

REGULATIONS GOVERNING THE SUBDIVISION OF LAND

Abingdon, Virginia

The following regulations have been recommended by the Planning Commission and adopted by the Town Council, pursuant to the authority granted by Chapter 22, Article 7, LAND SUBDIVISION AND DEVELOPMENT, of the CODE OF VIRGINIA, 1950 as amended, Section 15.2-2240 et. seq., to provide for the harmonious development of Abingdon, for the coordination of streets within subdivisions with other existing or planned streets or with other features of a comprehensive plan adopted or to be adopted, for adequate open spaces for traffic, recreation, light, and air, for an appropriate distribution of population and traffic and for installation of physical improvements which will tend to create conditions favorable to health, safety, convenience and prosperity.

The regulations apply to all subdivisions of land within the corporate limits of Abingdon as the term "subdivision" is defined in the regulations. It is recommended that each Subdivider confer with the Town Manager or his representative before preparing the preliminary plan in order that he may become familiar with the requirements of these regulations and of a comprehensive plan hereafter adopted, as they may apply to the land proposed to be subdivided.

AN ORDINANCE TO REPEAL THE EXISTING ORDINANCE AND TO ENACT AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY CHAPTER 22, ARTICLE 6, LAND SUBDIVISION AND DEVELOPMENT OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, SECTION 15.2-2240 et. seq. TO REGULATE AND ASSURE THE ORDERLY SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE CORPORATE LIMITS OF THE TOWN OF ABINGDON, VIRGINIA:

WHEREAS, Council in regular session on December 5, 2005, did hold a public hearing pursuant to said notices of the same on the proposed repeal of the existing ordinance and to enact an ordinance in pursuance of the authority granted by Chapter 22, Article 6, land subdivision and development of the Code of Virginia of 1950, as amended, Section 15.2-2240 et. seq. to regulate and assure the orderly subdivision development of land within the corporate limits of the Town of Abingdon, Virginia; and

WHEREAS, the Council did, on first reading, repeal the existing ordinance and did duly enact "The Town of Abingdon Subdivision Ordinance" pursuant to Section 15.2-2240 et. seq. to regulate and assure the orderly subdivision and development of land within the Corporate limits of the Town of Abingdon, Virginia. The Council did further dispense with the second reading of the ordinance, pursuant to Section 2-96(b) of the Code of the Town of Abingdon, by an affirmative vote of all five (5) Council members; and

NOW, THEREFORE, be it ordained by the Council of the Town of Abingdon that the following Town of Abingdon Subdivision Ordinance is enacted as follows and the existing ordinance is hereby repealed.

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- A. Street Designation Map**
- B. Certificates and Approval Statements**
- C. Administrative Approval Requirements**

ARTICLE I. TITLE

Sec. 1.1 Stated

This ordinance shall be known and cited as "The Subdivision Ordinance of the Town of Abingdon, Virginia, or the "Subdivision Ordinance."

Sec. 1.2 Purpose

The Subdivision Ordinance of the Town of Abingdon, Virginia is intended to establish procedures and regulations, for the subdivision of land, within the corporate limits of the Town of Abingdon, Virginia, and to accomplish the objectives listed below:

- (1) To guide and facilitate the orderly, beneficial growth of the community, and to assure the equitable handling of all subdivision applications by providing uniform procedures and standards for the subdivision of land.
- (2) To assure the orderly subdivision of land and its development and for the general purpose of promoting the health, safety and general welfare of the public and of further accomplishing the objectives of section 15.2-2240, et seq., of the Code of Virginia, as amended.
- (3) To guide future growth and development in accordance with the policies of the comprehensive plan, applicable zoning regulations and other adopted policy documents of the town.

ARTICLE II. RULES OF CONSTRUCTION AND DEFINITIONS

Sec. 2.1 Rules of Construction.

Words and terms generally

For the purpose and within the limits of this ordinance, certain words and terms used, herein, shall be interpreted or defined as follows, and words used in the present tense include the future tense; the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "plot", and "parcel", the word "shall" is mandatory; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this ordinance includes all ordinances amending, or supplementing the same; all distances and areas refer to measurement in a horizontal plane.

Sec. 2.2 Definitions

Alley: A permanent service way providing a secondary means of access to abutting properties and not intended for general traffic circulation.

Commission: The Planning Commission of the Town of Abingdon.

Comprehensive plan: That document as required by the Code of Virginia and as approved and adopted by the Council.

Council: The Town Council of Abingdon, Virginia.

County: The County of Washington, Virginia.

Developer: An individual, corporation, or registered partnership engaged in the subdivision of land.

Director of Planning: The Director of Planning for the Town of Abingdon or the official performing the duties of the Director of Planning or his authorized representative.

Director of Public Works: The Director of Public Works for the Town of Abingdon or the official performing the duties of the Director of Public Works or his authorized representative.

Easement: A right expressed in a recorded writing, given by the Owner of land to another party for specific limited use of that land.

Engineer, Professional: A person who is qualified to practice Engineering by reason of his special knowledge and use of mathematical, physical and Engineering sciences and the principles and methods of Engineering analysis and design acquired by Engineering education and experience, and whose competence has been attested, through licensure, as a professional Engineer.

Engineer, Town: An employee of the Town of Abingdon who reviews subdivision plans and site plans for new developments or upgrades to existing developments as well as reviews all infrastructure plans of the Town to insure that such plans are in compliance with Town ordinances and other applicable regulations.

Floodway: The designated area of the one-hundred (100) year floodplain required to carry and discharge flood waters of a given magnitude.

Frontage: The width of a lot along the frontage street. The width shall be measured from one side lot line to the other along a straight line on which no point shall be farther away from the street than the minimum building setback lines.

Health official: The Health Director or sanitarian of Washington County, VA, or the Director's duly authorized representative.

Jurisdiction: The area or territory subject to the legislative control of the Town Council.

Licensed Professional: For the purpose of this ordinance, a licensed professional is a Land Surveyor or professional Engineer duly licensed by the State of Virginia.

Lot: A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory buildings.

Lot, corner: A lot located at the intersection of two or more streets.

Lot, interior: A lot other than a corner lot with only one street frontage.

Manager: The Town Manager for the Town of Abingdon or his authorized representative.

Performance bond: A surety bond, cash deposit or letter of credit approved by the Town Attorney and made out to the Town of Abingdon in an amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the Developer's Engineer and approved by the Town Engineer, and said surety bond or cash deposit being legally sufficient to secure to the Town that the said improvements will be constructed in accordance with these regulations.

Plans, Improvement: The maps or drawings accompanying a subdivision plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the Subdivision Ordinance as a condition of approval of the plat.

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

Plat, Final: The map of a subdivision submitted and approved by the Town, and subsequently recorded in the Office of the Clerk of the Circuit Court of Washington County, Virginia.

Plat, Preliminary: The preliminary drawing or drawings, including the elements required by this ordinance, indicating the proposed manner or layout of the subdivision, to be submitted to the Planning Commission for approval.

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

Reserve strip: A narrow plot of land adjacent to a public street, of insufficient depth for subdivision, retained by the Subdivider to prevent access to the street, by the owner of adjoining property.

Right-of-Way, Public: A legally established area or strip of land on which an irrevocable public right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Right-of-Way Width: The total width of the strip of land dedicated or reserved for public travel within which roadway, curbs, gutters, sidewalks, planting strips and undeveloped land may be located.

Roadway: That paved portion of the street available for vehicular traffic, and where curbs are laid, the portion from face to face of curbs.

Setback: The minimum distance by which any building or structure (exclusive of steps and landing) must be separated from the front lot or street line. Any area covered by a roof, such as a porch, will be subject to setback requirements.

Sidewalk: A paved walk, located in a right-of-way, adjacent to the public street.

Street: A public way which affords the principal means of access to abutting properties. The term "street" includes all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, drive, court, avenue, boulevard, lane, place, circle, or however otherwise designated.

Streets, local: Streets which are used primarily for access to the abutting properties and may be designed to discourage their use by through traffic.

Streets, collector: Streets which carry traffic from local streets to the arterial or thoroughfare streets. They provide the principal means for the collection of traffic within or between major subdivisions or sections of town.

Streets, cul-de-sac: Streets with only one (1) outlet and an appropriate turnaround for a safe and convenient reversal of traffic movement.

Streets, arterial or thoroughfare: Streets designated as thoroughfares on the Town of Abingdon Transportation Plan as such plan may be amended and updated from time to time.

Street width: The total width of the strip of land, dedicated or reserved, for public travel, including roadways, curbs, gutters, sidewalks and planting strips.

Subdivider: Anyone who subdivides or creates a subdivision of land.

Subdivision: The act of dividing or the division of any tract, or parcel of land into two (2) or more parcels, parts, or sites, any one of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership or building development and including all changes in street or lot lines. Provided, however, that the division or partition of land into parcels, of more than five (5) acres, not involving any new streets and the sale, exchange or adjustment of parcels between adjoining lot owners, that alter the existing lot lines and where such sale, exchange or adjustment does not create additional building sites or create nonconforming lots shall meet the administrative approval requirements of the Town Manager. The procedures for such administrative approval of the Town Manager are set forth in Addendum C.

Surveyor, Land: A person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested through licensure as a Land Surveyor.

Town: The Town of Abingdon, Virginia.

VDOT: The Virginia Department of Transportation

Yard, Rear: An open, unoccupied space on the same lot as a building between the rear line of the building (exclusive of steps and landing) and the rear of the lot and extending the full width of the lot.

Yard, Side: An open, unoccupied space on the same lot as a building between the side line of the building (exclusive of steps and landing) and the side of the lot, and extending from the front yard line to the rear yard line.

ARTICLE III. JURISDICTION AND AUTHORITY

Sec. 3.1 Application

No person shall subdivide any tract of land that is located within the Town except in conformity with the provisions of this ordinance, the Zoning Ordinance and the provisions of Virginia law relating to land subdivision and development. Prior to subdividing any tract of land, consent shall be required from all legal Owners of the property to be subdivided and shall be so indicated on the final plat.

Sec. 3.2 Platting required

Any Owner or Developer, of any tract of land situated within the corporate limits of the Town of Abingdon, Virginia, who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the Office of the Clerk of the Circuit Court of Washington County, Virginia. No such plat of a subdivision shall be submitted for recordation unless and until it shall have been approved and certified in accordance with the regulations set forth in this ordinance. In addition, no lot shall be sold in any such subdivision before the plat shall have been approved in accordance with this ordinance and recorded. Before any permits are issued to begin construction, a certified copy of the plat, with the Clerk of the Court's signature and seal, shall be submitted to the Building Inspector, the Director of Planning, and the Director of Public Works that adequately verifies that the plat has been properly recorded with the Clerk of the Circuit Court in accordance with this ordinance.

Sec. 3.3 Authority

The Planning Commission is charged with the responsibility of approving preliminary plats, in accordance with the regulations herein contained. The Commission shall likewise consider final plats and make recommendations, for approval or disapproval, to the Town Council which retains, unto itself, the authority for final approval of final plats.

Sec. 3.4 Approval

The Town Council may require the approval of final plats by the health official, the Washington County Service Authority, and/or utility company or companies involved. Such approval, when required, shall be indicated upon the plat.

ARTICLE IV. PROCEDURE

The Subdivider shall submit a preliminary plat, improvement plans, a performance bond, and a final plat, in accordance with these regulations.

Division 1. Preapplication

Sec. 4.1 Preapplication and concept sketch

The applicant may schedule a conference, with the appropriate Town official(s), to review a sketch for any proposed subdivision, in order to determine whether the concept generally meets the requirements of the Zoning and Subdivision Ordinances, and to identify any concerns or issues raised by the proposed subdivision. The Town official(s) comments shall be informal and shall not constitute a formal approval or disapproval of the subdivision.

Division 2. Preliminary Plat

Sec. 4.2 Requirements

The Director of Public Works, Town Engineer or Director of Planning shall discuss the preliminary plat, with the Subdivider, in order to determine whether or not the preliminary plat generally conforms to the requirements of the Subdivision Ordinance and the Zoning Ordinance. The Subdivider shall then be advised in writing, which may be by formal letter or by legible markings on a copy of one of the preliminary plats submitted, concerning any additional data that may be required, such as contour intervals or street grading plans; specific changes that are required in the preliminary layout; the character and extent of public improvements that will have to be made; and an estimate of the cost of construction or improvements and the amount of the performance bond. In determining the cost of required improvements and the amount of the performance bond, the Town shall require the Developer's Engineer to prepare the data for review by the Town Engineer.

Sec. 4.3 Copies and Fees

Whenever any subdivision of land is proposed, the Subdivider or his authorized representative shall submit four (4) copies of a preliminary plat complying with the requirement of Article VII and of this article. Said plans shall be accompanied by a fee which may be established by the Town Council from time to time. The preliminary plat shall be submitted to the Town Engineer not less than fifteen (15) work days prior to the next regular meeting of the Commission. The Town Engineer shall carefully examine said plats as to its compliance with the laws and regulations of the Town, the existing street system, and good engineering practices, and shall submit any findings to the Commission together with one (1) copy of the plat received.

Sec. 4.4 Approval of Other Departments

In order to insure that there are adequate provisions for drainage and flood control and other public purposes, and for light and air, and for identifying soil characteristics, the Commission may require that approval be given by other departments, such as the Health Department, the Washington County Service Authority and/or utility company or companies involved.

Sec. 4.5 Consideration by Planning Commission

The Commission shall, at the next regular meeting after receiving the Town Engineer's report, consider said report, and act upon the plat. It shall then set forth its recommendation in writing of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefore. The Commission shall forthwith return one (1) copy of the approved, modified or disapproved preliminary plat to the Subdivider.

Sec. 4.6 Approval and Terms

Upon approval of the preliminary plat by the Commission, the Subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations.

The approval of the preliminary plat by the Commission is revocable, as set forth herein, does not constitute a guarantee of approval of the final plat, and does not constitute a final approval or acceptance of the subdivision by the Town Council or authorization to proceed on construction of improvements within the subdivision, but shall constitute approval of layout and general Engineering proposals and plans. Once a preliminary subdivision plat is approved, it shall be valid for a period of five (5) years, provided the Subdivider (i) submits a final subdivision plat for all or a portion of the property, within one (1) year of such approval and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the Subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following such preliminary subdivision plat approval, and upon ninety (90) days written notice, by certified mail to the Subdivider, the commission may revoke such approval upon a specific finding of facts that the Subdivider has not diligently pursued approval of the final subdivision plat.

Division 3. Final Plat

Sec. 4.7 Submittal

The Subdivider shall submit to the Director of Planning and Town Engineer an original full-scale Mylar, or equivalent, and ten (10) 11"x17" copies of a final subdivision plat no less than fifteen (15) work days before the Commission's next meeting. However, before submitting the final plat, the Subdivider shall furnish all plans and information, as listed in Article VIII, necessary for the detailed Engineering consideration of the improvements necessary to obtain the approval of the Director of Planning and the Town Engineer.

Sec. 4.8 Action of the Commission

The Commission shall, within sixty (60) days from the date of submission of the final plat, recommend to the Town Council to approve, modify, or disapprove such plat, and failure to act within sixty (60) days shall be deemed approval, unless the Commission shall have notified the Subdivider, in writing, of a necessity to extend the period of its consideration of the plat.

Sec. 4.9 Compliance

The final plat shall not be approved until the Subdivider has complied with the general requirements and minimum standards of design, in accordance with this ordinance, and has made satisfactory arrangements for performance bonds to cover the cost of necessary improvements. The Commission shall certify its approval, on said plat, by so indicating on the final plat.

Sec. 4.10 Revisions

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

Sec. 4.11 Action by the Commission

When the final plat has been acted upon, by the Commission, the final plat and performance bond shall forthwith be transmitted to the Town Council, together with documentation showing the action of the Commission.

Sec. 4.12 Approval of Final Plat

When the final plat has been approved by the Town Council, the performance bond accepted, and the final plat has been signed and certified, one (1) copy shall be delivered to the Town Engineer and one (1) original Mylar to the Subdivider for filing and recording in the Office of the Clerk of the Circuit Court of Washington County. If said plat is disapproved by the Town Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.

Sec. 4.13 Resolution of Acceptance of Plat

The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the Owner shall cause such plat to be recorded in the Office of the Clerk of the Circuit Court of Washington County, and shall file satisfactory evidence of such recording with the Town Engineer before the Town shall recognize the plat as being in full force and effect. Approval of the final plat shall not be deemed the acceptance by the Town of any street, alley or other public space shown on the plat for maintenance, repair or operation thereof, and shall be null and void if a copy thereof is not recorded as required above, within six (6) months after approval, unless such time of recordation is extended by the Town Council.

Sec. 4.14 Relation to private contracts

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

ARTICLE V. GENERAL REQUIREMENTS AND DESIGN STANDARDS

Sec. 5.1 Private and public responsibility

There is a mutual responsibility between the Subdivider and the Town to subdivide land in such a manner as to improve the general use pattern of the land being subdivided.

Sec. 5.2 Acreage subdivisions

Whenever the area is divided into lots, containing one or more acres, and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration must be given to the highway, street and lot arrangement of the original subdivision so that additional local streets can be opened which will permit a logical arrangement of smaller lots. Easements, providing for the future opening and extension of such streets may, at the discretion of the Town Council, be made a requirement of the plat.

Sec. 5.3 Flood control regulations

The Subdivider shall prepare a contour map of the proposed area, with contour intervals of two (2) feet and shall prepare drainage plans or flood control devices satisfactory to the Town Engineer. No plat shall be approved until the Town Engineer shall certify that the proper plans for drainage and flood control have been made. In the event that the Manager so certifies, the Subdivider's Engineer shall prepare the cost estimates for the construction of such facilities.

Sec. 5.4 Adequate building site

To ensure that Owners will have sufficient land upon which to construct a structure that is flood free, compliance with floodway widths and the one hundred (100) year flood elevations, contained within the Town's Flood Insurance Study (FIS), is mandatory. The Town Engineer may require the applicant to provide elevation and flood profiles, based on a one hundred (100) year flood plain (which means that a flood of a magnitude likely to occur, on the average, only once every hundred years), sufficient to demonstrate the land to be completely free of the danger of flood water at an elevation of at least one (1) foot below any probable floor level of any structure for human occupancy.

Sec. 5.5 Street Elevations

Except as provided herein the Town Engineer shall not approve streets subject to inundation or flooding by water. All streets must be adequately located above the line of flood elevation to prevent isolation of areas by flood. Drainage facilities in local, collector and cul-de-sac streets shall be designed to handle a storm with an expected return period of once in every ten (10) years. Drainage facilities in arterial streets shall be designed to handle a storm with a twenty-five (25) year return period.

Sec. 5.6 Streets

The following regulations shall govern the layout and naming of streets.

Division 1. Relation to adjoining property and street systems

Sec. 5.7 Adjoining Property

- (A) Where it is necessary for the orderly extension of the Town's street system to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not permitted.
- (B) The arrangement of streets, in new subdivisions, shall make provision for the continuation of existing streets in adjoining areas where streets already exist. Major, collector and local streets shall be respectively extended as such. The street arrangement must be such as to cause no unnecessary hardship to Owners of adjoining property.
- (C) Should a subdivision abut on only one (1) side of an existing street, the Subdivider shall dedicate enough land so that one-half (1/2) of the width of such street, as measured from the centerline to the subdivision property line, shall be one-half (1/2) the standard width of such street as classified.

Division 2. Level of service

Sec. 5.8 Level of Service

No development shall be approved if such development, at ultimate build out, will result in or increase traffic on the arterial or collector street to which it is connected, so that the street does not function at an average daily traffic level of service C or better, or a peak traffic level D, as described in "A Policy on Geometric Design of Highways and Streets", latest edition, published by the American Association of State Highway and Transportation Officials. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant for any development shall provide a traffic impact analysis which, at a minimum, includes the following information:

- (A) Peak hour trip ends generated by the development as described in "Trip Generation", latest edition, published by the Institute of Transportation Engineers.
- (B) Information on the street in which the connection is being made: peak hour traffic along with its directional distribution, lane and shoulder widths, the type of terrain, and the percentage of trucks, buses, and RV's on the connection street. The development Engineer shall use this information to conduct a traffic capacity analysis as described in "The Highway Capacity Manual", latest edition, published by the Transportation Research Board. Additionally, the Engineer shall determine if a left or right turn lane is necessary utilizing the "Minimum Standards of State Entrances" document, latest edition, published by the Virginia Department of Transportation. All or part of the traffic analysis may be waived by the Director of Public Works depending upon the type and size of development, the condition of the connection street, or an interpretation of the minimum information given above.

Division 3. Approach angle

Sec. 5.9 Angle

Local streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees, unless the Commission, upon recommendation of the Town Engineer, shall approve a lesser angle of approach for reasons of contour, terrain, or matching of existing patterns.

Division 4. Streets in relation to railroads

Sec. 5.10 Railroad right-of-way

When the area to be subdivided adjoins a railroad right-of-way, the intersection of the centerline of any street or highway paralleling the railroad, with that of any street that crosses the railroad, shall not be less than one hundred fifty (150) feet from the line of the railroad right-of-way.

Division 5. Street and alley widths, culs-de-sac, easements

Sec. 5.11 Minimum Width

The minimum width of existing and proposed streets, measured from lot line to lot line, shall be as shown on the Street Designation Map incorporated in Addendum A. The minimum width of streets, which do not appear on said map, shall be classified according to potential traffic load determined by the public works department as follows:

- (A) Arterial or thoroughfare streets, not less than eighty (80) feet, or as shown on the current State Transportation Plan.
- (B) Collector streets, not less than sixty (60) feet.
- (C) Local service streets which cannot be extended in the future, not less than fifty (50) feet.
- (D) Alleys, if permitted, not less than twenty (20) feet.

Whenever subdivided property abuts an existing half street the remainder of the street shall be dedicated to make the right-of-way on the half (1/2) street abutting the subdivision comply with these requirements.

Sec. 5.12 Alleys

Alleys shall be provided in business and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and unloading, and parking consistent with and adequate for the uses proposed.

While not required, the Commission may recommend alleys be provided to serve residential properties where such alleys are considered necessary. In any case, dead end alleys should be avoided where possible, but, if unavoidable, shall be provided with adequate turn-around facilities as recommended by the Commission.

Sec. 5.13 Cul-de-sac

Local terminal streets (cul-de-sac), designed to have one end permanently closed, shall not be longer than one thousand (1,000) feet, to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around having a property line diameter of at least one hundred (100) feet. If surface

water drains into the turn-around, due to the grade of the street, necessary storm drainage facilities and drainage easements shall be provided. Minimum face of curb radius shall be forty two (42) feet.

Sec. 5.14 Provisions for street access

Where the Commission requires provisions for street access to adjoining property, proposed streets shall be extended by dedication and construction to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around.

Division 6. Street names and house numbers

Sec. 5.15 Street Names

Unless the Commission allows an exception, proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets. In no case shall the name of the proposed streets duplicate existing street names regardless of the use of the suffix street, avenue, boulevard, drive, way, place or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the Commission. Names of existing streets shall not be changed except by the approval of the Town Council. House numbers (911 addresses) shall be assigned by the Town.

Division 7. Layout of streets

Sec. 5.16 Intersections and Right Angles

Whenever possible, streets should intersect at a right angle. Where a deflection angle of more than two (2) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width the centerline radius of curvature shall not be less than three hundred (300) feet, on other streets not less than one hundred (100) feet. Face of curb radii at intersections shall generally be not less than thirty (30) feet for collector streets nor less than twenty (20) feet for local streets. Face of curb radii at arterial street intersections shall be as determined by the Town Engineer.

Division 8. Street and Alley grades

Sec. 5.17 Street Grades

On streets that are required to have a right-of-way width of sixty (60) feet or more, grades shall not exceed six (6) percent. On streets and alleys permitted to have a right-of-way width of less than sixty (60) feet, grades shall not exceed twelve (12) percent.

Sec. 5.18 Private streets and reserve strips

Unless otherwise provided herein or in the Town Zoning Ordinance, there shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street constructed to the standards of this code and accepted and maintained by the Town of Abingdon. There shall be no reserve strips controlling access to streets.

Minimum pavement width

- (A) Streets shall be graded to the cross section and profile approved by the Commission. Collector streets shall be surfaced to a width of forty (40) feet (face of curb to face of curb) and local service streets shall be surfaced to a width of thirty four (34) feet (including gutter pans).

- (B) The minimum pavement width for alleys shall be sixteen (16) feet.

Sec. 5.19 Blocks

- (A) Length
Blocks shall not exceed one thousand two hundred (1,200) feet in length and they shall not be less than four hundred (400) feet in length.
- (B) Width
Blocks shall be wide enough to allow for two (2) tiers of lots at minimum depth except where prevented by topographical conditions or width of property, in which case the Commission may alter the width.
- (C) Crosswalks
In blocks over eight hundred (800) feet in length, the Commission may require one (1) or more public crosswalks, of not less than ten (10) feet in width, to extend entirely across the block and at locations deemed necessary.
- (D) Block orientations
Where a subdivision adjoins a major road, the Commission may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.
- (E) Business or industrial blocks
Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

Sec. 5.20 Lots

- (A) Arrangement, design, and shape
The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- (B) Conformance with zoning ordinance
All lots shown on the subdivision plat must conform to the minimum requirements of the Zoning Ordinance as to area and dimensions, for the zone in which the subdivision is located.
- (C) Each abut on a public street
Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated and maintained street, or on a street which has become public by right of use. Interior lots having frontage on two streets shall be avoided except where unusual conditions make other design desirable.
- (D) Corner lots
Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the Zoning Ordinance.
- (E) Lot lines
Side lines of lots shall be approximately at right angles, or radial to the street line.
- (F) Lot remnants forbidden

All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, rather than be allowed to remain as unmarketable or nonconforming parcels.

(G) Subdivision property under single ownership

Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer certified to the Commission by the Clerk of the Circuit Court of Washington County, Virginia.

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Sec. 5.21 Reservation of land for public purposes, easements, etc.

The Commission may require Subdividers to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public uses, subject to the following regulations:

(A) *Limit as to extent of land dedicated*

Subdividers shall not be required to dedicate land for parks and playgrounds exceeding five (5) percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the Town. Where land is required in excess of this amount, the reimbursement by the Town shall be based on a proportionate share of (1) cost of raw land, (2) cost of improvements, including interest on investment, (3) development costs, (4) plus not more than ten percent profit on the total of such costs.

(B) *Reimbursement and time limit for certain dedications*

Subdividers shall not be required to reserve land for public purposes other than streets, storm drainage, sanitary sewers, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than twelve (12) months following the recording of the plat for such purchase. If the land is not purchased within the said twelve months, it platted. To facilitate such possible eventual sale of reserved land as separate lots, the Subdivider shall show on his final plat, by dotted lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservations, any such reserved land is divisible into lots and/or streets in a manner compatible with the remainder of the subdivision, so that the Subdivider will not be required to reserve an unusable portion of his subdivision.

(C) *Meeting with Subdivider required for reservation of land*

The Commission shall not require any such reservation of land unless and until responsible representatives of the agencies for whom land is to be reserved have met with the Commission and the Subdivider jointly to discuss the reservation. Such representatives may be required by the Commission to indicate the needs of their agency in writing. Insofar as is reasonably possible, the Commission shall require no dedication or reservation which calls for reimbursement to the Subdivider unless it has been assured that the reservation will be required by the agency requiring it within twelve months following the recordation of the final plat.

(D) *Rezoning required for commercial land set-aside*

Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential zone, without the land so required for commercial use being rezoned appropriately in accordance with the Zoning Ordinance by the Town Council.

(E) *Easements required for utilities*

Where alleys are not provided in the plat, easements of not less than ten (10) feet in width shall be granted to the Town by the owner on each side of all rear lot lines and

where necessary, along side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. No buildings or structures will be permitted on easements. Easements twenty (20) feet in width shall be required for all public sanitary sewer lines, centered on existing or proposed sanitary sewer lines, within the area platted.

(F) *Provision for drainage of surface waters required*

Wherever any stream or surface watercourse is located in an area that is being subdivided, the Subdivider shall at his own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the Town an easement along said streams and watercourses meeting the approval of the Commission.

Sec. 5.22 Monuments

Upon completion of subdivision streets, sewers, and other improvements, the Subdivider shall make certain that all monuments required by the Town are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Director of Public Works before any improvements are accepted by the Town Council.

At least two concrete monuments four (4) inches in diameter or square, two (2) feet long, with a flat top, or other standard acceptable to the public works department, shall be set in each subdivision block. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade. A minimum of two (2) monuments in each subdivision shall be tied to the Global Positioning System (GPS).

Sec. 5.23 Platting of part of a tract

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat.

Sec. 5.24 Building lines to conform with zoning regulations

Front setbacks, side yards, and rear yard lines conforming with zoning regulations shall be shown on all lots within the platted area.

Sec. 5.25 Exceptions in planned large-scale developments

Whenever a subdivision is developed as a planned unit development or other large-scale development under appropriate provisions of the Zoning Ordinance, the Commission may vary the requirements of Sections 5.6 through Section 5.20 of this article in order to allow the Subdivider more freedom in the arrangements of the streets, blocks and lots, but at the same time protecting the convenience, health and safety of the probable future residents of the subdivision as well as the general welfare of the surrounding area.

Sec. 5.26 Group housing development

A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access may be approved by the Planning Commission although the design of the project does not include standard lot and subdivision arrangements, if departure from the foregoing standard can be made without destroying the intent of the subdivision ordinance.

ARTICLE VI. IMPROVEMENTS

Sec. 6.1 Generally

- (A) The Subdivider shall install and construct, at his cost, all improvements required by this article, in subdivision lying wholly or in part in the Town of Abingdon, which includes new streets, portions of existing streets, any easement, extension of drainage, sewer or water systems, or right-of-way connecting two (2) public streets. All required improvements that are under the control of the Town of Abingdon shall be installed and constructed in accordance with the specifications and under the supervision of the Town Engineer.
- (B) Any improvements, which are installed and constructed as part of a subdivision or development, which are not required but will come under control of the Town of Abingdon, shall be installed and constructed, in accordance with good Engineering practices, and approved by the Town Engineer.

Sec. 6.2 Inspection of Construction

Inspection during and after installation of improvements will be made by representatives of the Town and approving agencies to insure conformity with approved plans and specifications. The Subdivider shall notify the Town in writing three (3) days before commencing construction or installation on any item of improvement and of each phase of street construction. The Subdivider shall also notify the Town upon completion of each improvement item or phase of street construction. The Subdivider shall provide adequate competent supervision on the project site, during construction of the required improvements and shall keep one (1) set of approved plans, profiles and specifications on the project site at all times when work is being performed.

Sec. 6.3 Grades, streets and alleys

All streets and alleys, including those within platted areas which are dedicated for public uses, shall be graded to the full right-of-way width unless the Town Council permits a lesser graded width. In all cases the centerline of the roadway shall coincide with the centerline of the dedicated right-of-way.

Sec. 6.4 Roadways

All roadways shall be paved with bituminous material, in accordance with the requirements of the Town of Abingdon, Department of Public Works for acceptance by that department and as approved by the Town Council after receiving the report and recommendation of the Town Manager. The Subdivider shall be responsible for bringing roadways up to standard for initial acceptance by the Abingdon Department of Public Works.

Sec. 6.5 Street name signs

Street name signs shall be installed at all street intersections at locations approved by the Director of Public Works. Sign plates shall be of metal, black letters on a white background with letters and backgrounds fully reflectorized, attached to a post.

Sec. 6.6 Curb and gutter

Curb and gutter shall be installed on both sides of all streets and shall conform to the Virginia Department of Highways and Transportation standard CG-6. When in the opinion of the Town Engineer curbing alone will satisfy the needs of the subdivision, curbs conforming to standard CG-2 shall be

constructed on both sides of all streets. Curb depth below surface of pavement may be modified if so recommended by the Director of Public Works.

Sec. 6.7 Sidewalks

(A) Sidewalks of concrete or other approved material with a minimum width of five (5) feet and a minimum thickness of four (4) inches shall be installed on both sides of all streets; provided, however, that where warranted, the Town Council may waive these requirements.

(B) Where sidewalks and/or curbs and gutters are installed, drive entrances shall be constructed conforming to Virginia Department of Transportation standard CG-9B or CG-9D as determined by the Town prior to construction. Where no sidewalk is constructed, an apron two (2) feet wide shall be constructed conforming to section C-C of CG-9B and section A-A of CG-9D.

Sec. 6.8 Water lines

The water distribution system in the subdivision shall be as required and approved by the Washington County Service Authority. Mains shall be sized for adequate fire protection and fire hydrants shall be installed not more than one thousand (1,000) feet apart in a business district and not more than two thousand (2,000) feet apart in a residential district, as traveled by improved streets from the fire hydrant to the property.

Sec. 6.9 Sewers

All sewer installations shall conform to the requirements of the Town ordinance pertaining to Utilities (Chapter 74). The Subdivider shall connect to the public sanitary sewer system and shall provide, within the subdivision, a sanitary sewer system. The sewer system shall be approved by the Town of Abingdon. Construction will be in compliance with the technical specifications for sanitary sewer construction for the Town of Abingdon and the State Department of Environmental Quality. Where sanitary sewers are not available by gravity, other facilities as approved by the health official and/or the Town of Abingdon must be provided for the adequate disposal of sanitary waste.

Sec. 6.10 Storm Drainage

Adequate facilities shall be provided for the disposal of storm water. The storm drainage system shall be approved by the Town of Abingdon Department of Public Works. All storm water facilities shall be constructed in accordance with the requirements as set forth in the Town's Erosion and Sediment Control Ordinance. Additionally, the use of low impact development practices should be considered, and is encouraged wherever practical.

Sec. 6.11 Street Lighting

(A) Street lights shall be provided on all collector and arterial streets within or contiguous to a subdivision. The street light layout shall be in accordance with the VDOT Subdivision Street Guide (24VAC-30-91-160) . The installation cost shall be paid by the Subdivider.

(B) Street lights are not required to be installed upon local streets but are permitted at the Subdividers option. The cost of providing street lights on local streets shall be the Subdividers responsibility.

Sec. 6.12 Plans and Specifications

Plans and specifications furnished by the Subdivider or his Engineer shall be approved by the Public Works Department. The Washington County Service Authority shall approve plans and specifications for the installation of the water system. Plans and Specifications approved by the Town shall be made available to the Subdivider. Street improvements shall be made in compliance with the latest edition of Road and Bridge Specifications of the Virginia Department of Transportation, where applicable.

Sec. 6.13 Acceptance by Town of required improvements

The Town shall accept all required improvements that have been constructed in accordance, with the plans and specifications, as approved, by the Public Works Department and other applicable agencies.

Sec. 6.14 Bond

Before any subdivision plat will be finally approved, the Subdivider shall furnish a surety or performance bond, made payable to the Town of Abingdon, by a surety company authorized to do business in the State of Virginia and approved by the Town Attorney. The amount of the bond, or letter of credit or cash escrow approved by the Town Engineer, shall be based on an estimate as provided in Sections 2.2 and 4.2 calculated to secure the installation of the required improvements in a workmanlike manner and in accordance with the plans and specifications.

Sec. 6.15 Full or Partial Release of Bond

(A) The Town shall periodically provide, for the partial release and final and complete release of any performance bond, required herein, within thirty (30) days after receipt of written notice by the Subdivider or Developer of completion of part or all of any public facilities required to be constructed herein. However, in the event that the governing body, or its designated administrative agency, notifies the Subdivider or Developer in writing of non receipt of approval, by any applicable state agency, of any specified defects or deficiencies in construction and/or any defects or deficiencies in any suggested corrected measures prior to the expiration of the thirty (30) day notice above, the bond, escrow, letter of credit, or other performance guarantee shall remain in full force and effect, until such time as the said approvals have been received and any and all defects or deficiencies have been corrected.

(B) Upon final completion and acceptance of any public facilities, the governing body or Public Works Department shall release any remaining performance bond to the Subdivider or Developer. No public facilities shall be finally accepted by the governing body until the expiration of twelve (12) months from the date that the governing body receives written notice from the Subdivider or Developer of final completion of said public facilities and is also approved by the Public Works Department.

Sec. 6.16 Local ordinances

The Subdivider shall comply with all local ordinances applicable, including but not limited to, the Zoning Ordinance and the Erosion and Sediment Control Ordinance.

ARTICLE VII. THE PRELIMINARY PLAT

Sec. 7.1 Generally

The preliminary plat shall be clearly and legibly drawn to a scale of one (1) inch equals one hundred (100) feet or less and shall be plainly marked "Preliminary Plat." The preliminary plat may be prepared by the Owner of the land, urban planners, land planners, architects or others having training or experience in subdivision planning or design.

Sec. 7.2 Contents

The preliminary plat shall include the following:

- (A) The proposed subdivision name or identifying title
- (B) Name and address of record Owner, Subdivider and preparer of the preliminary layout.
- (C) Location of property lines, existing easements, buildings, watercourses, areas subject to flooding, including delineation of flood plain districts, existing and proposed utilities, culverts and other essential features.
- (D) The names of all subdivisions, immediately adjacent, and the names of Owners of record of adjacent property.
- (E) Location, names and present width of existing and proposed streets, highways, easements, building lines, alleys, location of existing and proposed utilities, parks and other public open spaces.
- (F) All parcels of land proposed to be dedicated for public use, the conditions of such dedication, and percentage of land to be subdivided as common open spaces, park or public lands.
- (G) Date, magnetic north point, scale, and key map showing the general location of the proposed subdivision in relation to surrounding developments and landmarks.
- (H) Total acreage of the subdivision, deed reference, and map of survey of the tract boundary made and certified by a land surveyor.
- (I) Connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- (J) Provisions for collecting and discharging surface drainage and preliminary plans for any bridges or culverts which may be required.
- (K) The metes and bounds descriptions of the proposed lots and lot areas in acres and square feet. The frontage of each lot and the frontage at the setback line.
- (L) The zoning classifications and proposed use for the area being subdivided.
- (M) Tax map designation or geographic parcel identification number, if available, for the subject and surrounding properties.
- (N) Location and identification of graves, objects, or structures marking a place of human burial.

ARTICLE VIII. FINAL PLAT REQUIREMENTS

Sec. 8.1 Engineer to draw and certify

(A) Every final plat shall be prepared by a Land Surveyor or Professional Engineer duly licensed by the State 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. When the plat is of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon such plat.

(B) Written and signed statements explaining how and when the Subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks, drainage structures, curb and gutters and water lines.

(C) Written and signed statements of the appropriate officials of the availability of gas, electricity and water to the proposed subdivision.

(D) Any restrictions proposed to be included in the Owner's declaration of plat.

Sec. 8.2 Owner's statement

Every final plat, or the deed of dedication to which such plat is attached, shall contain in addition to the surveyor's certificate a statement to the effect that, "the platting or dedication of the following described land (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned Owners, proprietors, and trustees, if any, "which shall be signed by the Owners, proprietors and trustee, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and acknowledged upon approval as herein specified, shall be filed and recorded in the Office of the Clerk of the Circuit Court of Washington County, Virginia, and indexed under the names of the Owners of the land signing such statement and under the name of the said subdivision.

Sec. 8.3 Contents

In addition to the requirements of Sections 8.1 and 8.2, the following shall be shown on the final plat:

(A) The subdivision plat submitted for final approval and subsequent recording shall be clearly and legibly drawn on, translucent material such as Mylar or vellum or acceptable equivalent, scale of not more than one hundred (100) feet to the inch on sheets not larger than 18" x 34" or the largest size acceptable by the Circuit Court of Washington County nor smaller than 11" x 17" in size with a 1" clear margin on the left edge and a 1/2" margin on all other edges. A title box shall be located in the lower right hand corner

(B) Names of: Subdivision, Town, magisterial district, county, state, Owner and Subdivider; addresses of Owner of record and Subdivider; north point; the scale, date of drawing and any revisions; number of sheets; and the name of the licensed professional making the survey. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join. Applicable certificates as required for approval as shown in Addendum B.

(C) Boundary survey with an error of closure within the limit of one (1) in ten thousand (10,000).

(D) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash lines, and identification of the respective tracts shall be placed on the plat. Replats shall indicate original data.

(E) The accurate location and dimensions by bearings and distances, with all curve data of all lot and street lines and center lines of streets; boundaries of all easements, parks, school sites, or other public areas; the number and area of all building lots; the total area of subdivision; the delineation of flood plains; the identification of graves, objects or structures, marking a place of burial; all existing and platted streets, their names, numbers and widths; names of Owners and their property lines, both within the boundaries of the subdivision and adjoining such boundaries.

(F) All dimensions shown in feet and decimals of a foot to the closest 1/100th of a foot; all bearings in degrees, minutes and the nearest ten (10) seconds.

(G) The data for all curves along street right-of-way lines shall be shown in detail at the curve or at a curve data table showing the following: delta, radius, arc, tangent, chord and chord bearing.

(H) All survey monuments and bench marks, together with their description.

(I) Private restrictive covenants and their period of existence. Should these restrictions be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference shall be made thereto on the plat.

(J) The accurate outline, dimensions and purposes of all property which is offered for dedication, is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property Owners in the subdivision.

(K) Temporary turnarounds where required. When one or more temporary turnarounds are shown, the following note shall be included on the plat: "The area on this plat designated as Temporary Turnaround will be constructed and used as other streets in the subdivision until [name of street] is extended to [end point], at which time the land in the temporary turnaround areas will be abandoned for street purposes and will revert to adjoining lot Owners".

(L) The location of all minimum building setback lines, side yards and rear yards.

(M) The following plans and information shall be submitted with, or prior to, the submittal of the final plat:

- (1) Drainage plans
- (2) Soil erosion and sediment control plans
- (3) Street plans including cross sections and profiles, and other necessary data, as described in Article 9 Improvement Plans.
- (4) Natural gas, water supply and sewage disposal plans including drainage courses, existing sewers, water and gas mains and culverts and other underground structures, showing pipe sizes, invert elevations and grades.

ARTICLE IX. IMPROVEMENT PLANS

Sec. 9.1 Plans, profiles and cross sections

(A) The Subdivider shall submit to the Town the following plans, profiles and cross sections, drawn to a horizontal scale of at least one (1) inch to thirty (30) feet and a vertical scale of one (1) inch to five (5) feet or less, and specifications for the construction of the improvements for the subdivision as required in these regulations. All elevations shall be referred to mean sea level with one (1) or more benchmarks described on the plans. Improvement plans shall be prepared by a Professional Engineer or Land Surveyor, who shall endorse the plan.

(B) The plans and profiles of each street with proposed grades and street intersection elevations and all drainage and utility features required.

(C) The cross sections of the proposed streets showing the width of roadways, present and proposed grade lines and location and size of utility mains. The cross sections shall be taken and withdrawn at intervals of not more than fifty (50) feet along the centerline, unless otherwise required by the Town, and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way.

(D) The plan and profile of proposed sanitary sewers and storm water drains, with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

(E) Standards, specifications and special provisions, approved by the Department of Public Works, may be required.

Sec. 9.2 Procedure for Approval

(A) Improvement plans for the design and construction of required public facilities shall be submitted prior to or with the final plat. The Town Engineer shall approve or disapprove plans within thirty (30) days of their submission. In the event of the failure of the Town Engineer to act within such period, the plans may be submitted, after ten (10) days notice to the Town, to the circuit court for its approval or disapproval.

(B) Prior to final approval, by the Town, improvement plans shall be signed by the Owner of the land proposed for subdivision. The signature shall certify that the Owner is aware of the design requirements imposed by the plan and other applicable Town codes, and shall further certify that the Owner agrees to comply with these requirements, unless modified in accordance with the Town Code.

(C) The improvements plans shall include the information and notes, as set forth in the Improvement Plan Submittal Requirements, as published and revised, from time to time, by the Town of Abingdon Department of Public Works.

Sec. 9.3 Revisions to approved plans

The Town must approve, in writing, by written change order format, any significant deviation from previously approved plans and specifications. Requests for such deviations, accompanied by revised plans, shall be made by the licensed professional, that prepared the plans, and presented to the Director of Public Works, who will implement the review and approval process,

Sec. 9.4 Submittal of As-builts required.

The contractor shall keep at all times, on the job site, a set of approved plans and project specifications. Within five (5) work days, after completion of the project, the contractor shall return to the licensed professional, that prepared the plans, one (1) set of marked plans showing the as-built condition. This shall include the sanitary sewer, water distribution system, street lighting, street(s), drainage, and other construction as identified on the approved construction plans and other documents. The information contained on the contractor's as-built plans will then be transferred to the original drawings by the licensed professional, that prepared the plans, and one (1) set of paper prints and one (1) set of Mylar prints of as-built plans presented to the Director of Public Works, prior to acceptance by the Town.

ARTICLE X. EXCEPTIONS

Sec. 10.1 Modification of requirements

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance, with the requirements of these regulations, would result in extraordinary hardship to the Subdivider because of unusual topography; or other such non-self-inflicted conditions, peculiar to this site, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may recommend to the Town Council a waiver or modification of a portion or portions of these requirements so that substantial justice may be done and the public interest secured; provided, that such variance, notification, or waiver will not have the effect of nullifying the intent and purpose of these regulations. Any such waiver or modification, authorized under the provisions of this section, shall be stated in writing, on the plat, by the Subdivider, with the reasoning set forth on which the waiver or modification was justified.

Sec. 10.2 Minimum easing of requirements

In no case shall any variation or modification be more than a minimum easing of the requirements and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the comprehensive plan or be in conflict with any zoning ordinance, resolution, or map.

Sec. 10.3 Vote required

Such variance and waivers may be granted only by the affirmative vote of a majority of the members of the Town Council present and voting.

Sec. 10.4 Conditions

In granting variances and modifications, the Town Council may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

Sec. 10.5 Planned Unit Developments

Design standards, development plans and platting requirements, for Planned Unit Developments shall be as specified in Article 20 of the Town Zoning Ordinance.

ARTICLE XI. VACATION OF PLATS

Sec. 11.1 Applicable state law

Vacation of recorded plats or portions of recorded plats may be accomplished with approval of the Commission and the Council in accordance with the procedures of Sections 15.2-2271 through 15.2-2278 of the Code of Virginia, 1950, as amended.

ARTICLE XII. CHANGES AND AMENDMENTS

Sec. 12.1 Authority and notice

Any regulations or provisions of these regulations may be changed and amended from time to time by the Town Council; provided however, that the Commission shall not recommend nor the Town Council adopt any change or amendment until notice of intention to do so has been published once a week for two (2) successive weeks in some newspaper published or having general circulation in Abingdon. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than ten (10) days after final publication.

Sec. 12.2 Preparation and recommendation

The Commission on its own initiative, or at the request of the Council, shall prepare and recommend amendments to this ordinance; provided, that no such amendment shall be adopted by the Council without a reference of the proposed amendment to the Commission for recommendation, nor until sixty (60) days after such reference, if no recommendation is made by the Commission.

Sec. 12.3 Filing of copies

When an amendment to this ordinance is adopted, a certified copy of the amendment shall be filed in the Office of the Clerk of the Circuit Court of Washington County, Virginia.

ARTICLE XIII. VIOLATIONS AND PENALTIES

Sec. 13.1 Violations

(A) No person shall subdivide any tract of land that is located within the jurisdiction of the Town except in conformity with the provisions of this ordinance and any other applicable Town ordinance.

(B) No person shall subdivide land without making and recording a plat of such subdivision in compliance with the provisions of this subdivision ordinance and applicable statutory law.

(C) No such plat of any subdivision shall be recorded unless or until it shall have been submitted and approved in accordance with this ordinance.

Sec. 13.2 Enforcement

(A) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

(B) In addition to a fine, the Town Attorney may take such other legal action as may be necessary to enforce the provisions of this ordinance, including suit for injunction, for abatement or other appropriate proceeding.

(C) The Zoning Administrator shall not approve a site plan nor issue a building permit for a lot that was created in violation of this ordinance.

ARTICLE XIV. VALIDITY

Sec. 14.1 Generally

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portion of the ordinance. The Town Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

ARTICLE XV. CONFLICTING ORDINANCES

Sec. 15.1 Generally

Where any ordinance or portion of any ordinance is in conflict with this ordinance, that provision which is more restrictive or imposes higher standards or requirements shall apply.

CERTIFICATE

Pursuant to Sec. 2-100 of the Code of the Town of Abingdon, I hereby certify that I reviewed the foregoing Subdivision Ordinance prior to its adoption and find it to be in correct form.

Gregory W. Kelly
Attorney for the Town of Abingdon