

**MAY 13, 1992**

**THE TOWN OF WASHINGTON,  
VIRGINIA**

**SUB DIVISION AND SITE PLAN ORDINANCE**

AN ORDINANCE TO REGULATE THE SUBDIVISION OF PROPERTY INTO LOTS, STREETS, ALLEYS, AND OTHER PUBLIC AREAS, TO PROVIDE FOR THE MAKING, APPROVAL AND RECORDING OF PLATS OF SUCH SUBDIVISIONS, AND TO PROVIDE FOR THE CERTIFICATION OF SAME, TO REGULATE THE DEVELOPMENT OF PROPERTY, AND PROVIDE FOR APPROVAL OF SITE PLANS.

WHEREAS, by the Act known as the Virginia Land Subdivision and Development Act, found in the Code of Virginia, 1950, Sections 15.1-465 et seq., the Town Council of the Town of Washington, Virginia is authorized to adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the Town, for the coordination of streets within subdivisions of land with other existing or planned streets, for provisions for drainage and flood control, for adequate open spaces for traffic, recreation, light and air, and for distribution of population and traffic which will tend to create conditions favorable to health, safety, visual order and beauty, convenience and prosperity, and the general welfare.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Washington, Virginia, that the following regulations are hereby adopted for the subdivision and development of land within incorporated portions of the Town of Washington, and from and after the effective date of this Ordinance, every owner or proprietor of any tract of land to which such regulations apply shall subdivide and develop such tract only in conformity with this Ordinance.

## **ARTICLE I**

### **PURPOSE, AUTHORITY AND TITLE**

#### **I-1 PURPOSE**

The purpose of this Ordinance is to establish subdivision and site plan standards, procedures, and regulations for the Town of Washington, Virginia, in order to facilitate the orderly growth of the Town and to promote the public health, safety, convenience, comfort, prosperity, and general welfare.

#### **I-2 AUTHORITY AND TITLE**

This Ordinance is authorized pursuant to the provisions of the Code of Virginia, 1950, as amended, Title 15.1, Chapter II, Article 7. This Ordinance is known and may be cited as the "Subdivision and Site Plan Ordinance of the Town of Washington, Virginia."

## **ARTICLE II**

### **DEFINITIONS**

**SEE COMBINED ORDINANCE DEFINITIONS**

**AS ENACTED ON MAY 14, 1997**

## ARTICLE III

### ADMINISTRATION

**3-1 ADMINISTRATOR** - Except as otherwise provided herein, the agent appointed by the governing body is hereby delegated the authority and power to administer this Ordinance and in so acting the Administrator shall be considered the agent of the governing body.

**3-2 CONSULTATIONS** - In the performance of his duties, the Administrator may request opinions and/or decisions, either verbal or written, from departments of the County government, officials and departments of the State of Virginia, and such other qualified persons as may from time to time be retained.

**3-3 PROCEDURES AND POLICY** - In addition to regulations herein contained for the subdivision and development of land, the Administrator, subject to the approval of the governing body, may from time to time establish reasonable additional administrative procedures and policy requirements as deemed necessary for the proper administration of this Ordinance. Procedures so established shall govern the administration of this Ordinance.

## ARTICLE IV

### GENERAL REGULATIONS

**4-1-1 SUBDIVISIONS GENERALLY-** From and after the effective date of this Ordinance, any owner or proprietor of any tract of land within the Town of Washington who subdivides the same as herein provided, shall cause a plat of such subdivision to be made in accordance with the regulations set forth in this Ordinance and in the Code of Virginia, and a copy of said plat is to be recorded in the Office of the Clerk of the Circuit Court of Rappahannock County.

If the improvements which are mandated by this Ordinance have not been made previously, the applicant shall submit a proposed site plan along with the proposed plat for review by the Town of Washington.

No final subdivision plat shall be recorded unless and until it shall have been submitted to the Planning Commission for review, approved by the Town Council, and certified by the Administrator. A final plat shall become null and void if it is not recorded in the Office of the Clerk of the Circuit Court of Rappahannock County within six (6) months from the date of certification by the Administrator, after approval by Town Council, unless an extension is granted by the Town Council upon the written application by the subdivider.

No parcel of land in a subdivision, as herein defined, created after the effective date of this Ordinance shall be transferred, sold, or offered for sale until a final plat has been approved and recorded as provided for in this Ordinance.

**4-1-2 SITE PLANS GENERALLY -** From and after the effective date of this Ordinance, any owner or proprietor of any tract of land within the Town of Washington who develops the same in a manner as outlined in this Ordinance, shall prepare a site plan with the information as required in this Ordinance.

No final site plan shall be valid unless and until it shall have been submitted as a preliminary plan to the Planning Commission for review, approved, by the Town Council, and certified by the Administrator, as required in this Ordinance; except that the plans and specifications for sub divisions approved under the June, 1981 Subdivision Ordinance shall be deemed approved as site plans under this Ordinance provided, where requirements under this Ordinance do not conflict with such approved plans and specifications, this Ordinance shall apply.

Approval of a final site plan by the Town Council under this Ordinance shall expire twelve (12) months after the date of certification of the plan by the Administrator if building permits have not been obtained for construction, or unless the approval was prior to the adoption of this Ordinance, but after June , 1981, in which case the approval shall expire (12) twelve months after the date of enactment of this Ordinance. Extensions of an approved site plan, and all bond and surety agreements for the plan shall be granted by the Administrator, upon the written

request of the applicant made prior to expiration of approval, for not more than two (2), additional twelve (12) month periods, after which any requests for extensions shall be submitted to, and granted only by, the Town Council.

The Town Council shall grant a request for extension, if it determines that the standards and requirements for development under this Ordinance have not substantially changed since the original approval of the site plan.

**4-1-3 FEES** - There shall be a charge for the examination and approval or disapproval of every subdivision plat or site plan reviewed by the Administrator. At the time of filing the preliminary plat or plan, the applicant shall pay the Treasurer of the Town of Washington the required fees as indicated on the adopted fee schedule.

**4-1-4 PRIVATE CONTRACTS** - This Ordinance bears no relation to any private easement, covenant, agreement, or restriction nor is the responsibility of enforcing a private easement, covenant, agreement, or restriction implied herein to any public official. When this Ordinance calls for more restricted standards than are required by private contract the provision of this Ordinance shall control. Nor shall the existence of any contract, agreement, or covenant to sell, give or otherwise convey any parcel or portion of a parcel of land, act to obligate the Administrator, Commission or Council to approve a plat nor to unduly accelerate the review process.

**4-1-5 VARIATIONS, MODIFICATIONS, AND WAIVERS** - Whenever because of unequal size, topography or shape of the property or other unusual condition not resulting from the developer's deliberate act, a strict compliance with the requirements of this Ordinance would result in hardship to the developer, the Town Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided that such variation, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with implementing the Town of Washington Comprehensive Plan; nor shall such variation, modification, or waiver be granted where the condition that is the subject of the request for a variation or exception is of so recurring a nature as to warrant an amendment to this Ordinance rather than the issuance of a variation, modification, or waiver.

**4-1-6 MUTUAL RESPONSIBILITY** - There is a mutual responsibility between the Town of Washington and the subdivider to divide and develop land in an orderly manner in accordance with the intent of the Town of Washington Comprehensive Plan.

Furthermore, the subdivision of property shall result in lots which are suitable for their intended use. This shall be a condition of approval of any proposed subdivision.

**4-1-7 ACCEPTANCE OF APPLICATION** - The time in which the Planning Commission or the Town Council is required to take action upon a preliminary plat or plan or final plat or plan shall not begin to run until the application has been accepted by the Planning Commission or Council, as appropriate, as complete and officially submitted for approval.

## 4-2

## IMPROVEMENTS - COST AND BONDING

**4-2-1 IMPROVEMENTS** - All required improvements shall be the cost of the applicant. Where cost sharing or reimbursement between the Town of Washington and the applicant are appropriate, be entered into by formal agreement prior to final plat or plan approval, subject to inspection and acceptance. In cases where specifications established either by the Virginia Department of Transportation for streets, this Ordinance such specifications shall be followed. The applicant's performance bond shall not be released until construction has been inspected and accepted by the appropriate engineer, or agent and the Virginia Department of Transportation, applicable. All improvements shall be in accordance with the requirements set forth in this Ordinance.

**4-2-2 BONDING REQUIREMENTS** - As a prerequisite to Council approval of a final plat or plan, a performance bond may be required of the developer. Such bond shall be sufficient to cover the costs of improvements as herein defined and required to be installed by the applicant. In determining the cost of the required improvements and the amount of the performance bond, the Planning Commission or Town Council may require a bona fide estimate of the cost of improvements to be furnished by the applicant. Such bond shall be payable to and held by the Treasurer of the Town of Washington.

**4-2-3** All lots subdivided or to be developed under this Ordinance for residential uses shall have approved and reserved areas for a primary and alternate drainfield on each lot to serve that lot, in accordance with the regulations of the Health Department of the Commonwealth of Virginia.

## 4-3

## EROSION CONTROL

Plans and specifications for temporary (during construction) and permanent soil erosion and sedimentation controls shall be submitted as required in this Ordinance in accordance with the regulations set out in the Virginia Erosion and Sediment Control Regulations of the Virginia Department of Conservation and Recreation, as amended. Proper approval of said Erosion and Sediment Control Plan shall be a condition for approval of any land disturbing activity under this Ordinance. The Erosion and Sediment Control Plans shall be required with all land disturbing activity conducted under this Ordinance. It is intended by this section that the Erosion and Sediment Control regulations of the Virginia Department of Conservation and Recreation are adopted by this Ordinance, except for that part of the Virginia Erosion and Sediment Control regulations which set forth a definition of subdivision or development that is different from that set forth in this Ordinance. The Administrator shall initially determine whether an erosion and sediment control plan is required under this Ordinance at the time of application; however, if it should be determined during the consideration of this application that an Erosion and Sediment Control plan is required, then the Planning Commission, or the Town Council, may impose such requirement. The Culpeper Soil and Water Conservation District is hereby designated as the reviewing authority for the Town of Washington's Erosion and Sediment Control Plans, and the fees charged by said reviewing authority shall be paid by the subdivider at the time of the filing of said plan with the Town.

## **4-4 COMPREHENSIVE PLAN AND PUBLIC DEDICATIONS**

**4-4-1 PUBLIC LAND** - In subdividing, proper consideration should be given to suitable sites for public land as contained in the Town and County Comprehensive Plans. Such plan regulations for public land should be indicated on the preliminary plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquired by the appropriate governing body for that use. This regulation shall not be construed to preclude the dedication of property for public use not included in the Town's Comprehensive Plan provided such property is acceptable to the Town for dedication and maintenance.

**4-4-2 RIGHT OF WAY ADDITIONS** - Where a subdivision or development is proposed that abuts an existing street which does not meet Virginia Department of Transportation standards, additional rights of way shall be dedicated by the applicant for public use to meet those standards. Notwithstanding this, except in the cases of primary highways as defined by the Virginia Department of Transportation, no such right of way shall exceed forty (40) feet in width. Unless the subdivider owns or controls both sides of said street, the subdivider shall not be required to dedicate right of way greater than one-half (1/2) the required additional right of way, measured from the centerline of said street.

**4-4-3 VACATION OF PLAT** - Any plat of record may be vacated in accordance with the provisions of the Section 15.1-481, et. seq. of the Code of Virginia (1950), as amended, or should said Code section be renumbered, its replacement number.

**4-4-4 DEDICATION FOR PUBLIC USE** - No public or private easement or right-of-way as shown on any plat or subdivision hereafter recorded shall be accepted for dedication for public use, until such proposed dedication for public use shall first have been formally approved by the governing body in a meeting duly assembled, and evidence of such approval shown on the instrument to be recorded. Such approval shall not be given by the governing body until any such easement or right-of-way complies with all requirements of the Virginia Department of Transportation "Subdivision Street Requirements" and such other requirements as the governing body may impose for public streets, roads, and drainage. Approval of any final subdivision plat shall not be deemed acceptance by the governing body of any street, alley, or other public space shown on the plat for maintenance, repair or operation thereof unless acceptance is expressly indicated on the final plat.

**4-4-5 PERMITS FOR EASEMENTS** - All public utility and drainage easements outside the rights-of-way of public streets or access ways are to be shown on final plats and plans. Where it is necessary to place public utilities within the rights-of-way shown for public, private or restricted street purposes a permit shall first be obtained from the governing body or its agent for such installation. Utility installations to be constructed within public streets or rights-of-way shall be coordinated with the street construction plans and profiles as approved by the Virginia Department of Transportation, Resident Engineer for Rappahannock County.

**4-4-6 UNRECORDED PLATS -** Where final plats have been approved under the June , 1981 Subdivision Ordinance, but have not yet been recorded as of the date of the adoption of this Ordinance, such plats shall be deemed approved under this Ordinance, provided said plat is filed in the Office of the Clerk of the Circuit Court of Rappahannock County, within six (6) months of the approval of the plat by the Town Council.

## ARTICLE V

### DESIGN STANDARDS

#### 5-1 SUITABILITY OF LAND

The Administrator shall not recommend approval to the Planning Commission of the subdivision or development of land if from the adequate investigations and analysis conducted by all agencies concerned, it has been determined that in the best interest of the public the site is not suitable for subdivision and/or development. Adequate investigation shall include a consideration of the soil survey of Rappahannock County, Virginia, of October 1961. The zoning category of the land does not guarantee the suitability of the land for subdivision and/or development.

#### 5-2 LOTS

**5-2-1 ARRANGEMENT** - The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

**5-2-2 DEPTH** - Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one shall be considered optimum.

**5-2-3 LOCATION** - Each lot shall abut on a street dedicated by the subdivision plat or an existing dedicated public street. Notwithstanding this, lots may be created to front on private streets with access to public streets if the use of the lot so dictates and if it is approved by the Town Council. Lots which are established on private streets shall be created as set out in Section 5-6-9.

**5-2-4 CORNER LOTS** - Corner lots shall have extra width so that the setback and yard lines required by the Zoning Ordinance are met.

**5-2-5 SIDE LOT LINES** - Side lines of lots should be approximately at right angles or radial to the right-of-way line.

**5-2-6 LOT REMNANTS** - All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

**5-2-7 LOT SIZE** - Lot sizes for all lots shall conform to the Zoning Ordinance of the Town of Washington in effect at the time of the filing of the final plat, and in case of land which lies both within and without the boundaries of the Town, the land within said lot which lies within the boundaries of the Town shall contain sufficient area to conform to said Zoning Ordinance of the Town of Washington. An increase in the lot sizes may be recommended by the Planning Commission and required by the Town Council when health and sanitation reports so indicate a need, in order to protect the public health, safety and welfare.

**5-2-8**            **DOUBLE FRONTAGE LOTS** - Double frontage or reversed frontage lots should be avoided except where essential to provide separation of residential development from streets or to overcome a disadvantage of the topography.

**5-2-9**            **SEPARATE OWNERSHIP** - When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed is to be deposited with the Administrator and held with the final plat until the subdivider is ready to record same and they both shall then be recorded simultaneously.

### **5-3            BLOCKS**

**5-3-1**            **LENGTH** - The maximum length of blocks shall be eight hundred (800) feet, and the minimum length of blocks upon which lots have frontage shall be four hundred (400) feet, unless a variation in length of blocks shall be justified by the zoning classification, topography, or other limitation. Such limitations shall be justified in the subdivision application, and financial benefit to the subdivider shall not alone constitute a justification.

**5-3-2**            **WIDTH** - Blocks shall be wide enough to allow two tiers of lots of minimum depth, unless prevented by topographical conditions or size of the property.

**5-3-3**            **ORIENTATION** - Where a proposed subdivision will adjoin a primary thoroughfare or collector street, the Commission may require that the greater dimension of the block shall front or back upon such street to avoid unnecessary ingress or egress.

### **5-4            EASEMENTS, UTILITY**

**5-4-1**            **LOCATION AND WIDTH** - Easements for utilities shall be provided in the location and to the width designated by the Town Council after receiving recommendations from the appropriate utility companies, and the Planning Commission. In no case shall easements be less than ten (10) feet in width.

### **5-5            PERMITS**

**5-5-1**            **UTILITY PERMITS** - Where it is necessary to place public utilities or facilities within public streets or rights-of-way, a permit shall first be obtained from the Administrator.

### **5-6            STREETS**

**5-6-1**            **DESIGN** - All streets and their drainage facilities shall be designed in compliance with the current requirements of the Virginia Department of Transportation's "Subdivision Street Requirements" as amended; Provided, that no paved surface shall be more than twenty (20) feet in width, and the right of way shall

be forty (40) feet. Concrete street surfaces are prohibited.

**5-6-2 STREET ALIGNMENT** - Provisions shall be made wherever practicable for the continuation of planned, existing, or platted streets into adjoining areas.

**5-6-3 STREET LAYOUT** - Streets in predominantly residential subdivisions shall be designed to discourage through traffic.

**5-6-4 STREET ANGLE** - The angle of intersections between streets shall be as close to a right angle as possible and in no case less than 80 degrees unless approved by the governing body or its agent upon recommendation of the Virginia Department of Transportation Engineer for specific reasons of contour, terrain, or matching of existing patterns.

**5-6-5 STREET, HALF** - Streets of less than the full right-of-way shall not be permitted; however, where half streets exist on adjoining property the remaining right-of-way requirement shall be dedicated. No dwellings shall be constructed on half streets.

**5-6-6 STREET ACCESS** - The street arrangement shall provide adequate access to adjoining parcels where necessary to provide for the orderly development of the Town.

**5-6-7 CUL-DE-SAC STREETS** - Cul-de-sacs shall be designed in accordance with Virginia Department of Transportation's "Subdivision Street Requirements" in effect at the time of the final approval of the subdivision.

**5-6-8 ALLEYS** - Alleys not less than 20 feet in right-of-way width may be required in the rear of all commercial properties unless other provisions are made for parking and service. Alleys shall not be permitted in residential subdivisions. No newly-created dead end alleys of any kind shall be allowed.

**5-6-9 PRIVATE STREETS** - There shall be no private streets platted in any subdivision which do not meet the Virginia Department of Transportation requirements; provided, however, that one lot, subdivided from an existing lot as of the date of enactment of this Ordinance, may be served by a private street not less than twenty (20) feet in right of way width, if said street is created by an irrevocable, perpetual right of use, and said street and right of use is shown on the final plat; provided, however, where the street crosses the property of someone other than the subdivider, the creation and recordation of the irrevocable, perpetual right of use shall be a prior condition to the approval of the final plat or plan. When it is necessary to place public utilities or facilities within the private street or right of way, a permit shall first be obtained from the Administrator.

**5-6-10 NAMES** - 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, however, shall the names of other 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 approved by the Town Council. Names of existing streets shall not be changed except by approval of the Town Council.

## ARTICLE VI

### REQUIRED IMPROVEMENTS

#### 6-1 RESPONSIBILITY FOR REQUIRED IMPROVEMENTS

The applicant shall provide the improvements required by this Ordinance. All improvements shall be installed at the cost of the applicant. No person shall commence the construction of any required improvement without obtaining a construction permit as required.

#### 6-2 MONUMENTS

Permanent monuments shall be placed in the ground at all corners, and angle points in the outer lines of the subdivision and at all points of angles and curvature in the right-of-way lines of all streets, and at all lot corners within the subdivision, and at designated points in the outer lines of the subdivision, and at a minimum of at least two points in each block. All required monuments shall be clearly visible. Such monuments shall be inspected and approved by the Administrator before any improvements are accepted by the governing body.

**6-2-1 MONUMENT INSTALLATION** - Such monuments shall be either  
A) concrete not less than four (4) inches in diameter and at least thirty (30) inches long and placed flush with the finished grade or  
B) iron rod or pipe not less than three-quarters (3/4) of an inch in diameter and eighteen (18) inches long driven at least fifteen (15) inches into the ground.

**6-2-2 INSPECTION** - All monuments shall be inspected and approved by the Administrator or his designate before any improvements are accepted by the Town.

#### 6-3 STREETS, DRAINAGE & WALKWAYS

New streets shall be related appropriately to the topography. In particular, new streets shall be designed to facilitate the drainage and storm water runoff, and street grades shall conform as closely as practicable to the original topography.

Storm drains shall be required in all subdivisions where recommended by the approving authority for the soil erosion and sediment control plan.

Any new street may be constructed with shoulders and drainage swales and without sidewalks so long as the street grade does not exceed 6 percent and if the street is classified as minor or local (with anticipated traffic of less than four hundred (400) vehicles per day). In all other cases, curbs, gutters and side walks shall be installed on new streets. In no case shall new streets be constructed with excessive grades that can create a substantial danger to the public safety. No street grade shall exceed ten percent (10%).

Any streets and/or sidewalks to be constructed shall be of materials and design approved by the Architectural Review Board in accordance with the Historic District Ordinance. Storm drains shall be constructed to conform to the standards imposed by the Subdivision Street Requirements of the Virginia Department of Transportation, as amended.

#### **6-4 DRAINAGE**

A drainage system shall be provided for by means of culverts, ditches, catch basins, and underground drain tile, and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from and across all streets and adjoining property. Such drainage system shall be in compliance with the regulations of the Virginia Department of Transportation.

#### **6-5 STREET IDENTIFICATION SIGNS**

The applicant shall install at all intersections street identification signs as approved by the Administrator, and which have received a Certificate of Appropriateness from the Architectural Review Board.

#### **6-6 LOCATION OF UTILITY STRUCTURES**

**6-6-1 EASEMENTS** - All utility poles or underground conduits for electric power lines or telephone lines shall be placed in easements provided along the rear or side lot lines, whenever possible.

**6-6-2 LOCATION** - All gas, water, and sewer mains shall be installed underground. subdividers and developers shall install electric and telephone lines and cable television lines underground. All utilities shall be installed in accordance with the prevailing standards and practices of the utility or other companies providing such services and shall be installed underground, except where it is demonstrated to the satisfaction of the Town Council that underground installations herein required are not physically feasible and a Special Use Permit has been obtained from the Town Council, as required by the Zoning Ordinance. The Town Council may impose conditions, requirements or limitations on the granting of a Special Use Permit for installation of utilities that differ from the prevailing standards and practices of the utility or other companies providing such services.

#### **6-7 WATER SERVICE**

**6-7-1 PROVISION** - Public water service shall be extended to all lots within the subdivision by the subdivider or developer. When public water service is not available or determined to be not feasible, privately owned water distribution facilities may be permitted, provided however that the installation of privately owned water facilities meet all of the requirements of Section 6-7-2. Individual wells may be permitted only when water lines are determined to be not feasible. Individual wells must be approved by the Health Department.

**6-7-2 COMPLIANCE** - Water distribution facilities shall be approved by the

Administrator and be in compliance with regulations of the State Water Control Board, State Health Department, and any other state or local regulatory agencies having authority over such installations.

## **6-8 SEWERAGE SERVICE**

**6-8-1 PROVISION** - Individual septic tanks shall be allowed with the approval of the State Health Department. As a part of the preliminary plat or plan process, the Administrator shall receive in writing from the State Health Department a statement to the effect that the lots contained in the subdivision or development are satisfactory for the installation of septic systems and that said systems will not create hazards to the public health.

A secondary drainfield site, in addition to a primary drainfield site, shall be required to be located for all new lots or development. Drainfield sites shall be located and reserved on the lot to be served for each lot of the subdivision or development, at the preliminary plat or plan stage, and shall be shown in the plat or plan design. Septic systems shall not be allowed in any subdivision where public sanitary sewer is available to the subdivision. No drainfield shall be constructed on slopes in excess of fifteen percent (15%).

The size and location of primary and secondary drainfields shall be, at a minimum, in accordance with the recommendations of the State Health Department, based upon the requirements of the State Board of Health Sewage Handling and Disposal Regulations, as amended;

PROVIDED, HOWEVER, in the case of a lot of record created prior to the enactment of this Ordinance, in which the primary and secondary drain field sites required for the requested development can not be located on the lot to be served, then the current Health Department standards shall apply; and

PROVIDED, FURTHER, in any case where a lot of record has been approved prior to the enactment of this Ordinance with a primary and/or secondary drain field located on land other than the lot to be served, and where a perpetual, recorded easement for the installation, maintenance, and repair of such drain field exists, the right to have an "off-site" drain field, as shown on the recorded plat, shall be deemed vested under this Ordinance.

**6-8-2 COMPLIANCE** - No septic tank permits shall be granted by the State Health Department in a new subdivision until it is notified by the Administrator that the final plat has been approved by the Town Council.

**6-8-3 PRIVATE SEWERAGE FACILITIES** - For the purposes of new development, privately owned sewage collection and treatment facilities (sometimes known as package treatment), except for septic tanks and drainfields, shall not be allowed.

## **6-9 FIRE PROTECTION**

Where adequate public water is available or planned, fire hydrants shall be located

no more than eight hundred (800) feet apart, and within five hundred (500) feet of each structure.

**6-10 STREET CONSTRUCTION**

Streets complying with this Ordinance shall be constructed or bonded for construction in each subdivision and approved by the Virginia Department of Transportation before any building permit may be issued for any lot in that subdivision; except for those private streets serving a single lot as set forth in Section 5-6-9 of this Ordinance.

**6-11 STREET LIGHTS**

Subdividers shall submit a street-lighting plan with the application, which plan shall be developed after consultation with the electrical utility which serves the area of the subdivision. All street lights in subdivisions shall be provided by and installed by the subdivider at the sole cost and expense of the subdivider. The street-lighting plan shall provide for sufficient street lights to meet safety considerations. The governing body shall be the final arbiter of the sufficiency of the street-lighting plan. The design and style of street lights shall require a Certificate of Appropriateness from the Architectural Review Board of the Town.

## ARTICLE VII

### SUBDIVISION PROCEDURE

#### **7-1 PRELIMINARY CONFERENCE, PRELIMINARY SKETCH**

Before the preparation of a preliminary plat, a subdivider should confer with the Administrator relative to the details contained in this Ordinance, the Comprehensive Plan, the Zoning Ordinance and other applicable laws and regulations. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of existing plans and ordinances plus any amendments which are pending at the time of the subdivision plat preparation. The Administrator shall provide the subdivider with a "checklist" of requirements for the filing of a complete application for subdivision

**7-1-1** The subdivider may submit to the Administrator two copies of a preliminary sketch of the proposed subdivision prior to his preparation of engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the Administrator to advise the subdivider whether his plans in general are in accordance with the requirements of this Ordinance prior to any appreciable investment on the part of the subdivider.

#### **7-2 PRELIMINARY PLAT TO BE SUBMITTED**

Any person proposing a subdivision of land under this Ordinance shall submit to the Administrator a preliminary plat showing the general design and layout of the area proposed to be subdivided. The purpose of this requirement is to enable the subdivider to ascertain whether his plans are in accordance with the provisions of this Ordinance and to obtain approval of his proposal for the development and construction of improvements.

**7-2-1** Six (6) copies of the preliminary plat together with the preliminary street and utilities plans prepared by a certified professional engineer or land surveyor shall be submitted by the subdivider to the Administrator at least ten (10) days prior to the scheduled meeting of the Planning Commission along with a check payable to the Town Treasurer to cover the required fees.

**7-2-2** The Administrator shall promptly deliver copies thereof to Town or State officials as required, retaining the other copies for use.

#### **7-3 PRELIMINARY PLAT REQUIREMENTS**

The preliminary plat shall adhere to the following requirements:

**7-3-1** It shall be legibly drawn upon sheets having a size of 15 inches by 20 inches and may be on more than one (1) Sheet. The scale shall be one inch to 100

feet, or, if conditions warrant, the Administrator may accept preliminary plats at a scale of one inch to 200 feet.

**7-3-2** It shall show the following information, except where recommended for waiver in writing by the Administrator:

- a. The title under which the subdivision is proposed to be recorded and the name, address and signature of the record owner and the name of the holders of any easements affecting the property. The plat shall also show the scale, the date and name of the surveyor or engineer that prepared the plat.
- b. All parcels of land intended to be dedicated or reserved for easements or public use or to be reserved in the deed for the common use of property owners in the subdivision.
- c. Areas shown in the Town of Washington Comprehensive Plan as proposed sites for public uses, including floodplain, which are located wholly or in part within the land being subdivided.
- d. Number of sheets comprising the plat.
- e. North meridian, designated "true" or "magnetic", and direction oriented to the top of the sheet and each sheet comprising the plat shall be so oriented.
- f. Name of subdivision which shall not duplicate nor too closely approximate that of any existing subdivision in the Town or Rappahannock County.
- g. Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
- h. Names of all adjoining property owners within 500 Feet of the boundaries of the land to be subdivided and the location of their common boundaries, together with zoning classifications, including the proposed subdivision.
- i. Historical buildings, structures and sites designated on the Virginia Historical Landmarks Commission Register.
- j. The boundary lines of the proposed subdivision accurate to one foot in 2,500 feet relative to the true meridian and the boundary lines of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.
- k. The location, width, and names of all existing or platted streets easements or buildings within or adjacent to the subdivision.
- l. Total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for

subdivision, the Administrator may require the preliminary plat to show a proposed future subdivision of such remaining acreage or a part thereof to make certain that proper orientation of future streets may be developed with the platted streets.

m. Location and description of all existing monuments.

n. Topographical contour lines, existing and finished, as required for approval of drainage and sewer facilities. The topographic data may be compiled by either accepted field or photogrammetric methods with a contour interval of not greater than two (2) feet showing all the area covered by the subdivision properly related to Coast and Geodetic Survey data, and the floodplain limits delineated where applicable.

o. The number, approximate dimensions, and the existing and proposed use of all lots and other areas, including water courses, marshes, impoundments, lakes, and those areas to be used for parking, recreation, commercial purposes, or for public or government use, and existing utility installation.

p. Proposed lot numbers and block letters.

q. If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines and identification of such tracts shall be shown on the preliminary plat.

r. In any case where the property which is the subject of the subdivision application is crossed by the boundary between the Town of Washington and Rappahannock County, the plat shall show the location of said boundary.

**7-3-3 PUBLIC NOTICE & HEARING** - Public notice of consideration by the Commission of the preliminary plat and plans shall be given in accordance with the advertising requirements of Section 15.1-431 of the 1950 Code of Virginia, as amended, and a public hearing shall be held. Additional notice to landowners shall be given in accordance with Section 7-3-4 of this Ordinance.

**7-3-4 NOTICE TO ABUTTING OWNERS** - Written notice of the filing of a preliminary plat and the hearing date shall be given at least five (5) days before the hearing before the Commission to the owner or owners of all property within 500 feet of the boundaries of the land to be subdivided, including all abutting property owners, if applicable. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment book shall be deemed adequate compliance with the requirement. The provision of notice shall be the responsibility of the subdivider.

#### **7-4 ITEMS TO ACCOMPANY PRELIMINARY PLAT**

Items as described below shall accompany the preliminary plat at the time it is submitted to the Administrator:

**7-4-1** Written and signed statements explaining how and when the subdivider proposes to provide and install all required pavements, sidewalks, and drainage structures.

**7-4-2** Written and signed statements of the appropriate officials concerning the availability of gas, electricity, and the necessary capacity for Town water service.

**7-4-3** Written and signed statements from the Virginia Department of Health indicating that lots contained in the subdivision are satisfactory for the installation of septic systems as required under this Ordinance.

**7-4-4** If private streets are involved, a written and signed statement shall be submitted stating the specific provisions for their maintenance.

## **7-5 REVIEW AND RECOMMENDATION**

The Administrator shall receive comments from reviewing agencies. He shall then discuss the preliminary plat with the subdivider in order to determine whether or not his plat generally conforms to the requirements of this Ordinance, the zoning Ordinance, the comprehensive plan and other applicable laws and regulations. The subdivider shall then be advised concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of the required improvements and the amount of the performance bond, the Town may require a bona fide estimate of the cost of the improvements to be furnished by the subdivider.

**7-5-1 ADMINISTRATOR'S RECOMMENDATION** - At the time of the hearing before the Planning Commission, the Administrator shall present the comments of the reviewing agencies as well as his recommendation.

**7-5-2 DECISION OF PLANNING COMMISSION** - The Planning Commission shall approve the preliminary plat if the plat has been properly drawn, all additional data requested by the Town is included, and the proposed subdivision conforms to the requirements and purposes of this Ordinance and the Comprehensive Plan. Otherwise, the Planning Commission shall disapprove the same (stating its reasons for such disapproval) If only minor changes are required, an extended time may be given the subdivider for submission of a revised plat or approval can be subject to required revisions.

**7-5-3 TIME LIMIT ON COMMISSION DECISION** - The Planning Commission shall complete its action on a preliminary plat within sixty (60) days after it has accepted the plat as complete and officially submitted for approval. However, if the approval of a feature or features of the plat by a State agency is necessary, the Administrator shall forward the plat to the appropriate State agency or agencies for review, as soon as the plat has been accepted by the Planning Commission as complete and officially submitted for approval. State agencies shall have forty-five (45) days from receipt of the plat to complete a review of the plat. Upon receipt of written notice of any necessary approvals from all State agencies,

the Planning Commission shall act on the preliminary plat within thirty-five (35) days, unless a public hearing is held, in which case, the Planning Commission shall act on the plat within forty-five (45) days. The subdivider shall be advised as to the recommendation and decision of the Commission. Such notification may be by formal letter and/or legible markings in red on the subdivider's copy of the preliminary plat showing the Commission's recommendations.

**7-5-4 LIMITS OF APPROVAL** - The approval of the preliminary plat and plans by the Commission does not guarantee approval of the final plat and does not constitute approval or acceptance of the subdivision by the governing body or authorization to proceed with construction or improvements within the subdivision.

**7-5-5 SIX MONTHS FINAL PLAT TIME LIMIT** - Subdividers shall have not more than six (6) months from the date of official notification concerning approval of the preliminary plat to file in the office of the Administrator a final subdivision plat in accordance with this Ordinance. Failure to do so shall render preliminary approval null and void. The governing body or its authorized agent may, on written request by the subdivider, grant an extension of this time limit.

#### **7-6 SUBMITTING OF FINAL PLAT**

The final plat shall be submitted to the agent at least ten (10) days prior to the meeting at which the plat is to be considered.

**7-6-1 FINAL PLAT REQUIREMENTS** - A subdivider shall file a linen tracing, or other transparency of scale true material, and four (4) prints of the final plat, prepared by a land surveyor or certified professional engineer licensed by the State of Virginia to practice as such. The said engineer or surveyor shall affix upon each plat a signed certificate stating the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. Any supporting data shall also be filed with the Administrator.

The final plat shall be substantially in accordance with the preliminary plat (together with any changes or additions required by the Planning Commission as a requirement for its approval), except that a final plat may include all or any part of the area covered by the preliminary plat. The final plat shall show the name or number of the section if part of a larger tract.

The final plat shall be legibly and accurately drawn upon sheets having a size of 15 inches by 20 inches. The plat shall be drawn at a scale of 1 inch equals 100 feet. If the subdivision is shown on more than one sheet, the sheet number, total number of sheets and subdivision name shall be shown on each sheet, and match lines shall clearly indicate where the several sheets join.

**7-6-2 DETAILS OF FINAL PLAT** - The final plat shall also (in addition to the details required to be shown on the preliminary plat and any changes required by the Planning Commission as a requirement for its approval) show the following details:

- a. A boundary survey with bearings shown in degrees, minutes, and seconds

to the nearest ten seconds; and dimensions to be shown in feet to the nearest hundreds of a foot to the accuracy of one in ten thousand relative to the true meridian; and total acres in each proposed use plus flood plain delineation.

b. Location and dimensions of all lot and street lines and center lines of all streets, both within and adjoining the subdivision; names and widths of all streets; location of all land or water areas which are being dedicated or reserved for easements or public use, or for the common use of future property owners of the subdivision; and the location of all minimum building setback lines, specified in the Town of Washington Zoning Ordinance.

c. Curve data showing radius, delta and arc either at the curve or in a curve data table.

d. Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.

e. Number of each lot and letter or number of each block.

**7-6-3** CERTIFICATIONS TO BE ON FINAL PLAT - The final plat shall show or have appended to it an unexecuted copy of a proposed Certificate of Owner's Consent to Subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees and lien holders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision. In addition, the final plat shall provide on the first sheet for:

a. The surveyor's certificate, as to title.

b. The surveyor's certificate, as to monuments.

c. All restrictive covenants, or reference thereto.

d. Space for approval by the Town Council and certification by the Administrator.

## **7-7**

### **ITEMS TO ACCOMPANY FINAL PLAT**

When delivered to the Administrator, all final plats shall be accompanied by the following:

a. Water supply and sewerage handling facilities plan acceptable and in conformity with standards of the Town of Washington and that each building lot will have a safe water supply and an adequate means of handling sewerage as required by this Ordinance.

b. Plans for all streets, street signs and drainage systems acceptable and in conformity with the standards of the Town of Washington, and the Virginia Department of Transportation, as applicable.

c. A cash bond, certified check, or surety performance and payment

bond, acceptable to the Town Attorney, with an escalation clause to cover the cost of the improvements and to insure their completion.

d. A check payable to the Town Treasurer to cover all required fees.

e. An unexecuted copy of the proposed deed of dedication, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deed of dedication which will be presented for recordation. Said copy shall:

(1) Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.

(2) Contain language such that when the deed is recorded it shall operate to transfer in fee simple to the Town of Washington such portion of the platted premises as is on such plat designated and set apart for public streets, alleys, or other public use and to grant such easements as are shown on such plat to create a public right of passage over same.

(3) Contain all protective or restrictive covenants, including those referred to in Section 7-6-3 hereof and including provision for the maintenance of private streets, if any.

f. An erosion and sedimentation control plan shall be submitted, as defined in this Ordinance, unless there is no ground-disturbing activity to be performed in the proposed subdivision.

## **7-8 TOWN COUNCIL TO ACT ON FINAL PLAT**

The Town Council retains unto itself the authority of final approval of final plats. The Council shall indicate approval or disapproval of all subdivisions received for consideration as a final plat within sixty (60) days from the date of the acceptance by the Planning Commission of the final plat as complete and officially submitted for approval. Approval of the final plat by the Town Council shall be void unless the approved plat is recorded within six months after approval, unless an extension is approved by the Town Council. All approved final plats shall be filed in the Office of the Clerk of the Circuit Court of Rappahannock County. No such plat of any subdivision shall be recorded by the Clerk of said Court unless and until it shall have been submitted to the Commission, approved by the Town Council, and certified by the Administrator.

**7-8-1 FINAL PLAT APPROVAL CONDITIONS** - The final plat shall not be approved until the subdivider has complied with the requirements and standards of design in accordance with this Ordinance, has paid all applicable tap fees for public water and sewer connections, and has provided a performance bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the Town Council. Approval of the final plat shall be shown by attaching a certificate showing the approval of the Town Council of Washington, and certification of the

Administrator and no building permit shall be issued until the final plat is recorded with the land records in the Office of the Clerk of the Circuit Court of Rappahannock County.

**7-8-2**                    **MONUMENTS SET BEFORE RECORDING PLAT** -  
All monuments including the permanent control monuments required in the Ordinance shall be required to be set before the recording of the plat or the conveyance of lands by reference to the plat. The placement of any monument shall be subject to the actual location of all monuments of record and their position shall be established both at law and in equity at prorated positions as determined from direct re measurements between the established monuments of record rather than as precisely stated or shown on the plat to be recorded.

## ARTICLE VIII

### SITE PLAN PROCEDURE

#### 8-1 DEVELOPMENT REQUIRING A SITE PLAN

A site plan is required and shall be submitted for any development in all zoning districts or when a change is proposed in a previously approved site plan.

#### 8-2 INFORMATION REQUIRED IN SITE PLAN

Every site plan, as hereafter provided shall contain the following information as appropriate:

a. A boundary survey of the tract or site plan limit with an error of closure within the limit of one in ten thousand (10,000) related to the true meridian, and showing the location and type of boundary evidence except where a tract or site is a part of a subdivision of record.

b. A certificate signed by the engineer or surveyor setting forth the source and title of the owner of the tract and the place of record of the last instrument in the chain of title.

c. Existing and proposed streets and easements, their names, numbers, and widths; existing and proposed property lines; existing and proposed utilities of all types; water courses and their names; flood plain limits; owners, zoning and present use of adjoining tracts.

d. Location, type and size of ingress and egress to the site.

e. Location, type, size and height of all fencing, screening and retaining walls where required under the provisions of applicable ordinances.

f. All off-street parking and parking bays, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with the Zoning Ordinance of the Town of Washington.

g. Number of floors, floor area, height and location of each building and proposed general use for each building, and, if a multifamily residential building, townhouse or patio house, the number, size, and type of dwelling units shall be known.

h. Front elevations shall be shown on all commercial, industrial, and multifamily developments, regardless of height.

i. Existing and proposed water facility indicating all pipe sizes, types

and grades in accordance with the requirements of the State Health Department and the Town of Washington Water Authority, where connection is to be made to the central municipal system; Existing and proposed individual septic system(s) and statement from the State Health Department to the effect that the property is satisfactory for the installation of a septic system(s) as required under this Ordinance, without creating hazards to the public health.

j. Provisions for the adequate disposition of natural and storm water in accordance with applicable regulations, indicating location, sizes, types, and grades of ditches, catch basins, and pipes, and connection to the existing drainage systems.

k. Provisions and schedules for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction.

l. Existing topography accurately shown with maximum of two (2) foot contour intervals at a scale of not less than fifty (50) feet to the inch. The requirement for a contour map may be waived where existing grades are less than three (3) percent and spot elevations are provided.

m. Proposed finished grading by contour supplemented where necessary by spot elevations.

n. All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to the closest one hundredth of a foot; and all bearings in degrees, minutes, and seconds to the nearest ten (10) seconds.

o. A landscape design plan based upon accepted professional design layouts and principles as required by the Zoning Ordinance shall be submitted.

**8-3**

### **PREPARATION PROCEDURE & SPECIFIC ITEMS TO BE SHOWN**

a. Any person submitting a site plan shall submit written proof of notification to all abutting property owners and owners of property within 500 feet of the boundaries of the land to be developed. Notice sent by registered mail or certified mail to the last known address of such owner as shown on the current real estate tax assessment books of the Town of Washington shall be deemed adequate compliance with this requirement. The provision of notice shall be the responsibility of the owner or the applicant. The notice shall state: the type of use, the date of submission, and the specific location of the proposed development, and the appropriate Town office where the site plan may be viewed.

b. A site plan or any portion thereof, involving engineering, architecture,

city planning, urban design, landscape architecture, or land surveying, will be prepared by persons qualified to do such work. Final site plans shall be certified by an architect or by an engineer or by a land surveyor, authorized to practice by the State of Virginia, within the limits of their respective licenses.

c. The Administrator may waive the requirement for the certification of the site plan or portions thereof by these professionals in those cases where no action proposed by the developer falls within their professional purview; however, the person(s) principally responsible for the preparation of the site plan shall sign said drawings, regardless of professional registration status.

d. The site plan shall show the name and address of the owner or applicant, town, county, state, north point, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space for four (4) inches by four (4) inches in size on the plan face for the use of the approving authority.

e. A site plan shall be prepared to the scale of one (1) inch equals fifty (50) feet or larger; no sheet shall exceed forty-two (42) inches in width.

f. The site plan may be prepared on one or more sheets. If prepared on more than one sheet, match lines shall indicate where the several sheets join. All information required under 6-2 need not be included on the basic plan but may be submitted on additional sheets which may be of varying sizes.

g. Six (6) clearly legible blue or black line copies of a site plan shall be submitted to the Administrator for the Town of Washington.

h. Profiles shall be submitted for all storm sewers, streets and curbs adjacent thereto, and other utilities, and shall be submitted on standard federal aid plan and profile sheets. Special studies as required may be submitted on standard cross section paper and shall have a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically. No sheet width shall exceed forty-two (42) inches. Floodplain limit studies required shall be shown on profile sheets with reference to properties affected and the center line of the stream.

i. A minimum of two (2) datum references for elevations used on plans and profiles shall correlate, where practical, to U. S. Geological Survey datum.

**8-4**

#### **MINIMUM STANDARDS AND IMPROVEMENTS REQUIRED**

a. All improvements required by this Ordinance shall be installed at the cost of the owner or applicant. Where cost sharing or reimbursement agreements between the Town of Washington and the owner or applicant are appropriate, the same shall be entered into by formal agreement prior to final site plan approval, and shall be subject to the Virginia Department of Transportation review and acceptance where appropriate. Where

specifications have been established by the Town of Washington, by the Virginia Department of Transportation for streets and related facilities, or by this Ordinance for other facilities and utilities, such specifications shall be followed. The owner or applicant's performance bond shall not be released until construction has been inspected and accepted by the authorized engineer or agent for the Town of Washington and by the Virginia Department of Transportation where appropriate.

b. Prior to approval of any site plan, there shall be executed by the owner or applicant an agreement to construct required physical improvements which will be located within public rights-of-way or easements or which shall be connected to any public facility. The agreement shall be submitted with a performance and payment bond with surety acceptable to the Town in the amount of the estimated cost of the improvements. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the Administrator, which time may be extended by the Town Council upon written application by the owner or applicant, signed by all parties (including sureties) to the original agreement. The form of all bonds and surety shall be subject to the approval of the Town Attorney.

c. All street and highway construction standards and geometric design standards shall be in accordance with the Town of Washington's specifications and Virginia Department of Transportation's specifications and this Ordinance, unless such geometric design standards are specifically modified by the governing body upon recommendation of the Administrator. The governing body may modify street geometric design standards for local, collector, and minor loop streets provided approval for modification is obtained from the Virginia Department of Transportation where applicable.

d. Adequate easements shall be provided for drainage and all utilities. Minimum easement width shall be ten (10) feet. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five (5) feet from any building except where said utility attaches to the structure.

e. Adequate drainage for the disposition of storm water and natural waters shall be provided. The extent and nature of both on-site and off-site treatment is to be in accordance with any applicable town specifications and the specifications of the Virginia Department of Transportation.

f. Provisions shall be made for all necessary temporary and permanent erosion and sedimentation control measures both on-site and off-site and in accordance with the regulations set out in the Virginia Erosion and Sediment Control Regulations.

g. Adequate provision shall be made by the owner or applicant to all utilities both on-site and off-site. Design requirements shall be established by the

owner or applicant in conference with the Administrator.

Percolation tests and/or other methods of soil evaluation deemed necessary by the Administrator shall be the responsibility of the owner or applicant.

If central water and/or sewer systems having sufficient capacity either exist or are proposed within a reasonable distance of the area of the site plan, provisions shall be made to connect to the system.

h. Landscape planting, screening, fences, walks, curbs, gutters, and other physical improvements as required by this Ordinance, other regulations of the Town of Washington and regulations of the Virginia Department of Transportation shall be provided by the owner or applicant.

i. One set of approved plans, profiles, and specifications shall be at the site at all times when work is being performed.

j. Upon completion of all required improvements shown on the approved site plan, the owner or applicant shall submit to the Administrator a vellum or sepia transparency plus three (3) copies of the completed as-built site plan, or building location plat certified by an engineer, architect or surveyor. The "as-built site plan" shall be submitted at least one week prior to the anticipated occupancy of any building for the review and approval by the Administrator for conformity with the approved site plan and the ordinances and regulations of the Town of Washington and applicable state agencies.

k. The approval of the site plan or the installation of the improvements as required in this Ordinance shall not obligate the Town to accept improvements for maintenance, repair or operation thereof. Such acceptance shall be subject to Town, County and/or State regulations, where applicable, concerning the acceptance of each type of improvement.

**8-5**

### **PROCEDURES FOR PROCESSING SITE PLANS**

A. Before the Town Council can act on a final site plan, the applicant shall submit a preliminary site plan to the Planning Commission with the information that is required in this article for site plans along with a check payable to the Town Treasurer to cover the required fees. The Planning Commission shall complete its action on a preliminary site plan within sixty (60) days after it has accepted the site plan as complete and officially submitted for approval. However, if the approval of a feature or features of the plan by a State agency is necessary, the Administrator shall forward the plan to the appropriate State agency or agencies for review, as soon as the plan has been accepted by the Planning Commission as complete and officially submitted for approval. State agencies shall have forty-five (45) days from receipt of the plan to complete a review of the plan. Upon receipt of written notice of any necessary approvals from all State agencies, the Planning Commission shall act on the preliminary plan within thirty-five (35) days, unless a public hearing is held, in which case, the Planning

Commission shall act on the plan within forty-five (45) days.

B. Upon action by the Planning Commission on a preliminary site plan, the Administrator shall notify the applicant of the action and any recommendations of the Planning Commission for submitting the plan for consideration by the Town Council as a final site plan. The applicant shall have six (6) months after receiving notification of the planning commission action to file a complete, final site plan for consideration by Town Council. If a preliminary site plan is approved by the Planning Commission without recommendations for amendment, that plan shall be accepted by the Town Council at that time as the application for final plat approval if the applicant so desires.

C. The Town Council shall act on any proposed final plan within sixty days after it has been submitted for approval and has been accepted by the council as complete and officially submitted for approval.

D. In approving the final site plan, the Town Council shall accept for dedication the public easements, rights-of-way or other public areas shown on such plan. Such acceptance of dedication shall be recorded on the approved final plan.

E. No building permit shall be issued in any area covered by the site plan contrary to the provisions of this Ordinance and the duly approved site plan, nor shall any building permit be issued until a valid approval of the sewage handling and disposal system by the State Health Department is provided to the building official by the developer.

F. The Town, County and State agencies responsible for the supervision and enforcement of this Ordinance shall periodically inspect the site during the period of construction.

G. Upon compliance with the terms of this Ordinance and the satisfactory completion of construction, the Administrator shall furnish a certificate of approval. Certificates of approval, upon ratification by the Town Council, shall release all of the bonds which may have been furnished.

H. No change, revision, or erasure shall be made on any pending or final site plan nor on any accompanying data sheet, where approval has been endorsed on the plan or sheets, unless authorization for such changes is granted in writing by the Administrator or the Town Council.

I. Any site plan may be revised, provided the request for revision shall be filed and processed in the same manner as the original site plan.

8-6

#### **APPLICATION OF SITE PLAN PROCEDURE FOR PRIOR SUBDIVISIONS**

Plats, plans and specifications approved under the June, 1981 Subdivision

Ordinance shall be deemed approved as site plans under this Ordinance; however, where requirements under this Ordinance do not conflict with such approved plats, plans and specifications, this Ordinance shall apply.

## ARTICLE IX

### ENFORCEMENT

#### 9-1 COMPLIANCE WITH CHAPTER

No permit will be issued by any administrative officer of the Town of Washington or Rappahannock County, Virginia for the construction or any building, or other improvements requiring a permit, upon any land concerning which a plat or plan is required by this Ordinance, unless and until the requirements of this Ordinance have been complied with.

#### 9-2 APPEALS

**9-2-1** If the Commission fails to approve or disapprove the preliminary plat or plan within time prescribed by this Ordinance, the applicant, after ten (10) days written notice to the Administrator may petition the Circuit Court of Rappahannock County to enter such Order with respect to the subdivision as the Court deems proper, which may include directing approval of the plat or plan.

If the Commission disapproves a preliminary plat or plan and the applicant contends that such disapproval was not properly based on the Ordinance, or was arbitrary and capricious, the applicant may appeal to the Circuit Court of Rappahannock County, provided that the appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Commission.

**9-2-2** If the Town Council fails to approve or disapprove the final plat or plan within the time prescribed in this Ordinance, the subdivider, after ten (10) days written notice to the Administrator, may petition the Circuit Court of Rappahannock County to decide whether the plat should or should not be approved.

If the Town Council disapproves a final plat and the subdivider contends that such disapproval was not properly based on the Ordinance, or was arbitrary or capricious, he may appeal to the Circuit Court of Rappahannock County, provided the appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by such Town Council.

#### 9-3 VIOLATIONS AND PENALTIES

A.No person shall subdivide or develop land without fully complying with the provisions of this Ordinance.

B.No plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the Town Council of the Town of Washington and certified by the Administrator;

C.No person shall sell or transfer any land of a subdivision, before such plat has been duly approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a Subdivision Ordinance applicable thereto;\

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

**9-3-1** VIOLATION PREVENTION OR CORRECTION - The Town Council (in addition to other remedies) may institute any appropriate action or proceedings to prevent violation or attempted violation, to restrain, correct, or abate such violation, or to prevent any act which would constitute a violation of this Ordinance.

#### **9-4 CHANGES OR AMENDMENTS**

Any regulation or provision of this Ordinance may be changed or amended from time to time by the Washington Town Council in accordance with Section 15.1-431 of the Code of Virginia, 1950, as amended.

#### **9-5 VALIDITY AND SEVERABILITY**

If any article, sub article, clause or phrase of this Ordinance is for any reasons held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each article, sub article, sentence, clause, and phrase thereof, irrespective of the fact that any one or more article, sub article, sentences, clauses, or phrases be declared invalid.

#### **9-6 REPEAL OF CONFLICTING ORDINANCES**

All subdivision Ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

**9-7**

**EFFECTIVE DATE**

The foregoing regulations governing land subdivision and development in the Town of Washington, Virginia shall be effective upon passage by the Town Council of Washington, Virginia.

PASSED BY Town Council after public hearings by the Council and the Planning Commission of the Town of Washington, Virginia,

MAYOR: \_\_\_\_\_  
THE HON. DEAN F. MOREHOUSE

DATE: MAY 13, 1992

ATTEST: \_\_\_\_\_  
SECRETARY TO TOWN COUNCIL