

**ORDINANCE #16-12**

**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**THEREFORE, BE IT ORDAINED** that the existing Williamsburg Subdivision Ordinance be repealed and replaced with the following Williamsburg Subdivision Ordinance as Chapter 16 of the Williamsburg Code, to read as follows: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 architectural and archaeological review. The Williamsburg Zoning Ordinance (Chapter 21, Zoning), Articles IX, Architectural Review and XI, Archaeological Review, establish architectural preservation, corridor protection, and archaeological protection districts to preserve, protect, enhance and maintain the historic character, cultural significance and architectural excellence of the city. The corridor protection districts are intended to ensure that the major existing and planned routes of tourist access are developed and maintained in a manner that is harmonious and compatible with the architectural preservation district, which includes the Colonial Williamsburg Historic Area. The archaeological protection district is intended to ensure that archaeological resources in the city are studied and that significant resources are either preserved or recovered through a resource management plan, prior to development in these areas. The application of the architectural and archaeological review regulations, in conjunction with those for subdivision review, is intended to ensure that new development will protect and enhance the character of the architectural preservation and corridor protection districts and preserve or recover significant archaeological resources in the archaeological protection districts.

(d) 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 turn-around 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. 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 an exception granted by Planning Commission, as authorized by §15.2-2242(1) of the Code of Virginia. The exception shall not be granted unless the Planning Commission finds that it is an unusual situation or that strict adherence to the regulation would result in substantial injustice or hardship.

**Sec. 16-97. Storm drainage.**

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

**Sec. 16-98. 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. 16-99. 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. 16-100. 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. 16-101. 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. 16-102. 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. 16-103. 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. 16-104. 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. 16-105. 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. 16-106. 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. 16-107 – 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.

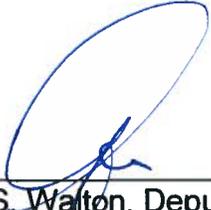
- (1) Warranty Bond. For a period of one year from the date of City's written acceptance of the public streets and public utility systems installed in the subdivision ("Public Improvements"), the subdivider shall warrant and guarantee to the City all materials and workmanship in such Public Improvements 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: June 9, 2016

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

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