, it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision or affected property before the plat shall have been recorded.

- (b) Certification. Every such plat shall be prepared by a surveyor or engineer duly licensed by the state, who shall endorse upon each plat a certificate signed by him 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. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon each plat, within an inset block, or by means of a dotted boundary line upon the plat.
- (c) Owner's statement. Every such plat, or the deed of dedication to which the plat is attached, shall contain, in addition to the land surveyor's or certified professional engineer's certificate, a statement as follows:

"The platting or dedication of the following described land (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any."

The statement shall be signed and duly acknowledged before an officer authorized to take acknowledgment of deeds by the owners, proprietors and trustees, if any. When thus executed and acknowledged, the plat, subject to the provisions herein, shall be filed and recorded in the office of the clerk of the circuit court for the lands contained in the plat, and indexed in the general index to deeds under the names of the owners of lands signing the statement, and under the name of the subdivision. Owners shall notify the appropriate commissioner of the revenue of improvements to real property situated in platted subdivisions.

- (d) No one exempt. No person shall subdivide any tract of land or create, relocate or otherwise alter lot lines located within the jurisdiction of the town except in conformity with the provisions of this chapter.
- (e) Private contracts. This chapter bears no relation to any private easement, covenant, agreement or restriction within the subdivision, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.
- (f) Necessary changes. No change, erasure or revision shall be made on any final plat, nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.
- (g) Relation to zoning. When the intended use of all, or part of, the platted area, as indicated by the preliminary plat and as shown on that plat, would put the land in a more restrictive category than that which now exists, such shall be considered a petition for the rezoning of the platted area to the higher classification
- (h) Fees. There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat, the subdivider, or his agent, shall deposit with the agent cash or checks payable to the treasurer in the amount as set forth herein or as established in the latest edition of the town development fee schedule, which may be amended from time to time by the town council. Additionally, there shall be a charge for the examination and approval or disapproval of every subdivision construction drawing by the agent. At the time of filing the preliminary subdivision construction drawing, the subdivider, or his agent, shall deposit with the agent cash or checks payable to the treasurer in the amount as set forth herein or as established in the latest edition of the town development fee schedule, which may be amended from time to time by town council.
- (i) Part of tract. Whenever part of a tract is proposed for platting and it is intended to subdivide parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This is merely for informational purposes and is not binding on the subdivider or the town council.
- (j) Size and shape of lots. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes. The minimum lot

size, frontages and setbacks in any area shall be in accordance with the zoning ordinance. Where public water and/or public sewer systems are not available, such minimum lot sizes may be increased by the agent in accordance with the recommendations of the health officer which shall be submitted to the agent, in writing, either by notations on the plats or by letter. The health officer may be guided by appropriate tests in determining the area required for the sanitary and safe disposal of septic tank effluent.

- (k) Lot location. Each lot shall abut on a street, or streets, dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use, having a minimum of 50 feet in width. If the existing street, or streets, upon which the subdivision or resubdivision is to abut is not as much as 50 feet in width, but otherwise meets, or is to be constructed to meet, town street standards, the subdivider or resubdivider shall, to the extent or distance that the subdivision or resubdivision is to front upon such street or streets, dedicate sufficient land along the entire road frontage of the subdivision or resubdivision so that there will be available sufficient land to widen to a minimum of 50 feet should a like dedication be made in the event of a future subdivision or resubdivision occurring directly across the street.
- (l) Corner lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets, as determined by the agent in accordance with the zoning ordinance.
- (m) Sidelines. Sidelines of lots shall be approximately at right angles, or radial to the street line.
- (n) Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjoining lots or otherwise disposed of rather than allowed to remain as unusable parcels.

(Code 1972, § 26-5; Code 1992, § 26-5; Ord. of 11-3-1998; Ord. of 5-4-1999; Ord. No. 2004-3, 6-15-2004; Ord. No. 2012-4, § 26-5, 6-5-2012)

Sec. 40-28. Review and approval process.

- (a) Plat approval required before sale of lots. Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply, in writing, to the agent for the approval of the subdivision plat and submit three copies of the preliminary plat including the lot, street and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in accordance with this section.
- (b) Preliminary sketch. The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The agent, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes. The preliminary sketch shall include the following: the location of all proposed and existing streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
- (c) Preliminary plat—Contents. The preliminary plat shall include the following information:
 - (1) Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.
 - (2) Location of proposed subdivision by an inset map showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
 - (3) The boundary survey, or existing survey, of record shall be acceptable; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries shall be shown.

- (4) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas; culverts, drains and watercourses, their names and other pertinent data shall be shown.
- (5) The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage shall be shown.
- (6) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- (7) A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets together with proposed grade lines connecting therewith.
- (8) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply where public service is not available.
- (9) All parcels of land to be dedicated for public use and the conditions of such dedication.
- (10) A traffic impact statement whenever a proposed subdivision substantially affects transportation on town streets through traffic generation of either:
 - a. 100 vehicles trips per peak hour by residential development;
 - b. 250 vehicles trips per peak hour by non-residential development; or
 - c. 2,500 vehicle trips per day by non-residential development.

The data and analysis contained in the traffic impact statement shall comply with Virginia Department of Transportation Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable town ordinances.

- (d) Same—Review. The agent, or his appointed representative, shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter and of the zoning ordinance. The subdivider shall then be advised within 45 days, which may be by formal letter, by legible markings on his copy of the preliminary plat, by telephone or by personal meeting concerning any additional data that may be required and the character and extent of public improvements that will have to be made.
- (e) Same—Approval no guarantee of final approval. Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.
- (f) Same—Six-month limit. The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat, in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.
- (g) Final plat—Contents. The subdivision plats submitted for final approval by the developer and subsequent recording shall be clearly and legibly drawn to scale. In addition to the requirements of the preliminary plat, the final plat shall include the following:
 - (1) A blank oblong space three inches by five inches shall be reserved for the use of the approving authority.
 - (2) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
 - (3) A statement to the effect that the subdivision, as it appears on this plat, is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

- (4) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashlines and identification of the respective tracts shall be placed on the plat.
 - (5) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines, boundaries of all proposed or existing easements, parks, school sites, all existing public streets, their names and widths, utility and drainage easements, watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.
 - (6) Distances and bearings must balance and close with an accuracy of not less than one in 10,000.
 - (7) The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- (h) Same—Conditions for approval. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for surety bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat by the town council shall be written on the face of the plat by the agent. The subdivider shall record the plat within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- (i) Vacation of plat before sale of lot therein; ordinance of vacation. Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:
- (1) With the consent of the town council, or its authorized agent, of the locality where the land lies, by owners, proprietors and trustees, if any, who signed the statement required by Code of Virginia, § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or
 - (2) By ordinance of the town council of the locality in which the property shown on the plat, or part thereof, to be vacated lies, provided that no facilities for which bonding is required pursuant to Code of Virginia, §§ 15.2-2241 through 15.2-2245 have been constructed on property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat, or portion thereof, to be vacated and state the time and place of the meeting of the town council at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded. The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys and easements for public passage and other public areas laid out or described on the plat.

- (j) Vacation, relocation of boundary lines. The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of

subdivision or resubdivision approved, as provided in such subdivision ordinance, or properly recorded prior to the applicability of a subdivision ordinance, and executed by the owner, or owners, of such land as provided in Code of Virginia, § 15.2-2275, as amended, provided such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

(Code 1972, § 26-6; Code 1992, § 26-6; Ord. of 3-5-1985, § 26-6(j); Ord. of 8-5-1997; Ord. of 11-3-1998; Ord. No. 2012-10, § 26-6, 11-20-2012)

Secs. 40-29—40-59. Reserved.

ARTICLE III. REQUIRED IMPROVEMENTS

[Sec. 40-60. Generally.](#)

Sec. 40-60. Generally.

- (a) Plans and specifications. Plans and specifications for all required physical improvements to be installed shall be prepared by an engineer or surveyor and shall be submitted to the agent for approval or disapproval within 45 days. If approved, the original copy, bearing certification of such approval shall be returned to the subdivider and/or his representative. The subdivider shall provide the town with sufficient copies, as deemed necessary by the agent. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in 45 days, such plans shall be deemed approved. The town may require as-built plans and specifications prepared by an engineer or surveyor for all required physical improvements after installation, if deemed appropriate by the agent, town manager or town engineer.
- (b) Streets. The recordation of a plat of a proposed subdivision shall operate to transfer to the proper jurisdiction agent such portion of the premises platted as is on such plat set apart for streets, alleys, easements and other public uses, and to create a public right of use and passage over the same. All such streets so set apart on any such plat shall be not less than 50 feet in width and shall be paved to a minimum width of 30 feet, unless otherwise approved by town council. Streets functionally classified as local streets in residential districts and mixed-use districts shall meet the current edition of the subdivision street requirements manual for secondary roads of the Virginia Department of Transportation (24 VAC 30-90-10 et seq.), unless otherwise approved by town council. New streets with no on-street parking or on-street parking on one side of the street and all new one-way streets shall be approved by town council. New streets shall not exceed 12 percent grade unless otherwise approved by town council. All streets shall be hard-surfaced and storm drainage systems and curb and gutter systems shall be installed in accordance with town specifications, when required by the town council.
 - (1) Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the town council, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not to be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60 degrees, unless approved by the agent.

- (2) Approach angle. Streets shall approach other streets at an angle approved by the town engineer.
- (3) Minimum widths. All streets within a subdivision must have a minimum right-of-way width of 50 feet and a minimum pavement width of 30 feet unless otherwise approved by town council. Streets functionally classified as local streets in residential districts and mixed-use districts shall meet the current edition of the subdivision street requirements manual for secondary roads of the Virginia Department of Transportation (24 VAC 30-90-10 et seq.), unless otherwise approved by town council. New streets with no on-street parking or on-street parking on one side of the street and all new one-way streets shall be approved by town council. New streets shall not exceed 12 percent grade, unless otherwise approved by town council. Where curb and gutter is provided, the minimum pavement width, curb to curb, shall be 40 feet in business and mixed-use districts, unless otherwise approved by town council.
- (4) Culs-de-sac. Generally, terminal streets (culs-de-sac), designed to have one end permanently closed, must be terminated by a turnaround of not less than 100 feet in diameter. The radius or diagonal on all intersections or culs-de-sac shall be as approved by the town engineer.
- (5) Minimum construction requirements. Every owner or proprietor of any tract of land situated within the subdivision jurisdiction of the town who subdivides the same into lots and streets shall, at his own expense, ensure that the following minimum requirements are complied with:
 - a. All streets within such tract, as indicated on the subdivision plat, shall be of uniform grade (grading down elevations and filling in depressions), as approved by the town engineer, the full width, with slopes of all banks and fills outside the street right-of-way to be sloped no steeper than a 1.5h:1v slope, with adequate ditches and drainage on both sides of all streets and intersections of streets, with drainage culverts, where needed. All ditches and drainage shall be located according to the specifications of the town engineer. All fills shall be built in layers not exceeding eight inches in thickness of loose material, spread evenly, and each layer well compacted in accordance with Virginia Department of Transportation Road and Bridge Specifications.
 - b. The subgrade shall be of good, clean material, free of trash, roots, stumps, sod, large stones or other objectionable matter.
 - c. After the subgrade has been brought to the required elevation, it shall be shaped, smoothed, rolled and compacted. It shall be crowned in the center with a slope of three-eighths of an inch to the foot from the center to each side. Over the prepared subgrade there shall be placed a base of approved material, as specified by the town engineer. Base material shall be a minimum of six inches total thickness after rolling and compacting. The stone shall have suitable gradation and sufficient fines and crusher dust to bond properly. Should an excess of coarse stone or pockets appear in the surface, additional crusher dust shall be used and bonded. The stone shall be rolled and well compacted and bonded.
 - d. During the rolling and compacting of the stone base, sufficient water shall be sprinkled on the surface to ensure proper bonding. Surface course shall be applied over the prepared stone base at a time specified and approved by the town engineer. The stone base shall be clean and dry before surface asphalt is applied. Asphalt prime coat material and method of construction shall conform to section 311 of the Virginia Department of Transportation Road and Bridge Specifications. Asphalt concrete mixture type shall be SM-2B, applied at a rate of 230 pounds per square yard (2").
 - e. All rough grading, except subgrading, shall be accomplished prior to the installation and putting down of water mains and sewer mains. After the water mains, sewer mains and manholes have been installed, the ditches backfilled and compacted, and sufficient settling of the ditches has taken place, the subgrading, placing of base stone and the bituminous surfacing shall follow, in that order. All drainage culverts shall be placed before the base stone or surfacing is accomplished. All surplus materials of every description shall be removed after the work has been completed and all streets left in a clean and neat condition.

- (6) Names. Proposed streets which are obviously a continuation of other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed, except by approval of the town council.
 - (7) Signs. Street identification signs of a design approved by the agent shall be installed at all intersections by the town at the owner's expense.
 - (8) Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivision shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets except where the control of such strips is definitely placed with the town under conditions approved by the town council.
 - (9) Installation of street lights; costs borne by subdivision developer. Street lights, whether serviced underground or above ground, of a size, type and at locations designated by the agent shall be paid for by the developer. Said street light plans shall be submitted as a part of the street plans and profiles required under subsection (a) of this section.
- (c) Water and sewer. Every owner, proprietor or developer of any tract of land situated within the corporate limits of the town, or the subdivision jurisdiction of the town, who subdivides the same into lots and streets, as provided for in this chapter, shall, at his own expense, construct and install water mains and sewer mains within such tract to accommodate all lots laid out in the subdivision, which water mains and sewer mains are to be connected with and become a part of the town's water system and sewer system, respectively.
- (1) Size, location and material for water and sewer lines. The size, type and location of all pipes, valves, fire hydrants, manholes and other appurtenances required in connection with such water mains and sewer mains shall be determined by the town.
 - (2) Construction requirements. All water and sewer construction shall be installed in a workmanlike manner, to conform to practices followed for the construction and installation of similar water mains and sewer mains in other parts of the town; provided, that all such construction, both materials and work, shall be approved and inspected by a representative of the town. The following requirements shall be the minimum requirements for such water mains and sewer mains:
 - a. Water mains. Minimum sizes for distances up to 2,000 feet shall be six inches. Minimum sizes for distances over 2,000 feet shall be eight inches. All water mains, fittings, valves, fire hydrants and other appurtenances shall conform to A.W.W.A. specifications, class 350, ductile iron mechanical joint or slip joint pipe and town's local standards and review program for water line extensions.
 - b. Sewer mains. The minimum size of sewer mains shall be eight inches. SDR 35, SDR 21, or ductile iron pipe may be used. However, the town will specify in each particular case the type of pipe to be used depending upon the type of soil, drainage and sewage. Manholes and covers shall conform to town's local standards and review program for water line extensions.
- (d) Dedication or reservation of land for public purposes. The town council may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public and semipublic uses, subject to the following regulations:
- (1) Dedications. Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the town council. Where land is required in excess of this amount, the reimbursement by the town council shall be based on a proportionate share of the:
 - a. Cost of raw land;

- b. Cost of improvements, including interest on investments;
 - c. Development costs;
 - d. Plus not more than ten percent profit on the total of such costs.
- (2) Reservations. Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than 18 months following the recording of the plat for such purposes. If the land is not purchased within such 18 months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show in his final plat by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number without filing an amended plat. The council or agent shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision. Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the zoning ordinance.

(Code 1972, § 26-7; Code 1992, § 26-7; Ord. of 5-3-1988, § 26-7(b)(9); Ord. of 11-3-1998; Ord. No. 2010-9, 12-21-2010)