

APPENDIX A SUBDIVISIONS¹

ARTICLE I. IN GENERAL

Sec. 33-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning respectively ascribed to them by this section:

Street: A vehicular way (which may also serve, in part, as a way for pedestrian traffic) whether called street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, mall or otherwise designated.

- (1) Arterial or major streets or highways are used by or designated primarily for fast or heavy traffic, and for the purpose of this chapter shall be considered to be as shown in any comprehensive plan or element thereof designating such arterial or major streets or highways officially adopted by the city council.
- (2) Collector streets are used primarily to carry traffic from minor streets to arterial or major streets or highways.
- (3) Minor streets are used primarily for access to abutting properties and include marginal access streets, which are generally parallel and adjacent to arterial streets or highways, serve abutting properties and provide protection from friction with through traffic.
- (4) Marginal access streets are used to separate local traffic from through traffic on an adjacent thoroughfare and to provide controlled ingress to and egress from through traffic.
- (5) Alleys are minor ways used primarily for vehicular access to the rear or side of properties otherwise abutting a street.
- (6) Half-width streets are streets which have their center line along a property line.

Subdivision: The word "subdivision" shall be taken to mean a division of a lot, tract or parcel of land into three (3) or more lots or other subdivisions of land, for the purpose, whether immediate or future, of transfer of ownership or building development, including all changes in street or lot lines, and including any parcel previously separated by the then owner of such tract for such purpose subsequent to the adoption, of this chapter. Division of land in parcels of two (2) acres or more not involving any new street or easement of access shall be exempt.

¹Editor's note(s)—The Subdivisions Ordinance, formerly set out as Chapter 33 of the 1981 Code, has been included herein as Appendix A, Arts. I—V at the direction of the city. The material has been set out as it appeared in the 1981 Code. Obviously misspelled words and typographical errors have been corrected without notation. Words added for clarification have been added in brackets. Amendments are indicated by a history note immediately following the amended section.

Cross reference(s)—Building regulations, ch. 22; erosion and sediment control, § 50-124 et seq.; planning commission, § 82-31 et seq.; sewers and sewage disposal, § 114-171 et seq.; streets and sidewalks, ch. 98; water supply, § 114-31 et seq.; zoning, app. B.

The term "to subdivide" shall not include a bona fide division or partition of agricultural land for agricultural purposes or for the building site for members of the immediate family owning any such agricultural land.

The agent, with the approval of the planning commission, may however, permit the separation of one parcel from a tract of land, if:

- (1) It is not in conflict with the general meaning and purpose of this chapter;
- (2) No new streets are required to serve the parcel;
- (3) The smaller of the two (2) subsequent parcels is at least one acre of area; and
- (4) It has not less than one hundred fifty (150) feet of road frontage.

(Code 1981, § 33-1)

Sec. 33-2. Penalty for violation of chapter.

Any violation of the provisions of this chapter shall be punishable by a fine of not more than one hundred dollars (\$100.00) for each lot or parcel of land subdivided, transferred or sold without compliance with the terms hereof; and the description of such lot or parcel by metes and bounds in the instruments of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from other lawful remedies.

(Code 1981, § 33-2)

State law reference(s)—Penalty for violation of subdivision ordinance, Code of Virginia, § 15.1-473.

Sec. 33-3. Appeals from decisions or orders of administrative officers under chapter.

Where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter, the owner or subdivider or agent may appeal to the circuit court of the city as prescribed by law. In the case of design standards and general procedural matters, the appeal shall be to the city council.

(Code 1981, § 33-3)

Sec. 33-4. Modification of chapter requirements.

Upon appeal, the planning commission may modify design standards or other requirements of this chapter in order to preserve noteworthy features or otherwise enhance the amenity of neighborhoods. Where such modification is granted, the planning commission will attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood and may require a guarantee or bond to assure compliance.

(Code 1981, § 33-4)

Sec. 33-5. Variances from terms of chapter.

- (a) The planning commission may authorize, upon appeal only in specific cases, such variances from the strict application of the terms of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement will result in unnecessary hardships, provided that the spirit of this chapter shall be observed. No variance shall be authorized by the commission, unless it finds that:

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- (1) Strict application of the chapter would produce undue hardship.
 - (2) The authorization of the variance will not be of substantial detriment to adjacent property and the character of the neighborhood will not be adversely affected.
 - (3) The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the chapter.
 - (4) The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
- (b) Where a variance is granted, the planning commission will attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood and may require a guarantee or bond to assure compliance.

(Code 1981, § 33-5)

Sec. 33-6. Appeals from decisions of planning commission.

Appeals from decisions of the planning commission on matters covered in sections 33-3, 33-4 and 33-5 shall be brought before the city council within thirty (30) days from date of the decision.

(Code 1981, § 33-6)

Secs. 33-7—33-18. Reserved.

ARTICLE II. PLATS

Sec. 33-19. Conference prior to application for plat approval.

Before filing application for approval of a plat under this article, the subdivider is required to confer with the planning director and such other department heads as the director deems necessary. Such action does not require formal application, fees, or filing of a plat and is not to be construed as application for approval of a plat in computing time limitations in relation thereto.

(Code 1981, § 33-19)

Sec. 33-20. Plat review fees.

At the time preliminary plats are presented under this article, a fee of twenty-five dollars (\$25.00) per plat shall be paid. In addition, a fee of two dollars (\$2.00) per lot, exclusive of the original parcel, shall be paid at the time of submission, for examination and approval, of final subdivision plats. Such fee shall be payable to the treasurer of the city.

(Code 1981, § 33-20)

State law reference(s)—Authority to impose fees or charges for review of plats and plans, Code of Virginia, § 15.1-466(i).

Sec. 33-21. Preparation and contents of preliminary plat.

Each subdivider shall cause to be prepared a preliminary plat of the subdivision. The preliminary plat shall be at a scale of not less than one inch equals one hundred (100) feet and may be of one or more sheets as necessary. The plat shall include the following:

- (1) Name of subdivision (not duplicating the name of an existing subdivision), names and addresses of owners of record, the subdivider and the person or firm responsible for preparation of the preliminary plat, date of drawing date of revisions, number of sheets, north point and scale.
- (2) A boundary survey or survey of record, including map book and page reference, locating and identifying adjacent or abutting streets (existing or platted), subdivisions, unsubdivided parcels, easements, water areas and all visible monuments.
- (3) Location and identification of existing features and improvements within the tract, including streets, structures, water areas by type (including areas in marsh or subject to frequent inundation), wooded areas, easements, installed utilities and other important details. Information on soil and subsoil conditions shall be provided in the form and manner indicated in the specifications of the department of public works. Plats of tracts abutting on or containing natural or artificial bodies of water shall show the top of banks and toe of slope.
- (4) Location and identification of proposed uses within the tract.
- (5) Location, identifications, grades and widths of proposed streets, alleys and easements.
- (6) Location of proposed water mains, sanitary sewer and storm sewers and catch basins, with indication of proposals for disposal of surrounding drainage, if other than, or in addition to, storm drains.
- (7) Lot lines, with dimensions and areas in square feet. Where sewerage is to be by septic tanks or similar devices, percolation test results will be required for each lot or selected lots at locations as indicated by the state health department.
- (8) Location, dimensions and areas in square feet of all parcels proposed to be dedicated or reserved for public use or common use by occupants of the subdivision, with conditions or restrictions, if any, of such dedication or reservation.
- (9) Location of proposed streetlights and their easements. Such easements, where possible, shall be along lot lines.
- (10) Private restrictions, if any, proposed to be included in deeds.
- (11) Topographic map of suitable scale and contour interval, not exceeding five (5) foot intervals, based on U.S. Coast & Geodetic Survey datum.

(Code 1981, § 33-21)

Sec. 33-22. Conditional preliminary plat approval.

- (a) The procedure prescribed in this section must be followed to obtain conditional preliminary plat approval.
- (b) The subdivider shall submit seven (7) copies of the preliminary plat to the Planning Commission for processing and referral to affected agencies, together with an application for approval and such fee as is established by the city council in relation to processing subdivision plats. Time limitations in relation to such processing shall begin as of the date of receipt of the preliminary plat, application and fee, as indicated on such documents when they are received by the planning commission. Such review shall be completed within sixty (60) days of submittal.

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- (c) After the preliminary plat and related material have been submitted, it shall be reviewed by the Director of Public Works and the Director of Traffic and Planning for conformity to this chapter and other applicable regulations, and negotiations shall be made with the subdivider as to changes deemed advisable and the kind and extent of improvements to be made by him. The Planning Commission shall act upon the preliminary plat and related material as submitted or as modified by the subdivider, and if approved, shall certify its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall indicate its disapproval and the reasons therefor.
 - (d) The action of the planning commission shall be noted on all copies of the preliminary plat to be retained in the record, referenced and attached to any changes or conditions determined. One such copy shall be returned to the subdivider, and others retained as required for records or further action of the department or other affected agencies of the city.
 - (e) Conditional approval of a preliminary plat shall not constitute approval of the final plat, but shall be deemed an expression of approval of the layout submitted on the preliminary plat and other matters determined in connection therewith which shall serve as a guide in preparation of the final plat to be submitted for final approval and for recording upon fulfillment of the requirements of this chapter and the conditions of the conditional approval, if any. Such approval of the preliminary plat shall be valid for a period of one year and may be extended by the planning commission upon written request.

(Code 1981, § 33-22)

Sec. 33-23. Submission of additional information when preliminary plat filed or thereafter; submission of preliminary plat in final plat form.

- (a) At the time of submission of preliminary plats and related data, or at any time thereafter, appropriate officers of the city or the planning commission may request, and the applicant shall supply, additional information required in the circumstances of the particular case.
- (b) Nothing contained in this article shall be construed to prohibit submittal of preliminary plats and data in the form required for final plats and data, for use in both preliminary and final review.

(Code 1981, § 33-23)

Sec. 33-24. Preparation and contents of final plat.

The final subdivision plat shall be prepared by a certified professional engineer or certified land surveyor in ink on an approved durable tracing medium at a scale of one inch equals one hundred (100) feet, unless a different scale is approved by general rule for classes of cases or by the director of public works in a particular case. All original tracings shall be sixteen (16) inches by twenty-four (24) inches, including a margin of one-half inch outside ruled border lines at the bottom and right sides and one and one-half (1½) inches for binding on the left sixteen (16) inch end and at the top of the sheet. When more than one sheet is required, all sheets shall be numbered and of the same size, with match marks to guide preparation of composite maps, and an index map on the sheet of the same size as the sectional maps shall be filed, which shall show, among other things, sectional map numbers, all lot and block numbers and street names. In addition, a small-scale location map showing the property shall be required. The final plat shall show the following data and shall be completed and processed as indicated:

- (1) The subdivision name, the date the plat was prepared, graphic scale and north arrow.
- (2) A certificate endorsed by a certified professional engineer or certified land surveyor indicating the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source, outlines of the several

tracts shall be indicated on the plat. The certificate shall further state that the subdivision is entirely within lands owned by the subdivider and that monuments shown on the plat have been put in place and that their location and character are correctly shown.

- (3) Protective covenants in form for recording.
- (4) Each plat or deed of dedication to which the plat is attached shall contain a statement as follows: "The platting or dedication of the following described land (here insert correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned (indicate owners, proprietors and trustees, if any)" This statement shall be signed by such person and acknowledged before an officer authorized to take acknowledgments of deeds. When thus executed and acknowledged, said plat, upon final approval and in accord with other provisions specified herein, shall be filed and recorded in the office of the clerk of the circuit court of the city.
- (5) On the face of the plat, a place shall be prepared to receive the signature, with date, of the director of public works, the chairman of the planning commission and the director of traffic and planning, which signatures, when affixed, shall indicate approval of the plat. In the event of private water or sewer, a place shall be provided for the signature of the health director. (All required signatures shall be in a durable ink.)
- (6) All linear and angular dimensions for locating boundaries of the subdivision, lots, streets, alleys and public and private easements. Linear dimensions shall be expressed in feet and hundredths of a foot. Angular measurements shall be expressed by bearings. All curve data shall be expressed by a curve table on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curves shown throughout the plat. Dimensions, both linear and angular, shall be determined by an accurate control survey in the field which shall be checked for closure and must balance and close within 1 to 10,000. Plan and profile sheets shall be provided on all new streets and underground utilities, as required by specifications of the department of public works, as approved by the council of the city. The director of public works may require such office and field checks as necessary to assure the accuracy of the plat.
- (7) Description and location of all monuments.
- (8) The boundary of the property being subdivided, names of all proposed streets and boundaries of all property within the subdivision intended to be dedicated to public use. In resubdivisions of existing recorded lots, existing lot lines shall be shown by dotted lines and resubdivisions by full lines. The map book and page number of property being resubdivided shall be specified.
- (9) Exact lengths and bearings of boundary lines of blocks, public grounds, streets and alleys and existing locations of all easements.
- (10) Exact widths of all easements, streets and alleys.
- (11) Angles of departure of adjoining property, street and alley lines, with names of abutting recorded subdivisions. Unsubdivided abutting acreage property shall be designated by the names of owners with deed book references.
- (12) Width and names of abutting or adjoining roads, streets and alleys.
- (13) A definite bearing and distance tie shall be shown between not less than two (2) permanent boundaries on the exterior boundary of the subdivision and to existing street intersections, where possible and reasonably convenient.
- (14) Exact length and bearing of all lot lines, provided that where lines in any rectangular tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines thereof.

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- (15) Designating symbols for all lots and blocks. If the finished plat consists of one section of a proposed larger subdivision, then the block numbers shall run consecutively throughout the several sections of the entire subdivision and each section shall be designated by letter. All lots in each block shall be consecutively numbered.
 - (16) All plats of property abutting on or containing any natural or artificial bodies of water shall show the top of the bank and the toe of the slope, and where such lines are intersected by lot or block lines, measurements locating such intersections shall be given along such lot or block lines.
 - (17) All subdivision plans shall show, in writing, the proposals of the developer for the provision of erosion and sediment control during the construction period.* Such proposals shall be reviewed by the director of public works, with his written comments made available for review by the planning commission prior to plat approval.

(Code 1981, § 33-24)

Sec. 33-25. Approval of final plat.

- (a) The procedure prescribed in this section must be followed to obtain approval of the final plat of a subdivision.
- (b) The final plat and other exhibits required for approval shall be prepared as specified in this article and submitted to the planning commission within the time limit specified in the conditional approval of the preliminary plat, or such extension as may be granted by the commission. Where provision has been made for staged development in connection with conditional approval of the preliminary plat, including time limitations, the subdivider may submit a final plat for only that portion of the approved preliminary plat which he proposes to record and develop at that time, if such portion conforms to all requirements of this chapter.
- (c) Four (4) copies of the final plat shall be submitted for approval on an approved durable tracing medium and copies required for city processing will be prepared by the city, with the original tracing returned to the subdivider or his agent. Copies of other materials required for approval shall be provided by the subdivider, in such numbers as may reasonably be required in the case.
- (d) Upon submittal of the final plat and other materials required with application for final approval, the planning commission shall initiate and coordinate review by affected agencies of the city to determine:
 - (1) Substantial compliance with the preliminary plat and any conditions of the conditional approval thereof.
 - (2) General compliance with the regulations set forth in this chapter and other applicable regulations.

Such review shall be completed within sixty (60) days of submittal (or such longer period as may be agreed upon in writing by the subdivider and the department) and, within such time, the final plat and related materials shall be approved or disapproved. Approval shall be in the form provided in section 33-24. Disapproval shall include written reasons thereof. In the event that action is not taken within sixty (60) days, recourse shall be as provided by law. Approval of the final plat shall be void:

- (1) Unless the approved plat is recorded in the office of the clerk of the circuit court of the city within one year from the date of approval.
- (2) If there are any additions, deletions or alterations in the original tracing following approval, except for marking incidental to recording.

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- (3) Unless, before the approved plat is recorded in the office of the clerk of the circuit court, the subdivider enters into a contract entitled, "Subdivision Agreement—City of Petersburg, Virginia," a copy of which is made a part of this chapter by reference.

(Code 1981, § 33-25)

Sec. 33-26. Recordation of plats.

- (a) The owner or proprietor of any tract who desires to subdivide it shall submit a plat to the planning commission, which is hereby charged with the responsibility for coordinating the processing of such plats. If and after a final plat has been approved by the planning commission as conforming to regulations relating to subdivisions, the owner or proprietor may cause it to be recorded with the clerk of the circuit court of the city.
- (b) No person shall subdivide land without making and recording a plat thereof and complying fully with the provisions of this chapter and all other state and local laws applying to subdivisions.
- (c) No person shall sell or transfer such land or any part thereof by reference to, or exhibition of, or by any other use of, a plat of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto; provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between parties to the instrument.

(Code 1981, § 33-26)

State law reference(s)—Subdivider's recourse if action on plat not taken within sixty days, Code of Virginia, § 15.1-475.

Secs. 33-27—33-37. Reserved.

ARTICLE III. DESIGN STANDARDS

Sec. 33-38. Streets and alleys.

- (a) Streets and alleys within subdivisions shall meet the design standards prescribed in this section.
- (b) The arrangement, character, extent, width and location of all streets shall conform to the comprehensive plan, insofar as elements of the plan relating to streets have been officially adopted by the city council, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety and appropriate relation to the proposed uses of land to be served by such streets.
- (c) Where not indicated in the comprehensive plan, the arrangement of streets in a subdivision shall either:
- (1) Provide for continuation or appropriate projection of existing arterial or collector streets in surrounding areas; or
 - (2) Where topography or other conditions make continuance or projection of existing streets unnecessary or impracticable, shall conform to a general area plan approved by the Planning Commission.
- (d) Minor streets in residential neighborhoods shall be so laid out that their use by through traffic will be discouraged.

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- (e) Where a subdivision abuts or contains an existing or proposed arterial street or other streets carrying heavy traffic, the planning commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment, including wider pavement widths, as may be necessary for adequate protection of residential or other properties and separation of local and through traffic.
- (f) Where a subdivision borders or contains a railroad or limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way and at such distance therefrom as required for appropriate use of intervening land, if any, and as determined with due regard for requirements of future approach grades and grade separations.
- (g) Reserve strips controlling sole access to public streets shall be prohibited.
- (h) Street jogs with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited.
- (i) No street intersection shall include more than four (4) street approaches.
- (j) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect another at less than sixty (60) degrees.
- (k) Property lines at the intersection of minor streets with each other or with alleys shall be rounded with minimum radius of ten (10) feet. Property lines at the intersection of alleys with any streets shall be rounded with a minimum radius of ten (10) feet. Property lines at all other street intersections shall be rounded with a minimum radius of twenty (20) feet.
- (l) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- (m) When connecting street lines deflect from each other, they shall be connected by a curve with a radius sufficient to insure a sight distance adequate for visibility and safety, as determined by the planning commission in consultation with the department of public works after consideration of the character of the street and the types and speed of traffic anticipated.
- (n) Street right-of-way widths shall be specified in officially adopted elements of the comprehensive plan relating to streets. Where not shown therein, pavement widths and right-of-way widths for public streets shall be in relation to the proposed density and/or the land use of the property adjacent to the roads and within the parcel sought to be subdivided, but in no case shall they be less than as follows:

	Min. R/W Width	Min. Paved Width (Face to Face of Curb) (in feet)
Arterial	80	52
Collector	60	36
Minor		
(1) Serving commercial or industrial uses	60	46
(2) Serving residential uses	50	36
Marginal access	40	30
Alley	20	20

- (o) Half-width streets are prohibited, except where essential to the reasonable development of the subdivision in relation to surrounding lands and where the planning commission finds it practicable. No residence shall be constructed with sole access from a half-width street.
- (p) Except where unusual land configuration requires otherwise, cul-de-sac streets, designed to be so permanently, shall not be longer than seven hundred (700) feet to the turnaround. All cul-de-sac streets shall

be provided at the closed end with a circular turn-around having an outside roadway radius of at least forty (40) feet and a right-of-way radius of at least fifty (50) feet, except where other forms of turnaround are approved by the Planning Commission as conforming to standard practice.

- (q) Street names shall be subject to approval by the Planning Commission and conform with the city's specifications on signs. No name shall be used which duplicates or is likely to be confused with the name of an existing street.
- (r) Unless other definite and assured provision is made for service access, such as off-street loading, unloading and the like, alleys with a minimum paved width of twenty (20) feet shall be provided in commercial and industrial districts.
- (s) Grades on streets shall not be in excess of five (5) percent, unless special conditions make it advisable to alter this rule. Alleys shall avoid grades in excess of ten (10) percent. No street shall have a minimum grade of less than 0.4 percent.

(Code 1981, § 33-38)

Cross reference(s)—Streets, ch. 98.

Sec. 33-39. Easements.

- (a) Easements within subdivisions shall meet the standards prescribed in this section.
- (b) Easements for utilities and drainage shall be provided, unless waived in writing by an official having cognizance of the requirement, across lots or overlapping or adjoining rear or side lot lines, and shall be of whatever width is necessary to provide for installation of such utilities or drainage and for access for maintenance; provided, however, that no such easement shall be less than ten (10) feet wide.
- (c) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines thereof and of such further width or further construction, or both, as will be required for the purpose of handling drainage. Streets or parkways parallel, but not necessarily adjacent, to such water courses may be required. Shifts from existing locations of water courses, drainage ways, channels or streams may be permitted by the public works department only where such result in equivalent or better drainage within the surrounding subdivision than will the existing location; provided, however, that any such change shall be explained, in writing, including the specific reasons therefor, and be made a part of the permanent application record.

(Code 1981, § 33-39)

Sec. 33-40. Blocks.

Block lengths in subdivisions shall not exceed one thousand (1,000) feet nor be less than four hundred (400) feet, except where alternate designs are approved by the Planning Commission as conforming to standard practice; provided, however, that any such waiver shall be put into writing and include the reasons therefor and be made a part of the permanent application record.

(Code 1981, § 33-40)

Sec. 33-41. Lots.

- (a) Lots within subdivisions shall conform to the standards prescribed in this section.

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- (b) Lot size, width, depth, shape and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated and as set forth in the city's ordinance.
 - (c) The depth and width of properties subdivided for nonresidential purposes shall be adequate for off-street parking and service facilities required by the type of use and development anticipated.
 - (d) Corner lots shall be platted not less than ten (10) feet wider than the minimum required by the Zoning Ordinance for interior lots in the district, except that no such increase shall be required where the minimum lot width for interior lots is one hundred (100) feet or more.
 - (e) Each lot created in a subdivision shall have direct access to a public street, unless it is a part of an approved planned unit development or otherwise approved by the Planning Commission.
 - (f) Double frontage and reversed frontage residential lots shall, in general, be avoided, except where essential to provide residential separation from traffic arteries or to overcome other disadvantages of orientation or topography. A planting screen easement of at least ten (10) feet shall be provided along the line of lots abutting such traffic artery or other disadvantageous use, across which there shall be no right of access.
 - (g) Side lot lines shall be substantially perpendicular or radial to street lines, unless a satisfactory lot pattern, area for access and utility easement pattern can otherwise be provided.
 - (h) Where utility or other easements are involved, lot lines shall be so arranged with respect to such easements as to permit efficient installation of the utilities without unnecessary irregularities in alignment.
 - (i) The minimum lot size when septic tanks are used shall be a function of the minimum number of square feet of area which shall be required for absorption of effluent from the septic tank system. It shall be based either on the result of a percolation test or inspection of the soil condition by the state health department and, in no instance, shall lot areas be smaller than those outlined in the zone in which the subdivision is located.
 - (j) Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or to aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

(Code 1981, § 33-41)

Cross reference(s)—Private sewage disposal systems, § 114-301 et seq.

Sec. 33-42. Public sites and open spaces.

- (a) The provisions shall be made for public sites and open spaces in subdivisions as set out in this section.
- (b) Where a proposed school, park, playground, open space or other public use shown in an officially adopted element of the comprehensive plan or land use plan is located, in whole or in part, in a proposed subdivision, reservation, but not dedication, of such area shall be required, subject to the following provisions:
 - (1) Any reservation of land for public acquisition and use required under this provision shall be void, if not executed within one and one-half years from the date of recordation. However, the City Council, acting through an amendment to the officially adopted comprehensive plan, may release such reserved land at an earlier date, if it is found to be no longer necessary to the public purpose.
 - (2) During that period in which the land is held in "reserve" by the developer, the land shall be assessed at raw land value.

- (3) The developer shall be required to show, in dotted lines on the final plat, how he will develop such reserved areas in the event that the City fails to acquire the reserved property.
 - (4) Required reservations shall not exceed twenty (20) percent of the total land area of the development and the compensation due the developer shall be an expressed element of the subdivision agreement.
- (c) A residential developer, in order to serve the open space requirements of the residents of his subdivision, shall make available to the city or a homeowner's association an option to acquire a certain amount of open space within that subdivision. At the discretion of the developer, he may make this land available to the city or homeowner's association either by gift or sale at raw land value. This option shall be exercised by the city or association within the specified period of time stated in the subdivision agreement or the land reverts to the subdivider. During this period of reservation, the land shall be assessed at raw land value. The following guidelines shall determine the amount and types of land to be made available:
- (1) In subdivisions of from three (3) to twenty-five (25) lots, the developer shall reserve a parcel of land acceptable to the Planning Commission. Required open space shall not exceed fifteen (15) percent of total land area and may be waived by the planning commission, if the land is found to be unnecessary or unsuited to recreation purposes; provided that any such waiver shall be noted, in writing, and shall include the reasons therefor and be made a part of the permanent application record.
 - (2) In subdivisions of more than twenty-five (25) lots, the developer may be required to reserve open space at the following rates:

Lot Size	Percent of Total Land Required for Open Space
Less than 5,000 sq. ft.	15
5,000— 7,999 sq. ft.	10
8,000— 14,999 sq. ft.	8
15,000— 29,999 sq. ft.	6
Greater than 30,000 sq. ft.	3

- (3) All land reserved as a result of this provision must be accessible to all the residents of the subdivision or development in question and must be acceptable to the planning commission as to size and location.
 - (4) The developer must provide clearly defined street and pedestrian access to the open areas.
 - (5) The developer may establish a homeowner's association to own and maintain open space in perpetuity as required by this provision in lieu of reservation; provided, however, that the homeowner's agreement be reviewed and approved by the planning commission and the city attorney.
- (d) When a proposed development is not included in an officially adopted element of the comprehensive plan or when such development requires an amendment to an officially adopted plan, the planning commission may require reservation of such areas or sites of a character, extent and location suitable to meet the needs created by such development for schools and other public purposes, provided that such required reservations will be administered under the provisions of subsection (b) of this section.

(Code 1981, § 33-42)

Sec. 33-43. Preservation of noteworthy features.

In all subdivisions, to the maximum degree reasonably practicable, efforts shall be made to preserve historic sites, large trees and other desirable natural growths, watercourses and other water areas, and other features

worthy of preservation, either as portions of public sites and open spaces as described in section 33-42 or in such other form as to provide amenity to the neighborhood. To the extent necessary for desirable preservation under this section, the planning commission may waive or alter specific requirements of this chapter, as provided in section 33-5.

(Code 1981, § 33-43)

Secs. 33-44—33-55. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 33-56. Permanent monuments.

- (a) Permanent monuments shall be placed in a subdivision at the following locations:
 - (1) At all lot and block corners and at the tangent points of curves connecting intersecting street lines.
 - (2) At the points of curvature and tangency in curved street lines.
 - (3) At all corners in the exterior boundary of the subdivision, except those inaccessible due to topography.
 - (4) At such other points as may be designated by the director of public works.
- (b) The material, size and length of monuments required by this section shall be as prescribed by specifications of the department of public works. The location and character of such monuments shall be clearly designated on the final plat.
- (c) Monuments required by this section shall be set not less than three (3) nor more than nine (9) inches below the finished grade of the ground.
- (d) Any developer, builder, owner, occupant, firm or corporation or any person shall take precautions to protect all monuments, and any monument which is moved or destroyed shall be immediately reported to the department of public works and shall be replaced as directed.

(Code 1981, § 33-56)

Sec. 33-57. Streets.

All streets in subdivisions shall be excavated and graded to a profile and cross section. Six (6) inches of stone base meeting state highway specifications shall be placed on the roadway and the surface treatment shall be primed and sealed in accordance with applicable state highway specifications. Curbing and gutters shall be constructed on all streets, except as otherwise provided in section 33-62.

(Code 1981, § 33-57)

Cross reference(s)—Streets, ch. 98.

Sec. 33-58. Street signs.

Street signs shall be erected and located in accordance with the specifications of the department of traffic and planning at all street intersections.

(Code 1981, § 33-58)

Sec. 33-59. Streetlights.

Streetlights shall be provided and installed:

- (1) Along arterial or collector streets.
- (2) In all multiple family, hotel, commercial and industrial districts.
- (3) In such other locations as are found by the department of public works to require such lighting in the interests of safety and security for persons, property or traffic.

Such lighting shall be provided and installed as set forth in the specifications of the department of public works. The recorded subdivider shall provide for necessary street light easements. If the street light fixtures to be installed are above standard, the subdivider shall pay the differential. The same type and design light shall be installed throughout the subdivision.

(Code 1981, § 33-59)

Sec. 33-60. Sidewalks.

Where constructed, sidewalks shall be forty-eight (48) inches in width, or such additional width as required by the director of public works to match existing improvements. Sidewalks shall be constructed on both sides of minor streets within subdivisions in districts where zoning is for multiple family or commercial use. Sidewalks shall be required on one side of a street to be extended up to one-half mile from the point of access to an existing or planned school site by normal pedestrian routes. This shall include the full length of a block which would otherwise have such sidewalks for only a portion of its full length.

(Code 1981, § 33-60)

Cross reference(s)—Sidewalks, ch. 98.

Sec. 33-61. Off-street parking.

Off-street parking shall be provided as required in Article 19 of the Zoning Ordinance for each lot in all subdivisions and shall be stated as a restriction.

(Code 1981, § 33-61)

Sec. 33-62. Drainage.

- (a) Every subdivision shall have a drainage system adequate for the type of development proposed and so related to existing or potential surrounding development as to form a logical part of a coordinated system minimizing potential drainage problems for the general area. Storm drainage calculations will be provided by the subdivider with a minimum ten (10) year storm frequency being used. No plan or development shall take such form as to create potential or actual impoundment of water on, or discharge of water onto, adjacent property in such a manner as to affect adversely existing development or to increase problems of future development on such adjacent property, except with the written and recorded consent of the adjoining property owners affected and the approval of the department of public works. To these ends, the department of public works is empowered to require such changes in plans or to establish such minimum and maximum elevations and gradients in particular sub-divisions as to provide for orderly and efficient development of coordinated drainage systems, even though the drainage proposed for a particular subdivision might be adequate for the subdivision itself. In addition, where adjoining lands are in districts

with varying improvement requirements or in other cases where similar adjustments are necessary, the department of public works is empowered to establish such transitional requirements as to types of curbs and gutters, storm drains, and the like as are appropriate and reasonably necessary in the circumstances of the case.

- (b) Curbs and gutters shall be built to specifications of the department of public works and shall be required on all streets, except when it is determined by the director of public works that existing soil or site conditions would make this requirement impractical. Any such waiver shall be put into writing and include the reasons therefore and be made a part of the permanent application record.
- (c) Where required by the director of public works, underground storm sewers meeting specifications of the department of public works shall be installed. Elsewhere, open drainage ways meeting specifications of the department of public works shall be used.

(Code 1981, § 33-62)

Sec. 33-63. Water supply.

- (a) Where an approved public water supply is reasonably accessible, as determined by the city council, the city will extend water mains to the subdivision. The subdivider shall connect with such water mains and provide adequate water mains accessible to each lot within the subdivision and provide laterals to each lot to the meter before completion of streets.
- (b) Every subdivision shall have a water supply system adequate for the type of development proposed and so related to existing or potential surrounding development as to form a logical part of a coordinated system minimizing potential water supply problems for the general area. Design information shall be supplied for line sizing.
- (c) Each lot in a subdivision shall be provided with water from the public water system or from general water supply systems provided by the developer, if public water is not available, except as modified in this section.
- (d) Privately provided general and individual water supply systems shall be permitted only when approved by the state health department and the city director of public works. Such systems shall be constructed to facilitate later connection with the public system.
- (e) Where general water supply systems are provided by the developer, they shall be offered to the city at no cost in accordance with the terms and provisions of the standard subdivision agreement.
- (f) Fire hydrants shall be installed in the manner and at locations required by the specifications of the department of public works.
- (g) All provided water supply systems shall be planned and constructed to meet the specifications of the department of public works, as provided by the city council. Before construction is commenced, plans and specifications shall be reviewed and approved by that department. All construction shall be in accordance with approved plans.

(Code 1981, § 33-63)

Cross reference(s)—Fire hydrants, § 114-116 et seq.; water supply generally, § 114-31.

Sec. 33-64. Sanitary sewerage.

- (a) Where a public sanitary sewer is reasonably accessible, as determined by the city council, the city will extend such sewer to the subdivision. The subdivider will connect with such sewer and provide adequate sewer mains accessible to each lot and construct laterals to each lot before completion of streets. If public

sewerage is not available, or if neither public nor general sewerage is provided, each lot shall have an individual sewerage system.

- (b) Every subdivision shall have a sanitary sewerage system adequate for the type of development proposed and so related to existing or potential surrounding development as to form a logical part of a coordinated system minimizing potential sanitary sewerage problems for the general area. Design information shall be supplied for line sizing.
- (c) Privately provided general and individual sewerage systems shall be permitted only when approved by the state health department and the city director of public works, and shall be constructed to facilitate later connection with the public system.
- (d) Where general sewerage systems are provided by the developer, they shall be offered to the city at no cost in accordance with the terms and provisions of the standard subdivision agreement.
- (e) Individual sewerage systems shall be permitted only when approved by the state health department, upon findings that the type of system proposed will be effective in the area in which it is proposed to be used, and will not create health hazards on the lot, on adjacent property, or in the form of unlawful pollution of water. The state health department may prohibit certain types of systems in areas to which they are not adapted, may require the use of other systems, may specify increases in lot sizes above those generally required, if necessary, to make such systems effective, and may specify the manner in which such systems are to be located or designed to meet the needs of particular sites or areas.
- (f) All sewerage systems, other than individual, shall be planned and constructed to meet the specifications of the department of public works, as approved by the city council. Before construction is commenced, plans and specifications shall be reviewed and approved by that department. All construction shall be in accordance with approved plans.

(Code 1981, § 33-64)

Cross reference(s)—Sewers and sewage disposal, § 114-171 et seq.

Sec. 33-65. Underground Utilities.

Except as provided below, transmission, distribution and customer service utility facilities carrying or used in connection with electric power, streetlights, telephone, telegraph, cable television, petroleum, gas or steam shall be placed below the surface of the ground. Exceptions are as follows:

- (1) Equipment such as electric distribution transformers, switchgear, meter pedestals, telephone pedestals, meters, service connections and the like normally installed above ground in accordance with accepted utility practices for underground distribution.
- (2) Temporary overhead facilities required for construction purposes.
- (3) High tension transmission lines of fifty thousand (50,000) volts or more.

All installations shall be in accord with applicable codes and the specifications of the department of public works and shall be in accordance with charges, as approved by the state corporation commission.

(Code 1981, § 33-65)

Secs. 33-66—33-76. Reserved.

ARTICLE V. IMPROVEMENT PROCEDURE

Sec. 33-77. Plans and specifications.

- (a) The plans and specifications for general improvements in a subdivision shall be prepared and endorsed by a registered professional engineer or a certified land surveyor, as defined in section 54-17.1(3b) of the Code of Virginia. The manner of preparation and number of copies provided shall be as appropriate to the type of improvements and the requirements for local review, approval, inspection and recording, plus one copy for return to the subdivider or his agent, bearing certification of approval by the appropriate official or officials, if approved, or if disapproved, indicating the reasons for such disapproval.
- (b) Improvements for which such plans and specifications are required include all required improvements and any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, or any telephone or community antenna television systems or the like, in, on or under any streets, alleys or easements within the subdivision, and all other general improvements to be provided by the subdivider or his agent, including preparation of land by grading, clearing, filling or drainage.
- (c) To the extent that specifications have been established by the city or other public agency having jurisdiction concerning a particular type of improvement, they may be included by reference and need not be restated in relation to a particular plan.

(Code 1981, § 33-77)

Sec. 33-78. Permits and inspection generally.

- (a) Where permits are generally required by other regulations of the city, they shall be obtained before the installation of improvements in a subdivision begins. In other cases, approval of plans and specifications by all agencies or officers required to pass thereon by state or local law shall constitute permission to proceed.
- (b) During the preparation of land and the installation of general improvements in a subdivision, inspections shall be made to insure conformity with the plans, specifications and standards established by the ordinances of the city. Except where the nature and timing of such inspections is set forth generally by other regulations of the city, required inspections shall be indicated on the approved copy of the plans and specifications returned to the subdivider or his agent. The developer will be required to give seventy-two (72) hours' notice to the engineering division of beginning work.
- (c) Appropriate agencies of the city may make inspections at any time during the progress of the work, but if a required inspection has not been made by the time the work reaches the stage where such inspection is called for, the subdivider or his agent shall notify the agency involved, not less than two (2) working days in advance of the time such inspection is requested, unless the agency involved has previously agreed to a shorter period of notification. The agency responsible for making the inspection shall not be required to do so with less than the required notice. The inspector shall notify the subdivider of approval or disapproval at the time of inspection. These provisions shall not be construed to require inspection of construction or installation of their own facilities by public service corporations that have received franchises from the city.

(Code 1981, § 33-78)

Sec. 33-79. Permit and Inspection Fees.

At the time of installation of improvements, permit and inspection fees shall be as generally provided for permits and inspections as specified in other ordinances of the city.

(Code 1981, § 33-79)

Sec. 33-80. Performance security in lieu of installation.

Where installations as required by this chapter have not been made, in whole in or part, the city may accept, for dedication for public use, any right-of-way located within the subdivision which has constructed therein, or proposed to be constructed therein according to plans and specifications filed and approved, any street, curb, gutter, sidewalk, drainage or sewerage system or other improvement, financed or to be financed other than by city funds, only if the owner or developer furnishes to the city a certified check in the amount of the estimated costs of construction (with estimate of costs agreed to by the Department of Public Works) or a bond with a subdivision agreement attached, with surety satisfactory to the city attorney, in an amount sufficient for and conditioned upon the construction of such facilities, or a contractor's bond, with like surety in like amount and so conditioned.

(Code 1981, § 33-80)

Sec. 33-81. As-built construction drawings.

As-built construction drawings for all improvements in a subdivision shall be provided on an approved durable tracing medium prior to posting a defect bond or at the time of posting such bond.

(Code 1981, § 33-81)

Sec. 33-82. Security against defects.

With regard to any improvement to be accepted for dedication, maintenance or operation by the city, the owner or developer shall, at the time of city acceptance of responsibility, provide a certified check in the amount of five (5) percent of the total construction costs of the improvement, or a bond, with surety satisfactory to the city attorney, in an amount sufficient for to cover the costs of remedy of defects appearing in such improvements within one year.

(Code 1981, § 33-82)

Sec. 33-83. Release of securities.

- (a) Performance bonds or other sureties established in accordance with the provisions of section 33-80 shall be released when the director of public works or other affected official certifies that the requirements set forth in this chapter have been met. On application by the owner or developer, portions of such bonds or other sureties may be released in proportion to the cost of the requirements certified by the director of public works or the affected official as having been met.
- (b) Defect bonds or other sureties established in accordance with the provisions of section 33-82 shall be released at the end of one year from the date of city acceptance of responsibility. Such release shall be in full, if no defects have been found to exist, or if defects found to exist have been corrected by the owner or developer. If defects found to exist have been corrected by action of the city, the costs of such action shall be deducted from the defect bond. If defects found to exist within the one-year period have not been corrected after proper notice by the end of such period, the director of public works shall make an estimate of the cost of correction and such cost shall be deducted from the defect bond, and any balance remaining as a result of lesser actual than estimated cost shall be paid to the owner or developer.

(Code 1981, § 33-83)

Sec. 33-84. Public acceptance of improvements or proposed dedications.

The installation of improvements or the offer of dedications in subdivisions created hereafter under the terms of this chapter shall in no case bind the city to accept such improvements or offers to dedicate. Upon certification of completion of required improvements, as set forth in section 33-83, the Director of Public Works is authorized to accept, on behalf of the city, such dedications and/or improvements as the city may then be prepared to accept and maintain.

(Code 1981, § 33-84)