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Chapter 17 - SUBDIVISIONS

ARTICLE 2. PRELIMINARY PLAT

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**Sec. 17-14. Preparation; scale.**

The preliminary plat shall be clearly and legibly drawn to a scale of not more than one inch equals 100 feet and shall be plainly marked "Preliminary Plat." The preliminary plat shall be prepared by a surveyor or certified professional engineer duly licensed by the state.

(Code 1962, § 13-23; Code 1969, § 17-14; Ord. of 2-1966)

**Sec. 17-15. Contents.**

The preliminary plat shall show, on a map, all the facts needed to enable the planning commission to determine whether the proposed layout of land in a subdivision is satisfactory from the standpoint of public interest, and shall include the following information:

- A. Proposed subdivision name or identifying title and a description of its location.
- B. Name and address of record owner, subdivider and designer of preliminary layout.
- C. A statement, if such is the case, that the subdivider intends to actually record and develop only a portion of the land included in the subdivision layout.
- D. Location of property lines, existing easements, buildings, watercourses, existing utilities, culverts and other essential features.
- E. The names of all abutting subdivisions and the names of owners of record of abutting property.
- F. Location, names and present width of existing and proposed streets, highways, easements, alleys, parks and other public open spaces within and immediately adjacent to subject subdivision.
- G. All parcels of land proposed to be dedicated for public use and the conditions of such dedication.

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- H. Date, true north point, scale and a key map showing the general location of the proposed subdivision in relation to surrounding development.
- I. Deed description and map of survey of the tract boundary made and certified by a licensed surveyor.
- J. The location of sidewalks, sanitary sewers, storm drains, water mains, curbs and gutters, and the sizes and types thereof; and the location of manholes and basins and underground conduits.
- K. Connections with existing sanitary sewers and existing water supply.
- L. Surface water control.
  - 1. Provisions for collecting and discharging surface water drainage and preliminary designs for any stormwater management facilities, bridges, or culverts which may be required. Such provisions shall include, but not be limited to:
    - (a) Preliminary grading plan for the site;
    - (b) A separate sheet indicating existing drainage divides;
    - (c) Pre-development runoff;
    - (d) Post-development runoff;
    - (e) Off-site drainage, all of which shall be restricted to existing stormwater drainage facilities, watercourses, or streambeds;
    - (f) Increased runoff due to development;
    - (g) Type of stormwater management facility;
    - (h) All elements required to comply with the requirements for a stormwater management plan in section 23-14;
    - (i) Hydrography for ten-year storm;
    - (j) Designation of on-site storm drainage easements to be dedicated to the Town for overland drainage that exceeds a discharge of four cubic feet per second, or that traverses a minimum of three lots;
  - 2. Except with the expressed written approval of the director of public works:
    - (a) No surface water control or drainage piping shall be installed with a fall of less than one percent;
    - (b) All finished surface grading shall have a slope of at least two percent;
    - (c) Runoff, diversion, or channelization of surface water to adjacent properties shall be zero, or such amount as is recommended by the director of public works, and shown on the preliminary plat to be the minimum attainable through use of the best available technology, considering all of the applicable circumstances, but in no case shall the runoff be more than the runoff prior to the development;
    - (d) The capacity of all storm drainage facilities shall be designed to exceed by at least ten percent that required to meet ten-year storm design criteria;
    - (e) No diversion of surface water drainage into existing stormwater control facilities shall cause the total flow into or through such facilities to exceed the lesser of 90 percent of their designed capacity or 90 percent of their actual capacity as installed; and

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- (f) All stormwater control facilities shall be located on land within the subdivision which they serve except for preexisting watercourses or Town-owned stormwater facilities into which they discharge.
- M. The proposed lot lines with dimensions and lot areas.
- N. The zoning classification and proposed use for the area being subdivided; and any proposed changes in the use, height or area under any zoning regulations applicable to the area.
- O. Contours at vertical intervals of not more than five feet.
- P. The location and type of all existing trees. If the property is densely wooded in whole or in part, the limits of such densely wooded areas may be shown on the plan in lieu of locating individual trees within these areas.
- Q. A tree protection plan specifically identifying by species, size and location all trees six inches in diameter measured four feet above grade which are to be preserved and maintained through and after construction and providing for the protection of same prior to grading or movement of heavy equipment and for the parking of construction vehicles outside the drip line of said trees.
- R. Specifications for the removal of trees and protection of trees during clearing and destruction.
- S. Grade changes or other work adjacent to a tree that is to be preserved which might affect it adversely, with specifications on how the ground drainage and aeration will be maintained around said tree.
- T. Certification that all trees designated to be maintained in subsection Q of this section will be maintained and, if destroyed or damaged beyond saving during construction, the same will be replaced in the same location by a tree of like species not less than four inches in diameter measured four feet from grade. Said certification will be accompanied by a cash or surety bond satisfactory to the Town to ensure such maintenance and replacement or specifically made a part of that performance bond required by [section 17-65](#)
- U. The exact location of any grave, object or structure marking a place of burial on the lands proposed for subdivision.
- V. Identification and delineation of all Chesapeake Bay Preservation Area RPA and RMA boundaries on submitted plats and site plans as required by [article 21.1](#) of [chapter 18](#) (zoning).
- W. A written explanation of measures to be employed in Chesapeake Bay Preservation Areas to meet the criteria and intent of the Chesapeake Bay Preservation Act, including any best management practices as required by [section 17-64.1](#) and as established in [chapter 18, article 21.1](#)
- X. For Chesapeake Bay Preservation Areas, a water quality impact assessment as required by [chapter 18, article 21.1](#)

(Code 1962, § 13-24; Code 1969, § 17-15; Ord. of 2-1966; Ord. of 2-25-1974; Ord. of 10-1988; Ord. of 2-1989; Ord. of 1-1990; Ord. of 8-1990; Ord. of 1-6-1992; Ord. of 6-20-2011(1), § 1)

#### **Sec. 17-15.1. Planting and replacement of trees.**

- A. The preliminary plat required by this article shall be accompanied by a plan providing for the planting and replacement of trees on site during development to the extent that, at maturity of 20 years, minimum tree canopies or covers will be provided in the respective zoning districts of the Town as follows:
  - 1. 20 percent tree canopy in the RS-16, RS-12.5 and RS-10 zones.

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2. 15 percent in the RM-2 and RTH zones.
3. Ten percent tree canopy in the T, C-1, C-1A, C-2, CMP and CM zones.
- B. All trees planted shall meet the specifications of the American Association of Nurserymen and the Town shall maintain in writing a system for rating the desirability for planting of various tree species, which writing shall be available in the office of the director of public works.
- C. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia chapter of the American Association Society of Landscape Architects, or the road and bridge specifications of the state department of transportation.
- D. Existing trees which are to be preserved as otherwise provided in this chapter may be included in the plan to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan identifies such trees and the trees meet standards of desirability and life expectancy established by the Town.
- E. The Town Council may grant reasonable exceptions or deviations from the requirements of this section when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer, or to allow for reasonable development of the following:
  1. Areas devoid of woody materials.
  2. Dedicated school sites.
  3. Playing fields and other non-wooded recreation areas and uses of a similar nature.
- F. Violation of this section shall constitute a Class 3 misdemeanor punishable by fine of not more than \$250.00 and each day after the first during which such violation shall continue shall constitute a separate violation.

(Code 1969, § 17-15.1; Ord. of 9-25-1989; Ord. of 7-1991)

#### **Sec. 17-16. Reservation of land for public purposes.**

The Town Council may require subdividers of subdivisions to dedicate land for streets, parks, playgrounds, libraries, municipal buildings and similar public uses, subject to the following regulations:

- (a) Subdividers shall not be required to dedicate land for parks or playgrounds exceeding five percent of the area of the subdivision, exclusive of street and drainage reservation, without reimbursement by the Town. Where land is required in excess of this amount, the reimbursement by the Town shall be based on a proportionate share of:
  - (1) Cost of raw land;
  - (2) Cost of improvements, including interest on investment;
  - (3) Development costs; plus
  - (4) Not more than ten percent profit on the total of such costs.
- (b) 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 not be required to hold such land proposed for purchase by the Town longer than 12 months following the recording of the plat for such purchase. If such land is not purchased by the Town within the 12 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 on his final plat, by dotted lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the

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expiration date of the reservations, by lot numbers, without filing an amended plat. The council shall make certain that any such reserved land is divisible into lots and streets in a manner compatible with the remainder of the subdivision, so that the subdivider will not be required to reserve an unusable portion of his subdivision.

- (c) The requiring of the dedication of public spaces as provided in subsection (a) of this section shall not constitute an acceptance of the dedication by the Town.

(Code 1962, § 13-24; Code 1969, § 17-16; Ord. of 2-1966; Ord. of 12-1967)

#### **Sec. 17-17. Application for approval.**

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider shall apply in writing to the planning commission for approval of his subdivision and submit to the commission ten copies of a preliminary plat complying with the requirements of this chapter. Such plans shall be accompanied by a fee for the examination or approval of plats as set forth in the schedule of fees adopted by the Town Council and shall be collected by the director of finance of the Town for deposit to the credit of the general fund.

(Code 1962, § 13-8; Code 1969, § 17-17; Ord. of 2-1966)

#### **Sec. 17-18. Discussions about plat with planning commission, etc.; recommended changes.**

The subdivider shall discuss the preliminary plat with the planning commission or zoning administrator in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter and of the zoning regulations. The subdivider shall then be advised in writing, which may be by formal letter or by legible markings on a copy of one of the preliminary plats submitted, concerning any additional data that may be required.

(Code 1962, § 13-9; Code 1969, § 17-18; Ord. of 2-1966)

#### **Sec. 17-19. Referral to Town and county officials.**

The planning commission shall transmit copies of the plat for their study and recommendations to the zoning administrator, director of public works, Town Manager, Town Police Department, county fire marshal and such other official body or agency as may be deemed necessary by the commission.

(Code 1962, § 13-10; Code 1969, § 17-19; Ord. of 2-1966)

#### **Sec. 17-20. Time within which planning commission to act.**

The planning commission shall act on the preliminary plat within 60 days after filing unless such time is extended by agreement with the subdivider, during which period it shall receive a written report with recommendations from each official or agency enumerated in [section 17-19](#). If no action is taken by the commission within the 60 days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved and it shall be the duty of the commission to comply with [section 17-21](#).

(Code 1962, § 13-11; Code 1969, § 17-20; Ord. of 2-1966)

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##### **Sec. 17-21. Notice of action taken by planning commission.**

The planning commission shall, as soon as possible, consider the reports and pass on the plat. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor to the subdivider who may revise the plat accordingly. Upon approval of the preliminary plat by the commission, the commission shall forthwith return one copy of the approved preliminary plat to the subdivider and the subdivider may proceed with the preparation of the final plat.

(Code 1962, § 13-2; Code 1969, § 17-21; Ord. of 2-1966)

##### **Sec. 17-22. Effect of approval.**

The approval of the preliminary plat by the planning commission is revocable, does not constitute a guarantee of approval of the final plat and does not constitute final approval or acceptance of the subdivision by the council or authorization to proceed on construction of improvements within the subdivision.

(Code 1962, § 13-13; Code 1969, § 17-22; Ord. of 2-1966)