

# The Town of Colonial Beach Subdivision Ordinance

## SECTION 1 – AUTHORITY, PURPOSE & TITLE

### 1-1. AUTHORITY

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

### 1-2. PURPOSE

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

### 1-3. TITLE

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

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

**SECTION 2 – DEFINITIONS**

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the words "parcel" and "tract"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas in feet or square feet and refer to measurement in a horizontal plane. When a term is not defined within this ordinance, the following references shall be used: 1) *The Colonial Beach Zoning Ordinance, A Glossary of Zoning, Development and Planning Terms, 50<sup>th</sup> edition, Planning Advisory Service Report #491/492; The New Illustrated Boon of Development Definitions;* and, the *Commonwealth of Virginia Uniform Statewide Building Code 2009* and all future subsequent revisions.

<i>Alley:</i>	A permanent service way providing a secondary means of access to abutting properties.
<i>Boundary Line Adjustment:</i>	Where adjacent property owners relocate a boundary line and no new building lots are created. Such property line adjustments contain the original parcels and/or have a common border with the original parcels. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage or other public areas.
<i>Building Line:</i>	The distance which a building is from the lot line or boundary line, including from the edge of any street right-of-way.
<i>Commission:</i>	The Planning Commission of the Town of Colonial Beach, Virginia.
<i>Concept Plan:</i>	A drawing which can be as simple as a plan illustrating the location of a proposed parcel, showing how access shall be achieved to the parcel and showing the proposed layout of streets and lots. A concept plan is not engineered and not required as part of a subdivision approval. The submission of a Concept Plan is not required, but it is recommended that such a plan be created and/or submitted for discussion purposes and provided to the Planning Commission to review.
<i>Construction Plans:</i>	The site construction design with illustrative details as to how the subdivision and all improvements shall be constructed, including profiles.
<i>Corner Lot:</i>	A lot abutting upon two (2) or more streets at their intersection. The portions of the lot facing the

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	streets shall be deemed to be front(s) and the other boundary lines shall be deemed to be sides.
<i>Council:</i>	The Town Council of the Town of Colonial Beach, Virginia.
<i>Cul-de-sac:</i>	A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.
<i>Developer:</i>	See Subdivision Developer.
<i>Director:</i>	The Director of Community Development of the Town of Colonial Beach, Virginia.
<i>Double Frontage Lot:</i>	An interior lot having frontage on two (2) streets.
<i>Family Subdivision:</i>	A single division of a lot or parcel for the purpose of sale or gift to a member of the Immediate Family of the property owner or to a trust, the beneficiary or beneficiaries of which are all member(s) of the Immediate Family of the property owner.
<i>Final Plat:</i>	A plat, drawn to scale as specified in the subdivision ordinance, incorporating all conditions of approval of the Preliminary Plat, when required or submitted, and confirming that private and public improvements have been completed and/or performance guarantees have been secured.
<i>Flag Lot:</i>	A lot with access provided to the bulk of the lot by means of a narrow corridor having a minimum width of twenty (20) feet and a maximum length of two hundred fifty (250) feet from the public right-of-way.
<i>Governing Body:</i>	The Town Council of the Town of Colonial Beach, Virginia.
<i>Health Officer:</i>	The Health Director or Sanitarian of the Town of Colonial Beach and/or County of Westmoreland Health Department.
<i>Highway Engineer:</i>	The resident engineer employed by the Virginia Department of Transportation (VDOT).
<i>Home Owners Association</i>	See "Property Owners Association (POA)."
<i>Immediate Family:</i>	Any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, nephew, or parent of the property owner.
<i>Interior Lot:</i>	A lot other than a corner lot.
<i>Lot:</i>	A numbered and recorded portion of a subdivision intended for transfer of ownership and/or for

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	building development for a single building and its accessory buildings.
<i>Lot Depth:</i>	The mean horizontal distance between the front and rear lot lines.
<i>Lot Line Vacation:</i>	The legal combination by survey and/or deed of two (2) or more lots to create a single larger lot, thereby removing the existing line(s) dividing the lot(s).
<i>Lot of record:</i>	A lot, the plat or description for which is of record in the office of the Circuit Court Clerk of Westmoreland County, Virginia.
<i>Lot Width:</i>	The mean horizontal distance between the side lot lines.
<i>Low Impact Development (LID):</i>	A site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape, often utilizing integrated and distributed micro-scale stormwater retention and detention areas; concentrated reduction of impervious surface areas; the lengthening of flow paths and runoff times; the preservation and/or protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID lowers development costs by reducing use of concrete and utilizes natural processes to manage stormwater runoff.
<i>Major Street:</i>	Those Primary Roadways (Main Roads) identified in the Colonial Beach Comprehensive Plan.
<i>Major Subdivision</i>	Any Subdivision not classified as Minor Subdivision, including but not limited to subdivisions of three (3) or more lots, or any size subdivisions requiring a new street or extension of public water and/or sanitary sewer, or any other public improvements or any Re-subdivision of a previously vacated lot line in a residential development of record. Review and approval of a Major Subdivision shall be in accordance with these regulations.
<i>Minor Street:</i>	Are those Local Streets (Secondary Roadways) identified in the Colonial Beach Comprehensive Plan.
<i>Minor Subdivision:</i>	A Boundary Line Adjustment between adjacent property owners where no new building lots are created, a family subdivision, or any Subdivision that: <ol style="list-style-type: none"> <li>1. Results in not more than two (2) lots,</li> </ol>

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	<ol style="list-style-type: none"> <li>2. Does not include any new street or road construction,</li> <li>3. Does not require the extension of public facilities or the creation of any public improvements, and</li> <li>4. Is not in conflict with the Comprehensive Plan, the Official Zoning Map, the Zoning Ordinance, or the Subdivision Ordinance.</li> </ol> <p>A Minor Subdivision includes Boundary Line Adjustment(s) between adjacent property owners where no new building lots are created, and includes family divisions.</p>
<i>Plat:</i>	A map of a piece of land on which are marked the courses and distances of the lines and the quantity of the land and may include features and/or improvements on the land.
<i>Property Owners Association (POA):</i>	A non-profit organization, organized under the Property Owners Association Act (Virginia Code § 55.1-1800 et seq.), whose major purpose is to maintain and provide community facilities and services for the common enjoyment of the property owners within a development.
<i>Preliminary Plat:</i>	Prepared to show graphically all facts needed to enable the Subdivision Agent and the Planning Commission, if required or voluntarily submitted to the Planning Commission for review, to determine whether the proposed layout of the subdivision in question is satisfactory from the standpoint of the public interest and in compliance with Zoning and Subdivision Ordinance standards.
<i>Property:</i>	Any one or more tracts, lots, or parcels of real property.
<i>Road:</i>	See "Street."
<i>Resource Management Area (RMA):</i>	All lands within the Town of Colonial Beach that are not classified as Resource Protection Areas (RPA).
<i>Resource Protection Area (RPA):</i>	That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with intermittent or perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.
<i>Re-subdivision:</i>	To divide any legally recorded subdivision (whether approved and recorded as provided in this Ordinance or recorded prior to applicability of

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	such Ordinance) including, but not requiring, the relocation, alteration, and/or vacation of lot lines.
<i>Service Street:</i>	A public right-of-way, generally parallel and contiguous to a primary or main roadway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
<i>Street:</i>	The principal means of access to abutting properties.
<i>Street Width:</i>	The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and additional right-of-way.
<i>Subdivide:</i>	To divide any tract, parcel, or lot of land into two (2) or more parts. The word "subdivide," and any derivative thereof shall have reference to the term "subdivider."
<i>Subdivider:</i>	The owner or owners of any tract, lot, or parcel of land which is to be subdivided; or any individual, group of individuals, entity, or entities to whom or to which the owner(s) of a tract, lot, or parcel of land to be subdivided have given their power of attorney to act on his, her, its, or their behalf in planning, negotiating for, representing, effecting, and/or executing the legal requirements for accomplishing a Subdivision.
<i>Subdivision Agent:</i>	The Director of Planning and Community Development or their designee shall serve as the Subdivision Agent for the Town of Colonial Beach.
<i>Subdivision Developer:</i>	Any person, whether an individual, corporation, company, trust, partnership, other entity, or any combination thereof, which acquires lots within a subdivision for the purpose of resale following construction thereon of improvements; or any individual, corporation, or partnership, or any combination thereof, which acquires from a subdivider or his/her successor in interest the right to construct improvements within a subdivision for resale.
<i>Subdivision Monument:</i>	The initial point, also known as the point of beginning, of a plat on the exterior boundary of the plat and marked with a galvanized iron pipe or an iron or steel rod. If galvanized iron pipe is used, the pipe may not be less than three-quarter inch inside diameter and 30 inches long. If an iron or steel rod is used, the rod may not be less than five-

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	eighths of an inch in least dimension and 30 inches long. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, or one-sixteenth corner, to a pre-existing monument or known lot corner or boundary corner of a recorded Subdivision Plat.
<i>Surety:</i>	Certified check, cash escrow, letter of credit, or performance bond in an amount and form approved by the town attorney and held by the governing body.
<i>Town:</i>	The Town of Colonial Beach, Virginia, or any authorized representative thereof.
<i>Underdeveloped Roadways:</i>	Gravel roads and similar type roadways, as identified in the Colonial Beach Comprehensive Plan. Underdeveloped roadways may also be paper streets or roadways that have not been developed, but are identified for future construction in a recorded, final, Subdivision Plat or in the Colonial Beach Comprehensive Plan.
<i>VDOT</i>	The Virginia Department of Transportation.

**SECTION 3 – ADMINISTRATION & ENFORCEMENT**

**3-1. ADMINISTRATION**

- 3-1-1. The Director of Community Development or their designee, is the Subdivision Agent to administer this ordinance. All Final Plats for Subdivision must be submitted to the Town for approval or disapproval, which submission must carry the recommendation for approval or disapproval of the Director.
- 3-1-2. The administration and enforcement of all State and local laws applicable to land subdivision and development, and the authority to amend the Town of Colonial Beach Subdivision Ordinance, shall be vested in the governing body. The Planning Commission shall approve or disapprove all Major Subdivisions and Preliminary Plats in accordance with this Ordinance and the laws of the Commonwealth of Virginia.
- 3-1-3. The right is reserved in the governing body to elect, by resolution entered on record, whether it will or will not accept the dedication of any proposed subdivision street or alley into the Town's street system for maintenance.
- 3-1-4. Nothing in this ordinance shall be construed to authorize the impairment of any vested right.

**3-2. DUTIES**

The Subdivision Agent shall perform their duties in accordance with this Ordinance and the Land Subdivision and Development Act, of the Code of Virginia (Va. Code §§ 15.2-2240 through 15.2-2276). The Subdivision Agent shall review and approve all Minor Subdivisions.

**3-3. TO CONSULT**

In the performance of their duties, the Subdivision Agent and the Commission may call for or request verbal or written opinions or decisions from other departments of the Town, as well as pertinent reports from State agencies and consultants, where deemed necessary or convenient.

**3-4. ADDITIONAL AUTHORITY**

- 3-4-1. The Subdivision Agent shall have the authority to approve Final and Record Plats for Major Subdivisions of more than 50 lots, or for Major Subdivisions of 50 or fewer lots when the subdivider voluntarily submits the Preliminary Plan to the Planning Commission for review and approval, provided the plat is consistent with the Preliminary Plat approved by the Planning Commission. The Subdivision Agent shall also have the authority to approve Final and Record Plats for Major Subdivisions of 50 or fewer lots where the subdivider decides not to submit a Preliminary Plan to the Planning Commission for review and approval provided such plat(s) are prepared in accordance with the requirements of this Ordinance, the Town's Zoning Ordinance and other applicable laws.
- 3-4-2. The Subdivision Agent shall have the authority to approve all Minor Subdivision Plats, as defined in this Ordinance.
- 3-4-3. All Subdivision Plats shall have the approval of the Subdivision Agent prior to recordation and prior to the development or sale of any Lot.
- 3-4-4. In addition to the regulations herein contained for the platting of Subdivisions, the Subdivision Agent may, from time to time, establish any reasonable additional administrative procedures and policies deemed necessary for the proper administration of this Ordinance.

**3-5. RIGHT OF APPEAL**

In the event a plan for subdivision is disapproved by the Subdivision Agent or Planning Commission, the subdivider may appeal, in writing, to the Town Council within 30 calendar days of the disapproval. If the Town Council finds that such disapproval was not based on the Subdivision Ordinance or applicable State laws, the Town Council may override the disapproval and approve said plan if

the Town Council determines it satisfies the Subdivision Ordinance and applicable State laws. No appeal shall be made unless it is filed by the subdivider, in writing, with the Clerk of the Town Council within 30 days of disapproval by the Subdivision Agent or Planning Commission.

## **SECTION 4 – GENERAL STANDARDS**

### **4-1. MUTUAL RESPONSIBILITY**

There is a mutual responsibility between the subdivider and the Town to divide land so as to improve the general use pattern of the land being Subdivided.

### **4-2. SUBDIVISION AND DEVELOPMENT**

All subdivision and development, including all improvements, shall be installed by the subdivider at their cost and in compliance with the provisions of this Subdivision Ordinance, the Town's Zoning Ordinance, and other applicable local, State, and federal codes and regulations and the determinations of governing State departments and agencies, including, but not limited to, VDOT.

### **4-3. STANDARDS AND SURETY**

All improvements shall be in accordance with the requirements set forth herein and in all other Town ordinances. This Ordinance includes, by reference, all mandatory provisions of Virginia. Code §15.2-2241 through 15.2-2269, as amended.

- 4-3-1. All Streets. All streets and alleys in the proposed subdivision shall be designed and constructed in accordance with the VDOT road specifications and requirements, except as may otherwise be approved by the Town in conjunction with approval of a Planned Unit Development (PUD) District or within a townhouse or business park development.
- 4-3-2. New Streets. All new streets shall have a minimum of a fifty (50) foot right-of-way, unless otherwise provided for as part of a PUD zoning approval.
- 4-3-3. Alleys. Dead end alleys must have turn-arounds or cul-de-sacs of at least one hundred (100) feet in diameter, except as may be provided for in a PUD zoning designation.
- 4-3-4. Coastal Flood Plain and Coastal High Hazard Areas. Areas which are shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map which are subject to flooding, the streets and sidewalks of the subdivision therein shall be designed to minimize their potential for increasing and aggravating

the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood depths.

- 4-3-5. Alignment and layout of streets. The arrangements of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. When, in the opinion of the Subdivision Agent, it is necessary to do so, the connection of existing streets to access the adjoining property(ies) shall be required. Proposed streets shall be extended and constructed to the boundary line of adjoining property(ies). Signage shall be posted at locations within a subdivision where such streets terminate. The signage shall state: *"This street may be extended to serve future development and is not a permanent cul-de-sac."* A reference to this notification shall be placed upon all Record Plats and within the deeds of the individual lots within the subdivision.

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

- 4-3-6. Secondary Roadways and Local Streets. Except as provided in Section 5-2-2, whenever a proposed subdivision with four (4) or more lots contains or is adjacent to a primary or main roadway, a provision shall be made for a secondary roadway or local street approximately parallel to such right-of-way at a distance suitable for buffering the residential properties from such primary or main roadway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the primary or main roadways.
- 4-3-7. Right-of-way Crossings. The right-of-way of any primary or main roadway projected across any railroad, limited access highway, or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades. Any such local street or secondary roadway shall be constructed in accordance to plans and specifications of the VDOT, to include its right-of-way requirements.
- 4-3-8. Approach angle of streets. Streets shall approach intersecting streets at an angle of not less than eighty (80) degrees, unless the Subdivision Agent, upon recommendation of VDOT, shall approve

a lesser angle of approach for reasons of contour, terrain, or matching of existing traffic patterns.

- 4-3-9. Cul-de-sac. Terminal streets (cul-de-sacs), shall not exceed a length of five hundred (500) feet to the beginning of the turn-around. Cul-de-sacs shall not provide access to more than twelve (12) lots. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter, except as may be provided for in Planned Unit Development District.
- 4-3-10. Reserve strips. There shall be no reserve strips controlling access to streets.
- 4-3-11. Private streets. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street except as may be provided for in Planned Unit Development Districts or within a Townhouse Development.
- 4-3-12. Names of streets. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the Preliminary and Final Plats and shall be subject to approval by the Subdivision Agent. Names of existing streets shall not be changed except by approval of the governing body.
- 4-3-13. Monuments. As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications (as described in this ordinance.) Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the Subdivision Agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Subdivision Agent before any improvements are accepted by the governing body. The area immediately surrounding a monument (a radius of at least five (5) feet) shall be shown on the Record Plats as common area/easements dedicated to the property owners' association.
- 4-3-14. Location – Concrete. Concrete monuments four (4) inches in diameter or square, three (3) feet long (deep), with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify property

location and shall be set flush with finished grade.

4-3-15. Location -- Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

4-3-16. Water facilities. Public water facilities shall be extended by the subdivider to all lots within a subdivision. Every subdivision lot shall be provided by the subdivider with a satisfactory and sanitary means of central water distribution in accordance with the design standards and specifications of the Town for water construction and improvements and meeting the approval of the Director of Public Works and the Subdivision Agent. All costs shall be borne by the subdivider.

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

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

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

4-3-18. Private sewer. Private sanitary sewer systems are not permitted to be installed on private property within the corporate limits of the Town. Where such a system is pre-existing and such system fails, the property owner shall connect the improvement(s) previously served by the failed system to the Town's sanitary sewer system.

All costs for construction and connection shall be the responsibility of the property owner.

4-3-19. Lot size. The minimum Lot size shall be in accordance with standards set forth in the Zoning Ordinance of the Town of Colonial Beach.

4-3-20. Storm drainage. Storm drainage facilities shall be designed and constructed in accord with the facility design and construction standards of the Town of Colonial Beach. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans, flood control devices, and surface water quality protection. The subdivider shall also provide plans for all such improvements, and when properly installed, the improvements will be adequate for appropriate development. Low Impact Development (LID) methods should be used to the maximum extent possible to manage storm water runoff and drainage. The Subdivision Agent shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the VDOT resident engineer.

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

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

4-3-22. Easements. The Subdivision Agent, in consultation with Director of Public Works and/or Town Engineer, may require easements for drainage or stormwater management facilities. When required by the Subdivision Agent, the construction easement shall be no less than forty (40) feet in width and permanent easements shall not be less than twenty (20) feet in width. Easements shall be provided for water, sewer, power lines, and other utilities in the subdivision. Easements shall be designed and located in accordance with the facility design and construction standards of the Town of Colonial Beach. All easements shall be shown on the Final Plat. Developer shall convey the shown easement, which may be common or shared easements, to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the subdivision consistent with Va. Code § 15.2-2241(A)(6), as amended; however, the Town shall not be responsible to enforce such requirement.

4-3-23. Surety

A. Prior to approval of a Final Subdivision Plat, the subdivider shall complete, or shall provide for completion, all required public improvements all at the subdivider's expense. To provide for completion, the subdivider shall provide the Subdivision Agent with a surety payable to the Town of Colonial Beach, in a form acceptable to the Town Attorney. All bonds and letters of credit must be issued by a bank that has a physical location in Virginia that is within one hundred (100) miles of the Town. The amount of such surety shall not exceed the total of the estimated cost of construction as determined by the Town, based on unit prices for new public or private sector construction in the Town and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten (10) percent of the estimated construction costs. The subdivider shall obtain the Subdivision Agent's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the Subdivision Agent, the Subdivision Agent may arrange for completion of the improvements using the surety. If the subdivider defaults on construction of public improvements, and such improvements are constructed by the obligated party providing the surety, or with funding from the surety, the Town shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs.

- B. Upon the subdivider's written request, the Subdivision Agent shall make periodic partial releases of the Surety in a cumulative amount equal to no more than ninety (90) percent of the original amount for which the Surety was taken, based upon the percentage of facilities completed and approved by the Town or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty (30) percent of the facilities covered by any surety. The Subdivision Agent shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period.
  
  - C. Within thirty (30) days of receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the Subdivision Agent shall notify the subdivider of any specified defects or deficiencies in construction and suggested corrective measures. Written notice under this subsection shall consist of a letter from the subdivider to the Subdivision Agent requesting reduction or release of the surety along with a set of as-built plans and a certificate of completion by an engineer or land surveyor, as appropriate, licensed by the Commonwealth of Virginia. If no action is taken by the Subdivision Agent within the thirty (30) day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be deemed approved and granted until after such thirty (30) day period has expired and there is an additional request in writing sent by certified mail, return receipt requested, to the Town Manager. The Subdivision Agent shall have ten (10) working days after receipt of the second request for final release to act, and, if no action is taken, the request shall be deemed approved and final release granted to the subdivider.
  
  - D. The Subdivision Agent shall not grant final release for the remaining ten (10) percent of the surety until the public facilities covered by the surety are complete and have been accepted by and taken over for operation and maintenance by the state agency, Town department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.
- 4-3-24. Developer/Subdivision Agreements. Facilities shown on the final and/or Preliminary Plats which are required by Town ordinances and are not proposed to be dedicated to the Town but are owned by the property owners' association shall also be referenced via an agreement with the Town as it relates to the construction and maintenance of such facilities. Such facilities may include, but are not limited to, landscaping, stormwater management structures, entrance signs, parks, trails, sidewalks, and other similar facilities.

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

**4-4. UNSUITABLE LAND**

Land deemed topographically unsuitable shall not be platted for residential occupancy or for any other use where such use is likely to increase the danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the Record Plat as common area(s) which may be designated and used as open space or passive recreational area(s). Such area(s) shall not produce conditions contrary to the public welfare.

**SECTION 5 DESIGN STANDARDS**

**5-1. LOT REQUIREMENTS FOR ALL SUBDIVISIONS**

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

land in each lot shall be transferred by deed to single ownership, which deed shall be recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia either before, or contemporaneously with the Final Plat.

**5-2. ACCESS REQUIREMENTS**

- 5-2-1. Controlled Access Points – Whenever a proposed subdivision contains four (4) or more lots and is adjacent to a primary or main roadway, as identified in the Town's Comprehensive Plan, then provisions shall be made for a local street or secondary roadway, as identified in the Town's Comprehensive Plan, that is approximately parallel to such right-of-way at a distance suitable for the establishment of screening and buffering the residential lots from such primary or main roadway. The size of the buffer shall be determined with due consideration of the minimum distance required for ingress and egress to the primary or main roadway.
- 5-2-2. Shared Driveway Entrances Required – If a subdivision contains fewer than four (4) lots, all lots shall be served by a single, shared, vehicular driveway when vehicular access to the subdivision is taken from a primary or main roadway.
- 5-2-3. Internal Streets Required – A tract of land proposed to be Subdivided shall be served by an internal street constructed to the standards of the Virginia Department of Transportation (VDOT) unless a private street is authorized by way of a PUD zoning.
- 5-2-4. A subdivision or re-subdivision involving any previously platted lots in the Town of Colonial Beach which take access from an underdeveloped road where there are no existing houses, shall be required to satisfy Sec. 4-3. In such locations, the subdivision roads and infrastructure shall be brought up to the minimum standards contained herein. All costs shall be borne by the developer.
- 5-2-5. VDOT Permit Required – All subdivisions or individual lots installing a new access point to the state road network shall first obtain a Land Use Entrance Permit from VDOT. If three (3) or more lots are using the same access point, then a paved entrance with a minimum of twenty-four (24) feet in width shall be installed by the subdivider in accordance with VDOT standards.
- 5-2-6. Boulevard Spine Road Required – All subdivisions which contain more than fifty (50) lots shall be served by a road designed as a boulevard. Such boulevard roadways shall have a raised, landscaped median and utilize curb, gutter, and sidewalks along both sides or utilize a six (6) foot wide asphalt trail along one (1) side of the boulevard with connections to sidewalks along local streets in the subdivision. Additionally, this trail option shall allow for engineered ditches to manage stormwater, incorporating low impact development (LID) techniques.

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

- 5-3-1. Streetlights. All subdivisions in the Town of Colonial Beach shall have streetlights installed by the subdivider. The streetlights, at a minimum, shall be located at each intersection and at mid-block points on the backside of the sidewalk(s). At a minimum, all cul-de-sac streets shall have a streetlight at the entrance and terminus of the street. The streetlights shall be of a consistent design and color. Where applicable, streetlights shall be energy star compliant. Streetlights shall be no taller than fifteen (15) feet above finished grade, all light sources (bulbs) shall be shielded as not to be visible from public rights-of-way, and the streetlights shall be shielded to reflect light to the ground. All costs shall be borne by the subdivider.
- 5-3-2. Street identification signs. Street identification signs shall be of a design approved by the Virginia Department of Transportation and/or the Subdivision Agent. The subdivider shall be responsible for the cost to acquire and the cost to install all street signs. Street signs may incorporate route numbers on sign blades to prevent excessive signage at intersections. Street signs shall be located at all intersections. If the Developer wishes to use a decorative street identification sign, the design shall be submitted to the Subdivision Agent for approval if it is consistent with the Colonial Beach Design Guidelines. Repair and maintenance of decorative street identification signs shall be the responsibility of the property owners' association.
- 5-3-3. Curb, gutter and sidewalks. All subdivisions within the Town of Colonial Beach shall contain curb, gutter, and sidewalks along both sides of subdivision streets in a design that meets the requirements of the Virginia Department of Transportation unless otherwise altered under the terms of the Planned Unit Development provisions in the zoning ordinance or as specified above in Section 5-2-6 of this ordinance. Subdivisions constructed with frontage along an existing state road(s) shall install such improvements for their respective frontage.
- 5-3-4. Subdivision Entrance Signs – All new subdivisions in the Town of Colonial Beach shall have a masonry monument style sign/entry feature. Such sign/entry feature may be illuminated with shielded lighting reflecting all light to the ground. A decorative/ornamental landscape perimeter shall be installed around the sign/entrance feature by the Subdivider which shall be a maximum of sixty-four (64) square feet in area and comply with all applicable landscaping provisions contained in Articles 12 and 24 of the Colonial Beach Zoning Ordinance. This area shall be shown on the Preliminary Plat and the Final Plat as common area which is to be owned and maintained by the property owners' association.

**5-4. LOW IMPACT DEVELOPMENT (LID)**

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

**SECTION 6 PLATTING REQUIREMENTS**

**6-1. MINOR SUBDIVISION PLAT REQUIREMENTS**

Whenever any Minor subdivision is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or agent shall apply in writing to the Subdivision Agent for the approval of the Subdivision Plat and submit six (6) copies of the plat, including the lot, street, and utilities layouts. No lot shall be sold or construction activity initiated until a Final Plat for the subdivision has been approved and recorded. Once recorded the subdivider or their agent shall submit one electronic copy of the Record Plat with the plat book and page number(s) to the Subdivision Agent. All costs for the preparation and recordation of any Subdivision Plat shall be the responsibility of the subdivider.

6-1-1. Minor Subdivision Plat Requirements. The following are the platting requirements for administrative approval of Minor Subdivisions:

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

21. An executed surveyor's certificate in accordance with Section 9 of this Ordinance;
22. A dotted line delineating required building setbacks;
23. Location(s) of all existing structures lying within or partially overlapping the required building setbacks on all new or residual parcels;
24. If applicable, the distance from existing buildings to all immediately surrounding property lines;
25. Culverts, drains, and water courses, their names, locations, elevations and other pertinent data;
26. Boundaries of all coastal flood plain and coastal high hazard areas associated with the subdivision;
27. All location and design details for low impact development (LID) facilities and Best Management Practices (BMPs) that are required or proposed for the project;
28. An executed owner's consent and dedication in accordance with Section 9 of this Ordinance; and,
29. A signature block for the Subdivision Agent to sign for approval of the plat in accordance with the certifications found in Section 9 of this Ordinance.

#### **6-2. MAJOR SUBDIVISION PLAT REQUIREMENTS**

- 6-2-1. Whenever any Major Subdivision is proposed for more than fifty (50) lots, including all phases of a phased subdivision, and before any final or Record Plats are submitted for review and approval or any permit for the erection of any structure shall be granted, the subdivider or agent shall apply, in writing, to the Planning Commission for the approval of the Preliminary Plat. For Major Subdivisions of fifty (50) or fewer lots, a Preliminary Plat may be submitted voluntarily, by the subdivider or their agent, for review and approval.
- 6-2-2. The applicant has the option to submit a concept plan to the Planning Commission for review and discussion. Concept plans are NOT to be approved by the Commission. A concept plan is a mechanism for a subdivider and the Commission to come to a general understanding of the proposal and potential impacts of the proposal (see 6-2-5(A) below).
- 6-2-3. The subdivider must obtain Preliminary Plat approval, as outlined in Section 6-2-1 above, and Final Plat approval before recording the plat, initiating construction, or selling any lot(s). To receive Final Plat approval, all construction plans and posting of surety must be completed and approved by the Town.
- 6-2-4. The Planning Commission shall act on a Preliminary Plat, as prescribed in this Ordinance and Va. Code § 15.2-2260. Review and/or approval by the Planning Commission shall occur at a public meeting of the Commission.

6-2-5. The following sections outline the process and platting requirements for Major Subdivisions:

**A. SKETCH OR CONCEPT PLAT REQUIREMENTS**

The subdivider may, at his/her option, submit to the Planning Commission up to twelve (12) paper copies and one electronic copy of a concept plan of the proposed subdivision prior to preparing an engineered Preliminary Plat. The purpose of the concept plan is to permit the Commission to advise the subdivider whether the concept plan is in general accordance with the requirements of this Ordinance. The Commission, shall consider any concept plan and advise the subdivider where it appears that changes would be necessary or advisable. The Commission may mark the concept plan indicating necessary changes, and any such marked concept plan shall be returned to the Commission with the Preliminary Plat. No approval of the concept plan is required by the Commission, but if submitted, a concept plan shall contain, comply with, or be accompanied by, the following:

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

**B. PRELIMINARY PLAT REQUIREMENTS**

The subdivider or their agent shall submit up to sixteen (16) paper copies and one electronic copy of the Preliminary Plat, including the lot, street, and utilities layout. The submittal requirements of a Preliminary Plat are as follows:

1. Scale of one (1) inch equals 100 feet or other scale approved by the subdivision agent;
2. Name of subdivision, owner, date of drawing, numbers of sheet(s), north point, and scale. If true north is used, the method of determination must be shown;
3. The certified professional engineer or land surveyor's name, address, telephone number, e-mail address and fax number, along with their signed, professional, seal and certificate number on each plat;
4. Boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in twenty-five hundredths of a foot;

5. The total gross and net acreage of the proposed subdivision, including the area of each lot within the subdivision;
6. The approximate street frontage of all building sites;
7. Existing buildings and structures within the boundaries of the proposed subdivision and their respective distances to all property lines. The Preliminary Plat shall identify if such buildings and structures are to be retained or demolished;
8. Names of owners and their property lines within the boundaries of the tract and adjoining such boundaries;
9. All existing, platted, and proposed streets, their names, numbers, and widths (rights-of-way). The Preliminary Plat shall also identify the width and location of all proposed sidewalks, trails and other public and/or private rights-of-way within the proposed subdivision;
10. All existing and proposed utility, public, and private easements within the subdivision as well as all easements to be abandoned or relocated;
11. The location and size of all proposed public gathering areas/spaces such as, but not limited to, recreational facilities, community centers, multi-purpose buildings, parks, and parking facilities. All proposed and required on-site parking facilities shall be detailed on the preliminary plan in compliance with the Colonial Beach Zoning Ordinance;
12. Location(s) and dimension(s) of all proposed driveways on each lot;
13. Culverts, drains, and water courses, with their names, location(s), elevations, and other related data;
14. The complete drainage layout showing all proposed storm water and water quality protection facilities, including all pipe sizes, types, drainage easements, and means of transporting the drainage to a well-defined open stream which is considered natural drainage;
15. The location and design details for low impact development (LID) facilities and Best Management Practices (BMPs) that are required or proposed for the project;
16. A cross section showing the proposed street construction, including, but not limited to, depth and type of base, type of surface, and curvature radii;
17. Topographic contours at intervals of two (2) feet for the entire property, showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith;
18. A location map tying the subdivision into the Town's present road system, either by aerial photographs or topographic maps of the U. S. Department of the Interior, or other acceptable maps;
19. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply, and drainage outfalls and adequate outfall conditions;
20. All parcels of land to be dedicated for public use (including street

- rights-of-way) and the conditions of such dedication;
21. Proposed building setback lines on each parcel, shown as dotted lines, including the lot width at setback lines;
  22. Proposed block and lot numbers;
  23. A note on the plat stating "All land within the Town of Colonial Beach is designated as Resource Management Areas" (RMA);
  24. Resource Protection Area (RPA) boundaries, including differentiation between wetland core and buffer areas as defined by the Chesapeake Bay Act protection regulations;
  25. A signature block for the Subdivision Agent to sign for approval of the plat, in accordance with the certifications found in Section 9 of this Ordinance.
  26. An executed surveyor's certificate in in accordance with Section 9 of this ordinance.
  27. An executed owner's consent and dedication provided on the plat in accordance with Section 9 of this Ordinance.
  28. The Preliminary Plat shall illustrate all adjacent parcels abutting the proposed subdivision and identify any on-site improvements on these parcels for context with the proposed subdivision plat.
  29. The proposed building pad area and pad elevation for each lot within the proposed Subdivision Plat.
  30. All proposed freestanding walls, fences and retaining walls on each lot within the proposed subdivision, including the height of each freestanding wall, fence and retaining wall. The height of all freestanding walls, fences and retaining walls shall be measured from the top of wall to the ground immediately below it.
  31. A photometric plan for the proposed subdivision illustrating the location and height(s) of all, on-site, lighting serving the subdivision and the anticipated illumination intensity of the development upon the adjacent properties abutting the proposed subdivision.
  32. Identify and illustrate all important environmental characteristics associated with the property that comprises the proposed subdivision such as, but not limited to, all on-site improvements, water features, shorelines, wetlands, flood zones, impounding structures, inundation zones, forested areas/tree groves, outcroppings, ravines, slopes, hillsides, recorded archeological sites, eligible and designated historic resources, rare or endangered plant, tree, and animal habit(s) etc. The Preliminary Plat shall also identify and illustrate how such features will be preserved, modified, integrated or removed as part of the proposed subdivision.
  33. Boundaries of all costal flood plains and costal high hazard areas associated with the subdivision.
  34. The Subdivision Agent reserves the right to require professional land-use, environmental, and infrastructure studies to determine short-term and long-term impacts associated with the proposed subdivision in the interest of protecting the public's health, safety and welfare.
  35. Any additional information deemed necessary by the Subdivision Agent to understand and process the proposed subdivision to

protect the public's health, safety, and welfare.

**Note: Prior to Final Plat Approval FINAL SITE CONSTRUCTION PLANS shall be approved.**

**C. FINAL PLAT REQUIREMENTS**

1. Whenever any subdivision of land is proposed, and before any plat can be recorded or permit for the erection of a structure shall be granted, the subdivider or agent shall apply in writing to the Subdivision Agent for the approval of the Final Plat and submit six (6) copies and one (1) electronic copy of the Final Plat for that purpose. At least two (2) copies shall be retained by the Subdivision Agent for the Town.
2. The Subdivision Agent shall review the Final Plat and ensure that all requirements from the Preliminary Plat, if required or voluntarily submitted for review are reflected on the Final Plat.
3. If the development is to be constructed in phases, the Subdivision Agent shall approve each plat for each phase. Subsequent phases shall be required to submit Preliminary Plats, when required or if submitted voluntarily, prior to proceeding to a Final Plat approval.
4. No lot shall be sold or construction of structures commenced until the Final Plat for the subdivision has been approved and recorded.
5. No construction shall be commenced until all sureties are approved and submitted to the Subdivision Agent. All public improvements shall be secured by a surety acceptable to the Town Attorney.
6. Roads, water, sewer, drainage, utilities, and all other public improvements shall be constructed or guaranteed with updated surety, approved by the Town, prior to issuance of building permits for the individual lots within the subdivision.
7. Roads to be constructed shall meet VDOT standards and topped with a minimum of least two (2) inches of asphalt after compression.
8. The Subdivision Plat submitted for final approval by the Subdivision Agent and subsequent recording shall be clearly and legibly drawn in ink at a scale of one hundred (100) feet to the inch (or other reasonable scale, if approved by the Subdivision Agent) on sheets having a size of 24" x 36". The Subdivision Agent may require a scale of 1"=20' or 1"=50', if necessary, for sections of the plat. In addition to the requirements of the Preliminary Plat, the Final Plat shall include the following:
  - a. When the subdivision consists of land acquired from more than one source of title, the approximate outlines of various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat;
  - b. The accurate location and dimensions by bearings and distances with all curve data on all lots, street lines and center lines of existing

- and proposed streets showing their names, numbers, and right-of-way widths;
- c. A table showing the maximum impervious surface ratios in percentages and square feet for each lot and the entire tract as a whole;
  - d. Boundaries of all phases (if any);
  - e. Boundaries of all proposed or existing easements, parks, school sites, or other public areas;
  - f. The number and area of all building sites (square feet and acres or fraction thereof);
  - g. The building restriction lines of each lot;
  - h. The existing and proposed easements for utilities such as sanitary sewers, storm drains, storm water management facilities, water mains, manholes, and underground conduits, including their size;
  - i. Any type of water courses, their names, elevations, and names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
  - j. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousandth (10,000) of a foot;
  - k. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, and tangent, chord, and chord bearings.
9. Prior to approval of the Final Plat, the subdivider shall provide the Subdivision Agent the following:
- a. Executed covenants and restrictions for the community and all common areas, if applicable;
  - b. The organizational documentation for the property owners' association;
  - c. The by-laws of the property owners' association, if applicable;
  - d. A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the property owners' association;
  - e. A recommended time schedule for the maintenance of major facilities, including BMPs, streets, street signs, pools, sidewalks, parking areas, and buildings;
  - f. A copy of the proposed notice that will be given to prospective buyers regarding the property owners' association, assessments, and fiscal program;
  - g. A copy of the deed of conveyance and title certificate or, at the discretion of the Subdivision Agent, a commitment for a policy of title insurance, issued by an insurance company authorized to do business in the Commonwealth of Virginia confirming the ownership over all associated lands;

- h. An executed deed of dedication and easement conveying land in fee simple to the Town and easements for public/Town purposes which are depicted on the Final Plat;
- i. An executed subdivision agreement and improvement guarantees acceptable to the Town Attorney.

**SECTION 7 SUPPLEMENTAL REQUIREMENTS**

**7-1. PLATTING & CERTIFICATIONS REQUIRED**

- 7-1-1. Any owner or Developer of any tract of land situated within the Town of Colonial Beach who subdivides the same shall cause a plat of such subdivision to be made and recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the Commission, and site construction plans have been approved by the Town of Colonial Beach, in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.
- 7-1-2. Every such plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him/her 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 source of title, the outlines of the several tracts shall be indicated upon such plat within an insert block or by means of a dotted boundary line upon the plat.
- 7-1-3. Every such plat, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.," which statement shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before an officer authorized to take acknowledgments of deeds; and when thus executed and approved as herein specified shall be filed and recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia and indexed under the name(s) of the land owners signing such statement and under the name of the subdivision.
- 7-1-4. This ordinance bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive

standards than are required by private contract, the provisions of this ordinance shall control.

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

**7.2. MISCELLANEOUS REQUIREMENTS**

- 7-2-1 Pro-Rata Share Payments - In cases where a subdivider/developer extends an existing road located outside the property limits of the land owned or controlled by the subdivider/developer to service their development, the need for which is substantially generated and reasonably required by the construction or improvement of their subdivision or development, the subdivider/developer shall receive a reasonable and rational share of the cost of the installation of the existing road on a pro-rata-share basis if accepted as part of a pro-rata plan adopted by the Town Council. The subdivider/developer shall only receive reimbursement in accordance with a pro-rata plan adopted by the Town Council determining the propionate share of such costs to be reimbursed by each subsequent subdivider or developer within the area, with interest at a rate equal to the rate of interest on bonds most recently issued by the Town Council. Such pro-rata plan shall be in accordance with Va. Code § 15.2-2242(4), as amended.
- 7-2-2. Extension of Sidewalks - Where a subdivider or developer proposes to subdivide a lot, re-subdivide a lot, or where a platted lot is developed or re-developed which fronts on an existing street and the adjacent property on either side has an existing sidewalk, or when the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the Town's adopted Comprehensive Plan, the subdivider or developer must dedicate the land and construct a continuation of the sidewalk across the lot being developed (as provided in Va. Code § 15.2242, as amended). Any new or replacement sidewalks shall be constructed to current VDOT standards.
- 7-2-3. Phase I Assessments - Unless waved by the Subdivision Agent, a subdivider shall provide a Phase I Environmental Site Assessment (as provided in Va. Code § 15.2242, as amended) which meets generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials. Based upon the findings of the Phase I Assessment, the Subdivision Agent may require the subdivider to conduct a Phase II Assessment. The cost for any/all assessments, as well as the review for any/all assessments by the

Town, shall be borne by the subdivider. The subdivider shall also be required to disclose and remediate any/all on-site contamination, including any/all other adverse environmental conditions associated with the subdivided property, consistent with all local, State and Federal laws/regulations using best professional practices.

7-2-4 Owners shall notify the Westmoreland County Commissioner of the Revenue for all improvements to real property situated in platted subdivisions.

7-2-5 The Town may, by ordinance, adopt fees and charges for the review of plats and plans, and for the inspection of facilities required by this Subdivision Ordinance. The subdivider shall remit all Town fees and charges associated with the administration and enforcement of their subdivision pursuant to Va. Code 15.2-2241(A)(9)

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**SECTION 8 - EFFECTUAL CLAUSES**

**8-1. VIOLATIONS/CIVIL PENALTIES**

Any subdivider, owner of any parcel of land, person, firm or corporation, whether as principal, agent, employee or otherwise who violates any provision of this Subdivision Ordinance or Article 6 of Chapter 22 of Title 15.2 of the Code of Virginia, as amended ("Article 6") shall be subject to a fine of \$500 for each lot or parcel of land so subdivided, transferred, or sold and shall be required to comply with all provisions of Article 6 and the Subdivision Ordinance. The description of the 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 the penalties or remedies herein provided.

**8-2. SEVERABILITY**

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

**8-3. REPEAL**

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

**SECTION 9 - CERTIFICATIONS**

**9-1. CERTIFICATIONS ON PLATS**

All plats for subdivision, re-subdivision, boundary line adjustments, plat of vacation, plat of right(s)-of-way, vacation, and/or lot consolidations shall have each of the following certifications placed on the plat and signed prior to Town approval of the plat.

**OWNERS CONSENT AND DEDICATION (NAME OF SUBDIVISION)**

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

\_\_\_\_\_ **Date** \_\_\_\_\_  
Property Owner

\_\_\_\_\_ **Date** \_\_\_\_\_  
Property Owner

**SURVEYOR'S CERTIFICATE**

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

**CERTIFICATE OF APPROVAL**

THE (INSERT SUBDIVISION NAME) IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION ORDINANCES OF THE TOWN OF COLONIAL BEACH, VIRGINIA AND MAY BE COMMITTED TO RECORD. IF THIS PLAT IS NOT RECORDED WITHIN SIX (6) MONTHS OF THE APPROVAL DATE, UNLESS OTHERWISE EXTENDED BY THE

COLONIAL BEACH SUBDIVISION ORDINANCE OR BY THE COMMONWEALTH OF VIRGINIA, THE PLAT IS NULL AND VOID.

Approval Date \_\_\_\_\_

Approval Signature \_\_\_\_\_  
Subdivision Agent

**SECTION 10 – VALIDITY OF APPROVED PLANS**

**10-1. FINAL PLATS TO BE RECORDED WITHIN SIX (6) MONTHS**

All approved final plats shall be recorded in the Westmoreland County Circuit Court Clerk's Office within six (6) months of approval. Unless otherwise extended by state law or the Town Council, if a Final Plat is not filed for recordation within six (6) months after final approval thereof, such approval shall be withdrawn and the plat marked void and returned to the Subdivision Agent. In any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Town Council or its designated agency, or where the developer has furnished surety to the Town Council or its designated agency in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval or to the time limit specified in the surety agreement, whichever is greater.

**10-2. PRELIMINARY PLAT TO REMAIN VALID**

10-2-1. Once a Preliminary Plat is approved, it shall be valid for a period of five (5) years, provided the subdivider (i) submits a Final Plat for all or a portion of the property shown on the Preliminary Plat within one (1) year of such approval, and (ii) thereafter diligently pursues approval of the Final Plat. If a Final Plat is not submitted within one (1) year of approval of the Preliminary Plat, the Preliminary Plat is automatically null and void and of no effect.

10-2-2. If a Final Plat has not been approved within three (3) years following such Preliminary Plat approval, and upon ninety (90) days' written notice by certified mail to the subdivider, the Commission or Subdivision Agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat in accordance with Sec. 10-2-1.

10-2-3. If a developer records a Final Plat, which may be a section of a subdivision as shown on an approved Preliminary Plat and furnishes to the Town a surety in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the Town, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections

shown on the Preliminary Subdivision Plat for a period of five (5) years from the recordation date of any section, or for such longer period as the Planning Commission or Subdivision Agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

**10-3. Recorded Plat to Remain Valid**

10-3-1. Once an approved Final Plat is recorded, it shall be valid in perpetuity, except if vacated,

10-3-2. An approved Final Plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or the Town), or a Recorded Plat dedicating real property to the Town or other public body that has been accepted by such grantee, shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in Virginia Code §§ 15.2-2270 through 15.2-2278, as amended.

**This Ordinance shall take effect upon adoption.**