

The Town of Colonial Beach Subdivision Ordinance

SECTION 1 – AUTHORITY, PURPOSE & TITLE

1-1. AUTHORITY

Appendix B is enacted pursuant to Virginia Code section 15.2-2200 et seq.

1-2. PURPOSE

The purpose of this ordinance is to establish certain subdivision and site and construction plan standards and procedures for the Town of Colonial Beach, Virginia. These are part of long-range plans to guide and facilitate the orderly and beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide rules to guide the change that occurs when lands and acreage are subdivided and/or developed for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities. This ordinance is to regulate the subdivision of property into lots, streets, alleys and other public areas, to provide for making and recording of plats of such subdivisions, to regulate site plans to assure the good arrangement, appearance, function and harmony of buildings and other uses on intensively developed sites and to provide for the certification and approval of same.

1-3. TITLE.

This ordinance is known and may be cited as "Subdivision Ordinance of the Town of Colonial Beach, Virginia."

- 1-3-1. A certified copy of this ordinance is filed in the Office of the Clerk of the Circuit Court of Westmoreland County and in the Office of the Town Clerk of the Town of Colonial Beach, Virginia.

SECTION 2 – DEFINITIONS

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the words "parcel" and "tract"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas in feet or square feet and refer to measurement in a horizontal plane. When a term is not defined within this ordinance the following references shall be used: *A Glossary of Zoning, Development and Planning Terms, 50th edition*, Planning Advisory Service Report #491/492; *The New Illustrated Boon of Development Definitions*, and the *Commonwealth of Virginia Uniform Statewide Building Code 2009* and all future subsequent revisions.

- Agent, Subdivision:* As designated by Town Manager, the Director of Planning and Community Development or his/her designee shall serve as the Subdivision Agent for the Town of Colonial Beach.
- Alley:* A permanent service way providing a secondary means of access to abutting properties.
- Boundary Line Adjustment:* Where adjacent property owners vacate a boundary line and no new building lots are created. Such property line adjustments must contain the original parcel and/or have a common border with the original parcel. In order for such realignment of property lines not to be considered an act of "subdivision," only one boundary adjustment per parcel of record as of the effective date of this section shall be allowed in any one-calendar year period.
- Bond* Certified check, cash escrow or performance bond in an amount and form approved by the Town Attorney and held by the governing body.
- Building Line:* The distance which a building is from the lot line or boundary line.
- Commission:* The Planning Commission of the Town of Colonial Beach.
- Construction Plans:* The site construction plans with illustrative details as to how the subdivision and all improvements shall be constructed including profiles. Construction plans must

	be approved before preliminary plat approval. Often this set of documents are included with the preliminary plat (see preliminary plat).
<i>Cul-de-sac</i>	A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.
<i>Council/ governing body:</i>	The Town Council of the Town of Colonial Beach
<i>Bond/Sureties</i>	Certified check, cash escrow, letter of credit or performance bond in an amount and form approved by the Town Attorney and held by the Town of Colonial Beach until required improvements have been constructed in accordance with approved plans and specs.
<i>Developer:</i>	An owner of property being subdivided.
<i>Easement:</i>	A grant by a property owner of the use of land for specific purpose(s).
<i>Engineer:</i>	An engineer licensed by the Commonwealth of Virginia.
<i>Governing Body:</i>	The Town Council of Colonial Beach.
<i>Health Officer (or Official):</i>	The Health Director or Sanitarian of the Town of Colonial Beach and/or County of Westmoreland Health Department.
<i>Highway Engineer:</i>	The resident engineer employed by the Virginia Department of Transportation (VDOT) and/or the Director of Public Works for the Town of Colonial Beach.
<i>HOA</i>	See POA
<i>Immediate Family:</i>	Any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunts, uncles, nieces, nephews or parent of the property owner.
<i>Jurisdiction:</i>	The area of territory subject to the legislative control of the governing body.
<i>Lot</i>	A numbered and recorded portion of a subdivision intended for transfer of ownership and/or for building development for a single building and its accessory buildings.
<i>Lot, corner</i>	A lot abutting upon two (2) or more streets at their

intersection. The portions of the lot facing the streets shall be deemed to be front(s) and the other boundary lines shall be deemed to be sides.

Lot, Consolidation

See Re-subdivision

Lot, depth of

The mean horizontal distance between the front and rear lot lines.

Lot, double frontage
Lot, flag/pipe stem

An interior lot having frontage on two (2) streets.
A lot with access provided to the bulk of the lot by means of a narrow corridor having a minimum width of 20-feet and a maximum length of 250-feet from the public right-of-way.

Lot, interior

A lot other than a corner lot.

Lot of record

A lot which has been recorded in the office of the Circuit Court Clerk of Westmoreland County.

Lot, width of:

The mean horizontal distance between the side lot lines.

Lot line vacation:

When one (1) or more lots are legally combined by survey and deed creating one (1) larger lot

Low Impact
Development (LID)

LID is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID lowers development costs by reducing use of concrete and utilizes natural processes to manage stormwater runoff.

Monument,
subdivision

The initial point, also known as the point of beginning, of a plat must be on the exterior boundary of the plat and must be marked with a monument that is either

galvanized iron pipe or an iron or steel rod. If galvanized iron pipe is used, the pipe may not be less than three-quarter inch inside diameter and 30 inches long. If an iron or steel rod is used, the rod may not be less than five-eighths of an inch in least dimension and 30 inches long. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, or one-sixteenth corner, to a pre-existing monument or known lot corner or boundary corner of a recorded subdivision plat.

Plat/Plan: A map or plan of a tract of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide". Includes the terms map, plot, re-plat, or re-plot;

Plat: Concept/Sketch A concept plat is a simple as a plan illustrating the location of a proposed parcel, showing how access shall be achieved to the parcel and showing the proposed layout of streets and lots. A concept plan is not engineered and not required as part of a subdivision approval. The submission of a concept plat is not required. However, is recommended that such a plan for discussion purposes be provided to the Planning Commission to review. The Planning Commission shall not approve a concept plan.

Plat: Preliminary At a minimum the preliminary plat consists of a map, drawn to a scale as specified in the subdivision ordinance. The map includes the information required by the subdivision ordinance, such as the location of roads, streets, utility lines, parks, storm drainage, sewer and water lines, and information about adjacent parcels. It may also include a site plan, grading plan, utilities plan, drainage plan, planting plan and a map indicating street profiles and grades.

Plat: Record/Final The final plat ensures that all conditions of approval of the preliminary plat have been satisfied. It also ensures that private and public improvements have been completed and/or performance guarantees have been secured. The final plat shall be recorded prior to any construction activity on the individual lots or the selling or transfer of lots to other owners other than the subdivider.

POA/HOA A non-profit organization of homeowners, residing within

a particular development whose major purpose is to maintain and provide community facilities and services for the common enjoyment of the property owners. The organization may access and collect dues from all owners to pay for the maintenance of common areas/facilities and/or other activities of the association. The organization is normally established by the developer who sets up a governing board that is elected annually by the property owners within the development. For purposes of this ordinance a Property Owners Association (POA) and Homeowners Association (HOA) is synonymous.

Property: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

Road: See street

Recordation: The term "to record", verb transitive, or the term "record" when used as a verb shall mean the filing for recordation. The actual receipt by the Clerk of the Circuit Court of Westmoreland County, Virginia, or one of the duly authorized deputies of the item or writing to be recorded; and, payment of all fees and/or taxes due or to be collected by the office of such Clerk for recordation, and, issuance by such clerk or duly authorized deputy of a receipt for the fees and/or taxes collected incident to the receipt of such item or writing for recordation.

Resource Management Area (RPA) The resource management area consists of all lands within the Town of Colonial Beach that are not classified as Resource Protection Area.

Resource Protection Area (RPA) That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with intermittent or perennial flow 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.

Re-subdivision: To divide any legally recorded subdivision (whether approved and recorded as provided in this ordinance or recorded prior to applicability of such ordinance) including the relocation, alteration, and vacation of lot

lines.

- Street:* The principal means of access to abutting properties.
- Street or alley, public use of:* The unrestricted use of a specified area or right-of-way for ingress and egress to two (2) or more abutting properties.
- Street, major or primary;* A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic (exceeding 400-vehicles per day).
- Street, local/minor/collector:* A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 100-vehicles per day.
- Street, service drive;* A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing *service drive* safe and orderly points of access to the highway.
- Street width:* The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.
- Subdivide:* To divide any tract, parcel or lot of land into two (2) or more parts. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as shown below.
- Subdivider:* An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.
- Subdivision:* A division, subdivision, or re-subdivision of a lot, tract, or parcel of land situated wholly or partly within the boundaries of the Town into two (2) or more lots, tracts or parcels of land for the purpose, whether immediate or at some future time, of the transfer of ownership of any of these, or for the purpose of the erection of a building or

other structure on any one of them.

Subdivision Developer or Developer: An individual, corporation or partnership which acquires lots within a subdivision for the purpose of resale following construction thereon of improvements or any individual, corporation or partnership which acquires from a subdivider or his/her successor in interest the right to construct improvements within a subdivision for resale.

Subdivision, major All subdivisions which are not classified as minor subdivision, including but not limited to subdivisions of three (3) or more lots, or any size subdivisions requiring a new street or extension of public water and/or sanitary sewer, or any other public improvements or any re-subdivision of a previously vacated lot line in a residential development of record. Review and approval of a major subdivision shall be in accordance with these regulations.

Subdivision, minor Any subdivision containing not more than two (2) lots not involving any new street or road construction, or the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the Comprehensive Plan, Official Zoning Map, Zoning Ordinance, or these regulations. A Minor subdivision shall also include boundary line adjustment(s) between adjacent property owners where no new building lots are created and family divisions. Review and approval of a minor subdivision shall be in accordance with these regulations.

Town The Town of Colonial Beach and the Town Manager and/or staff of the Town.

VDOT The Virginia Department of Transportation

SECTION 3 – ADMINISTRATION & ENFORCEMENT

3-1. ADMINISTRATION

3-1-1. The Director of Planning & Community Development as appointed by the Town Manager, or his/her designee is the Subdivision Agent to administer this ordinance. All final plats for subdivision must be submitted to the Town for approval or disapproval, which submission must carry the recommendation for approval or

disapproval of the Director. Should the Town disapprove the plat for subdivision, the subdivider may appeal to the Circuit Court of Westmoreland County.

- 3-1-2. The administration and enforcement of all state and local laws applicable to land subdivision and development, and all subsequent amendments to said statutes and ordinances shall be vested in the governing body. The Planning Commission shall approve or disapprove all major subdivision preliminary plats in accordance with this ordinance and the laws of the Commonwealth of Virginia.
- 3-1-3. In the performance of its duties the Commission shall call for verbal or written opinions or decisions from other departments of the County, as well as pertinent reports from State agencies and consultants where deemed necessary. Right is reserved in the governing body to elect by resolution entered of record whether it will or will not accept the dedication of any proposed subdivision street or alley.
- 3-1-4. Nothing in this ordinance shall be construed to authorize the impairment of any vested right.

3-2. DUTIES.

The Subdivision Agent shall perform duties as regards subdivisions and subdividing in accordance with the ordinance and the Land Subdivision and Development Act, of the Code of Virginia (Sections 15.2-2240 through 15.2-2276.). The Subdivision Agent shall review and approve all minor subdivisions.

3-3. TO CONSULT.

In the performance of duties the Subdivision Agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the Subdivision Agent shall have particular reference to the resident highway engineer and the health officer.

3-4. ADDITIONAL AUTHORITY.

- 3-4-1. The Subdivision Agent shall have the authority to approve all major final/record plats provided that the record plats are consistent with the preliminary plat approved by the Planning Commission.
- 3-4-2. The Subdivision Agent shall have the authority to approve all minor subdivision plats as defined in this ordinance.
- 3-4-3. All subdivision plats shall have the approval of the Subdivision Agent prior to recordation.

3-4-4. In addition to the regulations herein contained for the platting of the subdivisions, the Subdivision Agent may, from time to time, establish any reasonable additional administrative procedures and policies deemed necessary for the proper administration of this ordinance.

3-5 RIGHT OF APPEAL

In the event a plan for subdivision is disapproved by the Subdivision Agent or Planning Commission the subdivider may appeal to the Circuit Court of Westmoreland County as permitted by the Code of Virginia, 15.2-2259,1950, as amended.

SECTION 4 – GENERAL STANDARDS

4-1. MUTUAL RESPONSIBILITY.

There is a mutual responsibility between the subdivider and the Town of Colonial Beach, Virginia, to divide the land so as to improve the general use pattern of the land being subdivided.

4-2. FLOODING.

All subdivision and development within or adjacent to flood prone areas shall be in accord with the provisions of this subdivision ordinance, the Town's Zoning Ordinance and other applicable state and federal regulations.

4-3. IMPROVEMENTS.

All required improvements shall be installed by the subdivider at his/her cost. In cases where specifications have been established either by the Virginia Department of Transportation (VDOT) for streets, curbs, drainage, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer and by the Subdivision Agent. All improvements shall be in accordance with the requirements as outlines herein and other Town regulations. The Town's Subdivision Agent may approve partial release of bonds upon approved completion of major portions of the required improvements, consistent with and as provided for in Sections 15.2-2241 through 15.2-2246 of the Code of Virginia. This ordinance includes by reference, all provisions of Sections 15.2-2241 through 15.2-2266 of the Code of Virginia, 1950 as amended.

4-3-1. Streets. All streets, service drives and alleys in the proposed subdivision shall be designed and constructed in accordance with the VDOT road specifications and requirements, except as may otherwise be approved by the Town in conjunction with approval

of a Planned Unit Development (PUD) District or within a townhouse or business park development.

- 4-3-2. Streets. All new streets shall have a minimum of a fifty (50) foot right-of-way, unless otherwise provided for as part of a PUD zoning approval.
- 4-3-3. Alleys. Dead end alleys must have turn-arounds or cul-de-sacs of at least one hundred (100) feet in diameter, except as may be provided for in PUD zoning designation.
- 4-3-4. Coastal Flood Plain and Coastal High Hazard Areas. Areas which are shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map which are subject to flooding, the streets and sidewalks of the subdivision therein shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood depths.
- 4-3-5. Alignment and layout of streets. The arrangements of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Subdivision Agent shall require the connection of existing streets to access the adjoining property(s). Proposed streets shall be extended and constructed to the boundary line of adjoining property(s). Signage shall be posted at locations within a subdivision where such streets terminate. The signage shall state: "This street may be extended to serve future development and is not a permanent cul-de-sac." A reference to this notification shall be placed upon all record plats and within the deeds of the individual lots within the subdivision.

Half streets along the boundary of land proposed for subdivision will not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than eighty (80) degrees, unless approved by the Subdivision Agent upon recommendation of VDOT.

- 4-3-6. Service drives. Whenever a proposed subdivision contains, or if is adjacent to, a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for buffering the residential properties from such highway and the proposed subdivision. Such distances shall be determined with due

consideration of the minimum distance required for ingress and egress to the main thoroughfare.

- 4-3-7. Right-of-way Crossings. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades. Any such service drive or marginal street shall be constructed in accordance to plans and specifications of the VDOT, to include its right-of-way requirements.
- 4-3-8. Approach angle of streets. Streets shall approach intersecting streets at an angle of not less than eighty (80) degrees, unless the Subdivision Agent upon recommendation of VDOT, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing traffic patterns.
- 4-3-9. Cul-de-sac. Generally, terminal streets (cul-de-sac), shall not exceed a length of five hundred (500)feet to the beginning of the turn-around. Cul de sacs shall not provide access to more than twelve (12) lots. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter, except as may be provided for in Planned Unit Development District.
- 4-3-10. Reserve strips. There shall be no reserve strips controlling access to streets.
- 4-3-11. Private streets. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street except as may be provided for in Planned Unit Development Districts or within a Townhouse Development.
- 4-3-12. Names of streets. Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the preliminary and final plats, and shall be subject to approval by the Subdivision Agent. Names of existing streets shall not be changed except by approval of the governing body.
- 4-3-13. Monuments. As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications (as described in this ordinance.) Upon completion of subdivision streets, sewers, and other improvements, the

subdivider shall make certain that all monuments required by the Subdivision Agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Subdivision Agent before any improvements are accepted by the governing body. The area immediately surrounding a monument (a radius of at least five (5) feet) shall be shown on the record plats as common area/easements dedicated to the home/property owners association.

- 4-3-14. Location – Concrete. Concrete monuments four (4) inches in diameter or square, three (3) feet long (deep), with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify property location and shall be set flush with finished grade.
- 4-3-15. Location -- Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.
- 4-3-16. Water facilities. Public water facilities shall be extended by the subdivider to all lots within a subdivision. Every subdivision lot shall be provided by the subdivider with a satisfactory and sanitary means of central water distribution in accordance with the design standards and specifications of the Town of Colonial Beach for water construction and improvements and meeting the approval of the Director of Public Utilities and the Subdivision Agent. All costs shall be borne by the subdivider.

Water facilities in Coastal Flood Plain and Coastal High Hazard Areas as shown on the FEMA Flood Insurance Rate Map shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damage.

- 4-3-17. Sewerage facilities. Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision. Every subdivision lot shall be provided by the subdivider with a satisfactory and sanitary means of central sewage collection and disposal in accordance with the design standards and specifications of the Town of Colonial Beach for sewage construction and improvements meeting the approval of the Director of Public Utilities and the Subdivision Agent. All costs shall be borne by the

subdivider.

All new or replacement sanitary sewer facilities, (including all pumping stations and collector systems) within Coastal Flood Plain and Coastal High Hazard Areas as shown on the FEMA Flood Insurance Rate Map, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

- 4-3-18. Private sewer. Private sanitary sewer systems are not permitted to be installed on private property within the corporate limits of the Town of Colonial Beach. Where such a system is pre-existing and such system fails the property owner shall be required to connect to the Town's sanitary sewer system. All costs for construction and connection shall be the responsibility of the property owner.
- 4-3-19. Lot size. The minimum lot size shall be in accordance with standards set forth in the Zoning Ordinance of the Town of Colonial Beach.
- 4-3-20. Storm drainage. Storm drainage facilities shall be designed and constructed in accord with the facility design and construction standards of the Town of Colonial Beach. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans, flood control devices and surface water quality protection. The subdivider shall also provide plans for all such improvements, and when properly installed will be adequate for appropriate development. Low Impact Development (LID) methods should be used to the maximum extent possible to manage storm water runoff and drainage. The Subdivision Agent shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the VDOT resident engineer.

All storm drain facilities shall be designed to convey the flow of surface water without damage to persons or property, and to minimize off-site impacts, which may require retention on-site. The system shall insure drainage away from buildings and on-site waste disposal sites. The Director of Public Works and/or the Subdivision Agent may require primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans, including those of VDOT, and the Chesapeake Bay water quality protection objectives. All costs for storm drainage shall be borne

by the subdivider.

4-3-21. Fire protection. Fire Protection facilities shall be designed and constructed in accordance with the facility design and construction standards of the Town of Colonial Beach. The installation of adequate fire hydrants in a subdivision at locations approved by the Subdivision Agent may be required. The Subdivision Agent shall consult with the Director of Public Utilities before approving such location. All costs shall be borne by the subdivider.

4-3-22. Easements. The Subdivision Agent in consultation with Director of Public Utilities/Works and/or Town Engineer may require easements for drainage or stormwater management facilities. When required by the Subdivision Agent the construction easement shall be no less than forty (40) feet in width and permanent easements shall not be less than twenty (20) feet in width. Easements shall be provided for water, sewer, power lines and other utilities in the subdivision. Easements shall be designed and located in accordance with the facility design and construction standards of the Town of Colonial Beach. All easements shall be shown on the final plat.

4-3-23. Surety.

A. Upon submission of a final subdivision plat to the Town for approval, the subdivider shall complete or provide for completion of all required public improvements at the subdivider's expense. To provide for completion, the subdivider shall provide the Subdivision Agent with a certified check, cash escrow, bond instrument, or letter of credit payable to the Town of Colonial Beach, in a form acceptable to the Town Attorney. All bonds and letters of credit must be issued by a bank that has a physical location in Virginia that is within one hundred (100) miles of the Town. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction as determined by the Town, based on unit prices for new public or private sector construction in the Town and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten (10) percent of the estimated construction costs. The subdivider shall obtain the Subdivision Agent's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the Subdivision Agent, the Subdivision Agent 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 Subdivision Agent shall make periodic partial releases of bonds, escrows, letters of credit or

other performance guarantees in a cumulative amount equal to no more than ninety (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. Periodic partial releases may not occur before the completion of at least thirty (30) percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee. The Subdivision Agent shall not be required to execute more than three (3) periodic partial releases in any calendar year.

- C. Within thirty (30) days of receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the Subdivision Agent 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 Subdivision Agent requesting reduction or release of the performance guarantee along with a set of as-built plans on mylar and a certificate of completion by an engineer licensed by the Commonwealth of Virginia. If no action is taken by the Subdivision Agent within the thirty (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 thirty (30) day period has expired and there is an additional request in writing sent by certified mail, return receipt requested, to the Town Manager. The Subdivision Agent shall have ten (10) working days after receipt of the second (2) 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.

4-3-24. Developer/Subdivision Agreements. Facilities shown on the final and/or preliminary plats which are not dedicated but are owned by the property/home owner association shall also be referenced via an agreement with the Town as it relates to the maintenance of such facilities. Such facilities may include but are not limited to landscaping, stormwater management structures, entrance signs parks, trails or sidewalks and other similar facilities.

4-3-25. Utilities. All utilities such as gas lines, electrical lines, cable TV lines and telephone lines and similar facilities shall be buried and constructed to minimize the chance of impairment during a flood event. This requirement applies to pre-existing distribution lines along subject property's frontage with an existing state highway. The costs of burying and construction shall be borne by the property owner or developer.

4-4 Unsuitable Land

Land deemed topographically unsuitable shall not be platted for residential

occupancy, or for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the record plat as common area(s) which may be designated and used as open space or passive recreational areas. Such areas shall not produce conditions contrary to public welfare.

SECTION 5 DESIGN STANDARDS

5-1 LOT REQUIREMENTS FOR ALL SUBDIVISIONS

- 5-1-1. Lot Shape – Lot depth shall not exceed four (4) times its width unless the Planning Commission grants a waiver due to topography, terrain or other physical characteristics of the land which render the dimensional restrictions impracticable.
- 5-1-2. Side Lot Lines – Side lot lines shall be approximately at right angles or radial to the street line.
- 5-1-3. Lot Remnants – All remnants of lots below the minimum lot size left over after subdividing of a tract of land must be added to adjacent lots or otherwise disposed of, rather than allowed to remain as unusable parcel(s).
- 5-1-4. Corner Lots – Corner lots shall have sufficient width for maintenance of the building restriction lines (setbacks) on both streets.
- 5-1-5. Pipe stem /Flag Lots – These types of lots should be avoided to the greatest extent possible unless the subdivider can show to the satisfaction of the Subdivision Agent that the use of such a lot lowers the environmental impact(s) on sensitive environmental areas. In such cases these types of lots may be utilized provided that the sensitive environmental area is placed in common ownership of the community and shown on the record plat as “passive open space”.
- 5-1-6. Separate Ownership – Where land covered by a subdivision includes two (2) or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot divided shall be transferred to by deed to single ownership, and simultaneously submitted with the recording of the final plat with Clerk of the Circuit Court of Westmoreland County.

5-2 ACCESS REQUIREMENTS

- 5-2-1. Controlled Access Points – Whenever a proposed subdivision contains four (4) or more lots and is adjacent to a limited access highway, expressway, a state primary road, or a road identified as a major thoroughfare in the comprehensive plan: provisions shall be made

for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for the establishment of screening and buffering the residential lots from such highway. The size of the buffer shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across a limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

- 5-2-2. Shared Driveway Entrances Required – Whenever a proposed subdivision contains fewer than four (4) lots, shared driveway entrances shall be required along all primary roads in the Town of Colonial Beach. Shared driveway entrances promote and help to maintain traffic capacity and/or improve the level of service standards as specified in the comprehensive plan for existing transportation facilities in the Town.
- 5-2-3. Internal Streets Required – A tract of land proposed to be subdivided shall be served by an internal street constructed to the standards of the Virginia Department of Transportation (VDOT) unless a private street is authorized by way of a PUD zoning.
- 5.2.4 Any previously platted lot in the Town of Colonial Beach which is located on an underdeveloped road, where there are no existing houses shall be brought up to VDOT standards prior to the issuance of building permits for the respective lot(s). In such locations the subdivision roads and infrastructure shall be brought up to the minimum standards contained herein. All costs shall be borne by the developer.
- 5-2-5. VDOT Permit Required – All subdivisions or individual lots installing a new access point to the state road network shall first obtain a Land Use Entrance Permit from VDOT. If three (3) or more lots are using the same access point then a paved entrance with a minimum of twenty-four (24) feet wide shall be installed by the subdivider in accordance with VDOT standards.
- 5-2-6. Boulevard Spine Road Required – All subdivisions which contain forty-nine (49) lots or more shall be served by a road designed as a boulevard. Such boulevard roadways shall have a raised, landscaped median and utilize curb, gutter and sidewalk along both sides or utilize a six (6) foot wide asphalt trail along one (1) side of the boulevard with connections to sidewalks along local streets in the subdivision. Additionally, this trail option allows for engineered ditches to manage stormwater incorporating low impact development (LID) techniques.

5-3 STREET LIGHTS, SIGNS, AND SIDEWALKS FOR MAJOR SUBDIVISIONS

- 5-3-1. Street Lights. All subdivisions in the Town of Colonial Beach shall have street lights installed by the subdivider. The street lights at a minimum shall be located at each intersection and at mid-block points on the backside of the sidewalk(s). At a minimum all cul-de-sac streets shall have a street light at the entrance and terminus of the street. The street lights shall be of a consistent design and color. Where applicable street lights shall be energy star compliant. Street lights shall be no taller than fifteen (15) feet above finished grade, the light source (bulb) shall be shielded as not to be visible from public right-of-ways and the street light shall be shielded to reflect light to the ground. All costs shall be borne by the subdivider.
- 5-3-2. Street identification signs. Street identification signs shall be of a design approved by the Virginia Department of Transportation and/or the Subdivision Agent. The subdivider shall be responsible for the cost to acquire and the cost of installation of street signs. Street signs may incorporate route numbers on the sign blade to prevent excessive signage at intersections. Street signs shall be located at all intersections. If the developer wishes to use a decorative street identification sign, the design shall be submitted to the Subdivision Agent for approval. Repair and maintenance of decorative street identification signs shall be the responsibility of the home/property owners association.
- 5-3-3. Curb, gutter and sidewalk. All subdivisions within the Town of Colonial Beach shall contain curb, gutter and sidewalk along both sides of subdivision streets in a design that meets the requirements of the Virginia Department of Transportation unless otherwise altered under the terms of the Planned Unit Development provisions in the zoning ordinance or as specified above in Section 5.2.5 of this ordinance. Subdivisions constructed with frontage along an existing state road(s) shall install such improvements for their respective frontage.
- 5-3-4. Subdivision Entrance Signs – All new subdivisions in the Town of Colonial Beach shall have a masonry monument style sign/entry feature. Such sign/entry feature may be illuminated with shielded lighting reflecting all light to the ground. A landscaped perimeter shall be installed around the sign/entrance feature by the subdivider which shall be at least sixty-four (64) square feet in area. This area shall be shown on the preliminary and record plat as common area which is to be owned and maintained by the home/property owner association.

5-4 LOW IMPACT DEVELOPMENT (LID)

- 5-4-1. Low Impact Development – To the maximum extent possible low impact development methods (LID) shall be incorporated into the design of the stormwater management systems and facilities within all subdivisions in the Town of Colonial Beach. Such methods may include infiltration trenches, bio-retention areas, green roof systems or other recognized methods.
- 5-4-2 Retention Ponds – These stormwater management structures are also referred to as Best Management Practices (BMP). Generally, a wet aquatic basin is preferred over a dry basin provided there is sufficient hydrology to support the basin's ecology. Wet aquatic basins are the most effective in removing contaminants to meet Chesapeake Bay requirements. Additionally, when an aquatic basin is required such structures shall be designed to appear as a naturally occurring body of water with a curvilinear shape. By using this shape the basin blends into existing land form(s) and appears to fit naturally on the site. Along the banks hydrological or wetland plants shall be installed to aid in the treatment and filtering of the water so as to improve water quality and management of water quantity. Finally, if security fencing is needed all such fencing shall be of a tubular aluminum and/or steel or wrought iron form no higher than six (6) in height.
- 5-4-3 Porous Pavers/Concrete – Where appropriate porous pavers and/or porous concrete shall be used by the subdivider in construction of paths, walkways, and driveways and similar facilities within the subdivision.
- 5-4-4 LID & BMP Locations. All stormwater management facilities installed by the subdivider shall be shown on the record plat and identified as common area which shall be dedicated to the home/property owner association upon completion of the subdivision. In addition easements to access such facilities shall also be shown on the record plat and identified as common area.
- 5-4-5 Maintenance of Common Areas. The maintenance of common areas and the facilities therein shall be the responsibility of the subdivider until such time that these facilities are transferred to home/property owner association who shall then become responsible for such maintenance.

SECTION 6 PLATTING REQUIREMENTS

6-1 MINOR SUBDIVISION PLAT REQUIREMENTS

Whenever any minor subdivision (re-subdivision, boundary line adjustment or lot consolidation is proposed) and before any permit for the erection of a structure shall be granted, the subdivider or his/her agent shall apply in writing to the

Subdivision Agent for the approval of the subdivision plat and submit six (6) copies of the preliminary-final plat including the lot, street and utilities layout. No lot shall be sold or construction activity initiated until a final plat for the subdivision has been approved and recorded. All costs for the preparation and recordation of any subdivision plat shall be the responsibility of the applicant. All plats must be recorded in the Westmoreland County Circuit Court Clerk's office within six (6) months of approval.

6-1-1 Minor Subdivision Plat Requirements. The following are the platting requirements for administratively approved minor subdivisions:

1. Title on the plat specifying the type of Minor Subdivision;
2. Location of proposed subdivision by an insert map at a scale of not less than two (2) inches equal to one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks;
3. Scale of 1 inch equals 100 feet;
4. North arrow and date plat was prepared;
5. Property lines of the new lot shown with bearings and distances;
6. The boundary survey shows a closure with an accuracy of not less than one in twenty-five hundredth foot;
7. Total area of the new lot (square feet and acreage);
8. Total area of the parcel from which the minor subdivision was taken from (residual of pre-existing tract);
9. Tax map number of the pre-existing parcel
10. If applicable the new tax map number assigned;
11. Location of the water & sewer laterals;
12. Current zoning of the property;
13. Location(s) of any lakes, rivers, and/or streams on the subject parcel, the Town requires site specific delineation of the Resource Protection Area (RPA) boundaries for final approval;
14. A note on the plat that "All land within the Town of Colonial Beach is designated as Resource Management Area"(RMA);
15. Location and dimensions of all access points from the state road;
16. Location and dimensions of the driveway;
17. Location(s) of all easements shall be shown on the plat;
18. Location(s) of all public rights-of-way;
19. If fronting on a state maintained road, a minimum dedication of twenty-five (25) feet from the centerline is required for public use;
20. Surveyor's name, address, telephone and fax numbers, and seal with certificate number on each plat;
21. An executed surveyor's certificate in accordance with Section 9 of this ordinance.
22. A dotted line delineating the required building setbacks;
23. Location(s) of all existing structures lying within or partially overlapping the required building setbacks on the new or residual parcel;

24. If applicable, the distance from existing buildings to the property line shall be shown on the plat;
25. Culverts, drains and water courses, their names, locations, elevations and other pertinent data;
26. Location and dimensions of any low impact development (LID) facilities, such as infiltration trenches, bio-retention etc. that may be required.
27. An executed Owner's Consent and Dedication provided on the plat in accordance with Section 9 of this ordinance.
28. A signature block for the Subdivision Agent to sign for approval of the plat in accordance with the Certifications found in Section 9 of this ordinance.

6-2 MAJOR SUBDIVISION PLAT REQUIREMENTS

- 6-2-1. Whenever any major subdivision is proposed and before any permit for the erection of any structure shall be granted, the subdivider or his/her agent shall apply in writing to the Planning Commission for the approval of the subdivision plat.
- 6-2-2. The applicant has the option to submit a concept plan to the Commission for review and discussion. Concept plats are NOT to be approved by the Commission. A concept plat is a mechanism for a subdivider and the Commission to come to a general understanding of the proposal and potential impacts of the proposal (see 6-2-5 A below).
- 6-2-3. The subdivider must obtain both preliminary and final plat approval before recording the plat, initiating construction, or the sale of lots to others. **In order to receive preliminary plat approval all construction plans and posting of sureties of the subdivision shall be required prior to approval of a preliminary plat.**
- 6-2-4. The Planning Commission shall act on a preliminary plat as proscribed in the 15.2-2240 of the Code of Virginia, 1950, as amended. Review and/or approval by the Commission shall occur at a public meeting of the Commission. Public comment/advertisement of a subdivision plat is not required by the Code of Virginia.
- 6-2-5. The following sections outline the process and platting requirements for Major Subdivisions:

A. SKETCH OR CONCEPT PLAT REQUIREMENTS

The subdivider may, at his/her option, and so choose, submit to the Planning Commission twelve (12) copies of a sketch or concept of the proposed subdivision prior to his/her preparing engineered preliminary and final plats. The purpose of such sketch is to permit the

Commission to advise the subdivider whether his/her plans, in general, are in accordance with the requirements of this ordinance. The Commission, upon submission of any such sketch, shall study it, and advise the subdivider wherein it appears that changes would be necessary. The Commission may mark the sketch indicating necessary changes and any such marked sketch shall be returned to the Commission with the preliminary plat. No approval of the concept is required by the Commission. The sketch shall contain the following information:

1. A completed land development application along with the appropriate review fees. All checks shall be made payable to the Town of Colonial Beach;
2. Drawn on white paper or print of topographic map
3. Scale shall be one hundred (100) feet to the inch
4. Location(s), width and names of all existing and proposed streets and public rights-of-way.
5. Location(s) and dimensions of all lots, parks, playgrounds and other proposed uses of the land.

B. Preliminary Plat Requirements

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his/her agent shall apply in writing to the Commission for the approval of the subdivision plat and submit sixteen (16) copies of the preliminary plat including the lot, street and utilities layout. Planning Commission approval shall authorize the Subdivision Agent to sign the preliminary plat. No lot shall be sold until a final plat for the subdivision has been approved and recorded. The requirements of a preliminary plat are as follows:

1. Scale of 1 inch equals 100 feet or other scale approved by the Subdivision Agent;
2. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, numbers of sheet(s), north point and scale. If true north is used, method of determination must be shown;
3. Boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundredths of a foot;
4. Total acreage and square feet; acreage and square feet of subdivided area;
5. Number and approximate area and frontage of all building sites;
6. Existing buildings within the boundaries of the tract and distances to all property lines;
7. Names of owners and their property lines within the boundaries of the tract and adjoining such boundaries;
8. All existing, platted and proposed streets, their names, numbers,

- and widths (rights-of-way);
9. Existing or proposed utility or other easements.
 10. Public areas and parking spaces with a detail for the size of typical space;
 11. Location(s) and dimension(s) of all proposed driveways on each lot;
 12. Culverts, drains and water courses, with their names, location(s), elevation and other related data;
 13. The complete drainage layout showing all proposed storm water and water quality protection facilities, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage;
 14. Location and dimensions of any low impact development (LID) facilities, such as infiltration trenches, bio-retention, etc.;
 15. A cross section showing the proposed street construction, depth and type of base, type of surface, curvature radii, etc.;
 16. Topographic contours at intervals of two (2) feet for the entire property, showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith;
 17. A location map tying the subdivision into the town's present road system, either by aerial photographs or topographic maps of the U. S. Department of the Interior, or other acceptable maps;
 18. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply, and drainage outfalls and adequate outfall conditions;
 19. All parcels of land to be dedicated for public use and the conditions of such dedication;
 20. Proposed building set-back lines shown as dotted lines and width of lot at set-back line if not otherwise apparent;
 21. Proposed block and lot numbers;
 22. A note on the plat stating "All land within the Town of Colonial Beach is designated as Resource Management Areas" (RMA);
 23. Resource Protection Area (RPA) boundaries, including differentiation between wetland core and buffer areas as defined by the Chesapeake Bay protection regulations;
 24. A signature block for the Subdivision Agent to sign for approval of the plat in accordance with the Certifications found in Section 9 of this ordinance.
 25. Surveyor's name, address, telephone and fax numbers, and seal with certificate number on each plat;
 26. An executed surveyor's certificate in accordance with Section 9 of this ordinance.
 27. An executed Owner's Consent and Dedication provided on the plat in accordance with Section 9 of this ordinance.

Note: Prior to Preliminary Plat Approval FINAL SITE CONSTRUCTION PLANS shall have to be approved by the Town of Colonial Beach.

C. Final Plat Requirements

- 6-2-6. Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his/her agent shall apply in writing to the Subdivision Agent for the approval of the final subdivision plat and submit twenty-one (21) copies of the final plat.
- 6-2-7. The Subdivision agent shall review the final plat and ensure that all requirements from the preliminary plat are reflected on the final plat.
- 6-2-8. If approved by the Subdivision Agent, the subdivider or his/her representative shall supply six (6) sets of blue or black line mylars for the record plat. These mylar plats shall be prepared by a registered engineer, surveyor or landscape architect licensed by the Commonwealth of Virginia. The design professional shall stamp and sign all mylar plats prior to submission.
- 6-2-9. The Subdivision Agent shall sign the mylar plats and the Town shall retain one (1) copy of the plat. All others copies shall be returned to the subdivider for recordation purposes in the Office of the Westmoreland County Circuit Court Clerk.
- 6-3-11. If the development is to be constructed in phases, the Subdivision Agent shall approve each plat for each phase. Subsequent phases shall be required to submit preliminary plats prior to proceeding to a final plat approval/submission.
- 6-2-12. No lot shall be sold or construction of structures commenced until the final plat for the subdivision has been approved and recorded.
- 6-2-13. No construction shall be commenced until all sureties are approved and submitted to the Subdivision Agent. All public improvements shall be secured by a surety acceptable to the Town Attorney.
- 6-2-14. Roads, water, sewer, drainage, utilities, and all other public improvements shall be constructed prior to issuance of building permits for the individual lots within the subdivision.
- 6-2-15. Roads to be constructed shall meet VDOT standards and topped with a minimum of least two (2) inches of asphalt after compression.

- 6-2-16. If the final plat is not recorded within five (5) years of approval of the preliminary plat by the Town of Colonial Beach, the final plat is null and void.
- 6-2-17. The subdivision plat submitted for final approval by the Subdivision Agent and subsequent recording shall be clearly and legibly drawn in ink upon mylar acetate at a scale of one hundred (100) feet to the inch (or other reasonable scale if approved by the Subdivision Agent) on sheets having a size of 24" x 36". The Subdivision Agent may require a scale of 1"=20' or 1"=50' if necessary for sections of the plat. In addition to the requirements of the preliminary plat, the final plat shall include the following:
1. When the subdivision consists of land acquired from more than one source of title the approximate outlines of various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat;
 2. The accurate location and dimensions by bearings and distances with all curve data on all lots, street lines and center lines of existing and proposed streets showing their names, numbers, and ROW widths;
 3. A Table showing the maximum impervious surface ratios in percentages and square feet for each lot and the entire tract as a whole;
 4. Boundaries of all phases (if any);
 5. Boundaries of all proposed or existing easements, parks, school sites or other public areas;
 6. The number and area of all building sites (square feet and acres or fraction thereof);
 7. The building restriction lines of each lot;
 8. The existing and proposed easements for utilities such as sanitary sewers, storm drains, storm water management facilities, water mains, manholes and underground conduits, including their size;
 9. Any type of water courses, their names, elevations, and names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
 10. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousandth (10,000) of a foot;
 11. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius, arc, and tangent, chord and chord bearings;
 12. Executed covenants and restrictions for community and all common areas, if applicable;
 13. The articles of incorporation or other organizational documentation for the home/property owner's association;
 14. The by-laws of the homeowners' association, if applicable;

15. A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the homeowners' association;
16. A recommended time schedule for the maintenance of major facilities, including BMPs, streets, street signs, pools, sidewalks, parking areas and buildings;
17. A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program;
18. A copy of the deed of conveyance and title certificate or, at the discretion of the Subdivision Agent, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the Commonwealth of Virginia showing that the owner/developer has right and ownership over all associated lands;
19. An executed deed of dedication and easement conveying land in fee simple to the Town and easements for public/Town purposes which are depicted on the record plat;
20. An executed subdivision agreement and improvement guarantees acceptable to the Town Attorney.

SECTION 7 SUPPLEMENTAL REQUIREMENTS

7-1 Platting & Certifications Required

- 7-1-1. Any owner or developer of any tract of land situated within the Town of Colonial Beach who subdivides the same shall cause a plat of such subdivision to be made and recorded in the office of the Circuit Clerk of Westmoreland County. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the Commission, and site construction plans have been approved by the Town of Colonial Beach, in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.
- 7-1-2. Every such plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. The outlines of the several tracts shall

be indicated upon such plat, within an insert block, or by means of a dotted boundary line upon the plat.

- 7-1-3 Every such plat, or the deed of dedication to which plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the Circuit Court Clerk of Westmoreland County and indexed under the names of the land owners signing such statement and under the name of the subdivision.

- 7-1-4 This ordinance bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contract the provisions of this ordinance shall control.

- 7-1-5 No change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the Commission has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Commission and unless such changes shall comply with these subdivision regulations in every respect.

7.2 Miscellaneous Requirements

7-2-1 Pro-Rata Share Payments

In cases where a future subdivider/developer extends an existing road to service their development the previous subdivider/developer shall receive a reasonable and rational share of the cost of the installation of the existing road on a pro-rata-share basis. This is authorized in Section 15.2-2242 of the Code of Virginia, 1950, as amended. The pro-rata plan shall determine the propionate share of such costs to be reimbursed by each subsequent subdivider or developer within the area with interest at the legal rate or at an inflation rate proscribed by a generally accepted index of road constructions costs, whichever is less.

7-2-2 Extension of Sidewalks

Where a subdivider proposes to subdivide a lot, resubdivides a lot or where a platted lot is developed or re-developed which fronts on an existing street and the

adjacent property on either side has an existing sidewalk the developer must dedicate the land and construct a continuation of the sidewalk across the lot being developed (as provided in 15.2242 of the Code of VA, 1950, as amended).

7-2-3 Phase I Assessments

If requested by the Town of Colonial Beach a subdivider shall provide a Phase I Environmental Site Assessment (as provided in 15.2242 of the Code of VA, 1950, as amended) which meets generally accepted national standards for such assessments such as those developed by the American Society for Testing and Materials. Based upon the findings of the Phase I assessment the Town may require the subdivider to conduct a Phase II assessment. The costs of the assessment as well as the review of the assessment by the Town shall be the borne by the subdivider.

SECTION 8 - EFFECTUAL CLAUSES

8-1 Violations/Civil Penalties

Any owner of any parcel of land who violates any provision of Appendix B, shall pay a civil penalty in the amount of \$200 for the initial summons and \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. Specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten (10) day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.

These civil penalties are in lieu of criminal sanctions, and except for any violation resulting in injury to persons, these civil penalties shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor

The imposition of civil penalties shall not preclude additional action by the zoning administrator or the governing body as permitted by law.

The zoning administrator shall issue a civil summons for any violation of Appendix B. Any person summoned for a violation may make an appearance in person or in writing by mail to the treasurer of the Town of Colonial Beach prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the

same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the town to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six (6) months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

8-2 Validity

Should any article, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

8-3 Repeal

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

SECTION 9 - CERTIFICATIONS

9-1 Certifications on Plats

All plats for subdivision, resubdivision, boundary line adjustments, plat of vacation plat of right-of-ways vacation and/or lot consolidations shall have each of the following certifications placed on the Plat and signed prior to Town Approval of the plat.

OWNERS CONSENT AND DEDICATION (NAME OF SUBDIVISION)

THE PLATTING OF THE FOLLOWING DESCRIBED LAND IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY. THE STREETS, STORM DRAINAGE EASEMENTS, SLOPE, GRADING & DRAINAGE EASEMENTS, SIGHT DISTANCE EASEMENTS, STORMWATER MANAGEMENT FACILITY ACCESS EASEMENT, TEMPORARY TURNAROUND EASEMENT AND CONTROL MONUMENT ACCESS EASEMENTS ARE HEREBY DEDICATED TO PUBLIC USE.

_____ **Date** _____
Property Owner

_____ Date _____
Property Owner

SURVEYOR'S CERTIFICATE

I, _____, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON WAS DRAWN FROM AN ACTUAL SURVEY UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON AND THE PROPERTY IS NOW IN THE NAME OF _____ AND WAS ACQUIRED BY DEED DATED ___ OF _____, 20__ AS RECORDED IN DEED BOOK ___ AT PAGE ___ AMONG THE LAND RECORDS OF WESTMORELAND COUNTY, VIRGINIA.

CERTIFICATE OF APPROVAL

THE (INSERT SUBDIVISION NAME) IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUNDIVISION AND ZONING REGULATIONS OF THE TOWN OF COLONIAL BEACH AND MAY BE COMMITTED TO RECORD. IF THIS PLAT(S) ARE NOT RECORDED WITHIN SIX (6) MONTHS OF THE APPROVAL DATE, THE PLAT IS NULL AND VOID.

Approval Date _____

Approval Signature _____"
Subdivision Agent

This Ordinance shall take effect upon adoption.

Vote: _____

