

CITY OF WAYNESBORO PLANNING COMMISSION

Regular Meeting, Tuesday, July 18, 2017

7:00 pm

Council Chambers, Charles T. Yancey Municipal Building
503 West Main Street

PLANNING COMMISSIONERS

Constance Paradiso
Chair

Stephen Arey
Vice-chair

Patrick McNicholas

Shannon Boyle

Miguel Eusse

Andrew Kelly

Elzena Anderson,
Council Rep.

■ ■ ■

FUTURE SCHEDULED MEETINGS:

City Council
Business Meeting
Monday, August 14, 2017
7:00 pm

Planning Commission
Regular Meeting/
Public Hearing
Tuesday, August 22, 2017
7:00 pm

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AGENDA

1. Call to order at 7:00 p.m. Pledge of allegiance.
2. Review and approval of minutes of work session held June 20, 2017.
3. Citizen comment period – limited to 4 minutes per speaker, for issues not listed as an agenda item.
4. A public hearing on the Subdivision Ordinance revision.
5. A public hearing on a preliminary subdivision plat request by Roudabush, Gale & Associates, Inc., applicant, for Claybrook Associates LLC, owner, to amend an approved Claybrook preliminary subdivision plat (approved on February 23, 2004) for a 67-lot residential subdivision on a 30.847-acre residual tract at 6001 Ivy Street, Waynesboro, Virginia, Tax Map number 14-6-25A.
6. Other Business/Commissioners' correspondence and communication.
7. Adjournment.

Thank you for attending. Citizen comments are invited and welcomed during the meeting's citizen comment period. For those with special needs, please contact the Planning Department at 942-6604 for any accommodations required at least 3 days prior to the meeting you wish to attend. Assistive listening devices available.



Waynesboro Planning Commission Agenda Briefing

Meeting Date:	July 18, 2017	Staff/Council:
Agenda Item #	4	Luke Juday, Sunny Yang
Subject:	2017 Subdivision Ordinance Revision	
Attachments	Revised Subdivision Ordinance, Chapter 74	

Background:

The Subdivision Ordinance regulates and controls the division of land within the City of Waynesboro. The current Subdivision Ordinance was adopted on November 27, 2000, when the previous ordinance was repealed in its entirety and replaced. The last revision to the Subdivision Ordinance was in 2010 when revisions were made to address Joint Public Hearing requirements in Article II – Procedures.

City Planning Staff is proposing a revision to the City's Subdivision Ordinance (City Code Chapter 74). The proposed ordinance will keep most sections of the current ordinance, with updated language and procedures to comply with current best practices and the Code of Virginia. Planning Commission previously conducted a work session to go over these changes. The only major modification made since that work session was changing the sidewalk requirement to require sidewalks on both sides of all streets, at the request of the planning commission. A summary of major changes is given below:

Sec. 74-22 - Period of validity. (New)

- Establishes rules for period of validity and a set time limit for minor plat, preliminary plat, public improvement plans, and final plat approvals, lining up the city's ordinance with the Code of Virginia.
- Addresses plat extensions, changes to plats, and the impact of both on period of validity.

Sec. 74-26. - Verification of current tax status. (New)

- States that prior to final approval of a subdivision plat, the city's agent shall require the Subdivider to produce satisfactory evidence that any delinquent real estate taxes, liens and any other charges owed to the city have been paid.

Sec. 74-29. Amendments to approved plats. (Significantly revised)

- Establishes procedures for amendments to approved plats. Minor changes to approved plats may be approved administratively; major amendments including changes to plat layout, changes to easements or right-of-way, or an increase in density shall follow the procedures in the initial approval and the provisions of this chapter.

Sec. 74-39. – Public Improvement Plan procedures (New)

- Sets public improvement plan procedures including pre-application meeting, plan submittal, completeness review, plan review and revisions, and final approval.

Sec. 74-51. - Conformity to applicable requirements. (New)

- States that all subdivision plats, Public Improvement Plans, and supporting materials shall be in accordance with state and other applicable regulations as listed in the ordinance.

Sec. 74-71. - Design standards for new streets and alleys. (Significantly revised)

- Encourages greater interconnectivity for vehicles, bicycles, and pedestrians.
- Removes existing ordinances on street design and requires all public streets to be designed in conformity with the requirements set forth in the most current version of the VDOT Road Design Manual and the City of Waynesboro Standard Details and Approved Product Manual.

- Reduces the required minimum right-of-way width from 60 feet to 50 feet.
- Shortens the maximum length of a cul-de-sac from 700 feet to 500 feet.
- Requires streets that terminate temporarily and thereby take on the character of a dead-end street to have a temporary turnaround as specified in the VDOT Road Design Manual
- Requires sidewalks of a minimum of 5 feet in width to be constructed on both sides of local, collector, and arterial streets.
- Allows multi-use paths of 8-foot wide or more adjacent to streets in lieu of sidewalks.
- Requires street lights to be installed. Driveway lighting and other alternative lighting may be considered by the Subdivision Agent in lieu of streetlights.

Sec. 74-72. - Improvements of existing public streets, sidewalks and right-of-way. (Significantly revised)

- Requires sidewalks to be repaired or constructed for any subdivision with three lots or more. Applicants seeking a subdivision fronting on a dedicated right-of-way shall improve the streets across the entire frontage of the lot.

Sec. 74-73. - Private Streets (New)

- Prohibits private streets except pursuant to City Code Chapter 98 (Zoning) Section 5.2.1.C.

Sec. 74-75. - Monuments.

- Adds standards for references on engineering documents, including use of State Plane Coordinate System.

Sec. 74-81. - Requirements for the provision of water and sanitary sewer (Significantly revised)

- Requires all lots in a subdivision be served by public water and sewer facilities unless no public water/sewer is available within 200 feet of the subdivision, lots are over 30,000 square feet, and the private water/sewer system is approved by the Virginia Department of Health.

Sec. 74-87. - Other utilities. (The following subsection added)

- Requires private utilities, installed within the public right of way, to be shown on as-built plans in accordance with section 74-113.

Sec. 74-88. - Utility Easements. (The following subsections added)

- Requires easements for private utilities be granted only after all Right-of-Way and Easements for the City have been recorded in the circuit court for the City of Waynesboro.
- Requires easements be specified on engineering documents by naming the utility that the easement is provided for.

ARTICLE V. – PROCEDURES AND STANDARDS FOR THE COMPLETION OF PUBLIC IMPROVEMENTS AND SURETY (Significantly revised)

- Sets clear definitions, procedures, and standards to make sure public improvements are properly installed from the time a public improvement plan is approved to issuance of a certificate of occupancy.

Suggested Motions:

Recommend approval of the attached draft ordinance.

SUBDIVISION ORDINANCE

June 2017 Version

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ARTICLE 1. - IN GENERAL

Sec. 74-1. - Short title.

This chapter shall be known, cited and referred to as "The Subdivision Ordinance of the City of Waynesboro, Virginia."

Sec. 74-2. - Purposes.

This chapter is adopted to establish subdivision standards and procedures for the City of Waynesboro, Virginia, and for the general purpose of promoting the health, safety, convenience, and general welfare of the public. To these ends, this chapter is designed to:

- (1) Assist in the orderly development of land by establishing reasonable standards of design and procedures for subdividing and resubdividing land and by insuring the proper legal description and marking of subdivided land.
- (2) Provide for the coordination of existing streets and public utilities with new facilities in areas to be subdivided.
- (3) Ensure that proper provisions will be made for drainage and flood control, water supply, sewerage, and other necessary improvements.
- (4) Provide for the orderly extension of community services at a minimum cost and at a maximum level of service in a safe, adequate, and efficient manner.
- (5) Ensure the equitable handling of all subdivision applications by providing uniform procedures and standards for the subdivision of land.
- (6) Prevent the pollution of air and streams, encourage natural resource and open space conservation and management throughout the city, in order to preserve the integrity, stability and beauty of the city in general and residential neighborhoods in particular.
- (7) Guide and facilitate the orderly and economically beneficial growth of the community as established by the city's adopted comprehensive plan and capital improvements program.
- (8) Ensure that the purchasers of lots are buying a commodity that is suitable for a viable use and that each lot has a building site or other practical use reasonably free of hazard as may be created by steep topography, flood, geologic instability or other risk.

Sec. 74-3. - Applicability of chapter.

- (a) This chapter shall constitute the comprehensive regulations governing all subdivisions of land within the corporate limits occurring on or after September 1, 2017. No subdivision plat shall hereafter be approved which does not conform to the provisions of this chapter; provided, that nothing in this chapter shall be deemed to nullify any of the following:
 - (1) Any final subdivision plat validly approved and recorded under prior subdivision ordinances or regulations;
 - (2) Any final subdivision plat validly approved under the subdivision regulations in effect before the adoption of this chapter and recorded after the adoption of this chapter but before the expiration date of such approval; or
 - (3) Any final subdivision plat validly approved before the adoption of this chapter but not recorded before the expiration date of such approval, if City Council by resolution reapproves such subdivision plat without alteration except as to date.
- (b) In any event, where a preliminary subdivision plat has been approved before September 1, 2017, the final plat of such subdivision, or any section thereof, shall be subject to review under the prior ordinance if the application for such final approval is filed with all supporting data required by this code on or before six months from September 1, 2017.

Unless such final plat and supporting documents have been submitted to the satisfaction of the city on or before six months from September 1, 2017, such final plat approval shall be subject to review and approval under the subdivision ordinance then in effect.

Sec. 74-4. - Administration and enforcement of chapter.

The City Council and City Manager hereby delegate primary responsibility for the administration and enforcement of the provisions of this chapter to the Subdivision Agent.

Sec. 74-5. - Official copies of chapter.

Certified copies of this chapter and any subsequent amendments thereto shall be kept on file in the offices of the Planning Department and City Attorney, inspections and public works and engineering, and in the offices of the City Manager and the Clerk of City Council, as well as the office of the Clerk of the Circuit Court of the city as required by law.

Sec. 74-6. - Interpretation.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

- (1) Public provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- (2) Private provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the City Council in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

Sec. 74-7. - Separability.

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Sec. 74-8. - Violations of chapter; penalties.

- (a) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this chapter.
- (b) No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved, as required by the procedures established in [Article 2](#) of this Chapter, by the City Council or the Subdivision Agent.
- (c) No person shall sell or transfer any land of a subdivision before the applicable plat has been duly approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption by the City Council of this chapter or under any previous subdivision ordinance or

otherwise in accordance with [section 74-3](#) hereof; provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

- (d) Any person violating any of the provisions of this section shall be subject to a fine of not more than one thousand dollars (\$1000.00) for each lot or parcel of land so subdivided or transferred or sold; 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.
- (e) No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by [Virginia Code §17.1-223](#) shall apply to any failure to comply with the provisions of this subsection.

Sec. 74-9. - Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Applicant. The Owner, or Owner's agent, of land proposed to be subdivided or his representative. Both the Applicant and/or the Owner shall be referred to as the "Subdivider" within this ordinance.

Block. A tract of land bounded by streets or by a combination of streets and railroad rights-of-way, the corporate limits of the city or shorelines of watercourses. The length of a block shall be measured along its principal street between intersecting streets from centerline to centerline.

Bond. Any form of security including a cash escrow, surety bond, certified check or letter of credit in an amount satisfactory to the director of public works and form approved by the city attorney.

Building. A structure enclosed within exterior walls and a roof, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

Caliper. A measurement of the size of a tree equal to the diameter of its trunk measurement at four and one-half feet above natural grade. If a tree splits into two or more trunks below four and one-half feet, then the trunk is measured at its most narrow point below the split. For newly planted tree the caliper measurement will be taken six inches above natural grade.

Developer. The Owner(s) of land proposed to be subdivided or their representative who is responsible for any undertaking that requires review and/or approval under these regulations. See "Subdivider."

Easement. A grant by a property Owner of the use of designated land by another for a specified purpose.

Frontage. That side of a lot abutting on a street right-of-way.

Grade. The slope of a road, street or other public way, expressed as a percentage.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of Ownership, or possession, or for building development.

Lot, corner. A lot abutting upon the intersection of two or more street rights-of-way.

Lot, double frontage. A lot having frontages on two nonintersecting street rights-of-way, as distinguished from a corner lot.

Owner. The record Owner of the fee, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land to be subdivided.

Plat. A map or drawing upon which the plan for a subdivision, waiver subdivision, right-of-way, or easement is presented for approval and in final form for recording.

Resubdivision. A change in a plat of an approved or recorded subdivision that affects any street layout, area reserved for public use or lot line on such plat.

Right-of-way. A strip of land occupied or reserved for occupancy by a street, walkway, railroad, electric transmission line, utility lines, sanitary or storm drainage line or other public facility.

Setback. The required distance between a structure and the property line, as defined in City Code Chapter 98, Zoning Ordinance.

Street, alley. A thoroughfare, whether dedicated to public use or privately owned, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Street, arterial. A road intended to move through traffic to and from major attractions such as the central business districts, regional shopping centers, major places of employment, and educational and public facilities.

Street, collector. A road designed to collect traffic from local roads and carry it to arterial streets. A collector street generally serves a neighborhood or large subdivision.

Street, cul-de-sac. A local street with only one outlet and an appropriate terminal for the safe and convenient reversal of traffic movement.

Street, local. A road designed to provide access from individual properties to collector streets or to other local streets.

Subdivider. Any person who:

- (1) Having an interest in land, causes it, directly or indirectly to be subdivided; or
- (2) Acquires the interest of a Subdivider in all or part of its subdivision; or
- (3) Engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision in the course of development or in which public improvements have not been finally approved by the city and security has not been released.

Subdivision. Division of any lot into two or more parcels.

Subdivision Agent. An appointee of the city manager charged with the administration of subdivision application review as described herein.

Sec. 74-10. -74-20. Reserved.

ARTICLE II. – SUBDIVISION PROCEDURES

DIVISION 1. – GENERAL PROCEDURES

Sec. 74-21. – Establishment of procedures for dividing real estate.

- (a) Real estate may be lawfully divided within the city by either of the following two procedures – Minor Subdivisions or Major Subdivisions. The rules for entering into these procedures shall be as follows:
 - (1) Minor Subdivisions (including boundary line adjustment and lot line vacation plats). A Subdivider may utilize the Minor Subdivision procedure described in [Article II, Division 2](#), if the subdivision can meet all of the following criteria:
 - (a) As a result of the plat, no more than a total of six lots will be created, including the original lot;
 - (b) All lots shall comply with the minimum area and other requirements of the City's Zoning Ordinance, chapter 98;
 - (c) All lots shall front on an existing developed public street that extends across the entire frontage of the lot;

- (d) The subdivision is served by public water and sewer or does not require the extension of public utilities;
 - (e) The subdivision is neither located within a regulated dam inundation area nor on known karst features, and
 - (f) No parent tract or subsequent division may be divided by Minor Subdivision more than once in any one-year period.
- (2) Major Subdivision. A Subdivider shall use the Major Subdivision procedure described in [Article II, Division 3](#) for all other divisions of real estate that cannot meet the criteria for a Minor Subdivision.

Sec. 74-22 - Period of validity.

- a. *Minor Plat.* Unless a plat is recorded in the office of the City of Waynesboro Clerk of Court within one (1) year after final approval, such approval shall be deemed withdrawn and the plat shall be marked void and returned to the Subdivision Agent.
- b. *Preliminary plat.* Once a preliminary subdivision plat is approved, it shall be valid for a period of five (5) years, as specified within [Virginia Code § 15.2-2260\(F\)](#), provided the Subdivider (i) submits a final subdivision plat or final site plan for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat or final site plan. "Diligent pursuit of approval" means that the Subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto.
 - 1) No sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the Subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the Subdivider has not diligently pursued approval of the final subdivision plat.
 - 2) Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to [Virginia Code § 15.2-2261](#), the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.
- c. *Public Improvement Plans.* An approved final public improvement plan shall be valid for a period of not less than five years from the date of approval thereof or for such longer period as the City Council or the Director of Public Works may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.
- d. *Final plat.* Once a final subdivision plat is approved and the Subdivider has recorded the plat, it shall be valid for not less than five (5) years from the date of plat approval, as specified within [Virginia Code § 15.2-2261](#), and subject to the provisions thereof. Unless a plat is recorded in the office of the City of Waynesboro Clerk of Court within one (1) year after final approval, such approval shall be deemed withdrawn and the plat shall be marked void and returned to the Subdivision Agent; however, if construction of any facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the city, the time for plat recordation shall be extended to one (1) year after final approval, or the time limit specified in the approved surety agreement, whichever is greater.
- e. *Extensions.* By application of the Subdivider filed prior to expiration of a final recorded plat, (1) or more extensions of its approval for additional periods may be granted by the Subdivision Agent, in the case of a minor plat, or the City Council, in the case of a major plat. The extensions shall be valid for such period as the authority may, at the time the extension is granted, determine to be reasonable in accordance with the provisions of [Virginia Code § 15.2-2261](#).
- f. *Changes, revisions.* By application of the Subdivider, during the period of validity of an approved or recorded plat, the subdivision agent may approve minor modifications to such

plat, including, without limitation, any modification that eliminates, relocates or otherwise alters one (1) or more lot lines; provided, however, that the proposed modification shall not involve the relocation or alteration of any streets, alleys, easements for public passage or other public areas, and provided further that no utility easements or rights-of-way shall be relocated or altered. An application for any such modification made during the period of validity of the plat shall not constitute a waiver of any rights of the Subdivider existing on the date of approval of the final plat, and the approval of any such modification shall not extend the period of validity of the original final plat. A modified final plat shall be signed by the Owner(s) of all land that is the subject of such plat. Nothing in this paragraph limits the right of an Owner to apply to vacate a subdivision plat or any part thereof, or to apply for a boundary line adjustment as authorized by this chapter.

Sec. 74-23. - Effect of recordation.

- (a) The recordation of a minor or final subdivision plat shall operate to transfer in fee simple to the city such portion of the premises platted on such plat as set apart for streets, alleys or other public uses, and to transfer to the city any easement indicated on such plat to create a public right of passage over the same; but nothing contained in this chapter shall affect any right of such Subdivider heretofore validly reserved.
- (b) Where the City Council or Subdivision Agent approves a plat or resubdivision in accordance with this chapter, upon recording of such plat or resubdivision in the clerk's office of the circuit court, all rights-of-way, easements or other interests of the city in the land included in the plat or resubdivision, except as included thereon, shall be terminated and extinguished; except, that any interest acquired by the city by condemnation or by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of [Virginia Code § 15.2-2271](#) and [§15.2-2272](#), shall not be affected thereby.

Sec. 74-25. –Vacation of plats.

- (a) Owner-initiated plat vacation:
 - (1) Any recorded plat or any part thereof may be vacated, with the consent of the City Council, by the Owners, proprietors and trustees, if any, who signed the statement required by [Virginia Code § 15.2-2271](#), at any time before the sale of any lot therein, by a written instrument, declaring the same to be vacated, duly executed, acknowledged, or proved and recorded in the clerk's office of the circuit court or courts where the plat is recorded. The execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest such Owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in such plat.
 - (2) In cases where any lot has been sold, a subdivision plat or part thereof may be vacated according to [Virginia Code §15.2-2272 \(1\)](#).
- (b) Government initiated plat vacation:
 - (1) General conditions. The City Council, on its motion, may vacate the plat of an approved subdivision when:
 - a. No lots within the approved subdivision have been sold within five years from the date that the plat was signed by the Mayor and Chair of the Planning Commission;
 - b. The Developer has breached a subdivision improvement agreement and the municipality is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the Developer or its successor;
 - c. The plat has been of record for more than five years and the City Council determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the Developer or its successor.

- (2) Procedure. Upon any motion of the City Council to vacate the plat of any previously approved subdivision, in whole or in part, the council shall publish notice in a newspaper of general circulation and provide personal notice to all property Owners within the subdivision and shall also provide notice to the governing body. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision plat. The public hearing shall be no sooner than 30 and no later than 45 days from the date of the published and personal notice. The City Council shall approve the resolution effecting the vacation only if the criteria set forth herein are satisfied.
- (3) Recordation of notice. If the City Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the clerk's office of the City of Waynesboro. If the council adopts a resolution vacating a plat in part, it shall record a copy of the resolution as described above and cause a revised final subdivision plat to be recorded which shows that portion of the original subdivision plat that has been vacated and that portion that has not been vacated.

Sec. 74-26. - Verification of current tax status.

Prior to final approval of a subdivision plat, the city's agent shall require the Subdivider to produce satisfactory evidence that any delinquent real estate taxes, liens and any other charges owed to the city have been paid.

Sec. 74-27. - Time limits for consideration of plats; appeals to circuit court.

- (a) The City Council (or Subdivision Agent, as the case may be) shall act on any proposed preliminary plat, final plat or Minor Subdivision plat, within sixty (60) days after it has been officially submitted, by either approving or disapproving such plat in writing and giving with the latter specific reasons therefore. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat. If the Applicant makes requested modifications and resubmits a previously rejected plat, a new sixty (60) day period for review and consideration shall begin on the resubmission date. If any state agency is involved in the review of a subdivision plat, the City Council shall indicate approval or disapproval of all preliminary subdivision plats received for consideration within ninety (90) days of its official submission. The City Council or Subdivision Agent shall have forty-five (45) days to complete action on any plat that has been resubmitted with corrections or modifications.
- (b) If the Subdivision Agent or City Council fails to approve, modify or disapprove the final plat within sixty (60) days from the date of the official submission, the Applicant may after ten (10) days written notice to the Subdivision Agent request immediate approval by the circuit court; provided, that approval of a final plat shall not be finally effective until the Subdivider has complied with the requirements of this chapter relative to making provisions for the installation of required improvements in accordance with applicable specifications of the city, and such fact is certified on the final plat by the clerk of City Council.
- (c) If the City Council or Subdivision Agent disapproves a plat after it has been officially submitted for approval, and the Applicant contends that such disapproval was not properly based on this chapter or was arbitrary or capricious, the Applicant after ten (10) days' written notice to the clerk of council or the Subdivision Agent, may petition the circuit court of the city to decide whether or not the plat should be approved, provided that such appeal is filed with the circuit court within sixty (60) days of the written disapproval by the City Council or Subdivision Agent. The court shall hear the matter and make and enter such order as it deems proper, which may include directing approval of the plat.

Sec. 74-28. - Fees relating to plats.

Before any action is taken upon any plat filed in connection with this chapter, whether for petition for plat vacation; simple, waiver, preliminary, or final subdivision plat review and approval; erosion and sediment control plan review; storm water management plan review; public improvements plan review; or, as required by this chapter or elsewhere in this code, for site plan review, erosion and sediment control reviews and inspections, storm water management plan reviews and inspections, Public Improvement Plan reviews and inspections, utility systems analysis; traffic analysis; or alley or street vacation as provided for by the City Charter; or any other action required, the Applicant shall pay to the city treasurer the applicable

fees currently in effect for the same service as listed on the fee schedules lawfully adopted by resolution of City Council, after due public hearing as required by law, as the same may be likewise amended in such manner from time to time hereafter. Such current fee schedules shall be available during regular business hours in the building and zoning office, the Department of Public Works, the planning office, and the office of the clerk of City Council. The failure of either the city Planning Commission or the council to approve the application or petition shall not be reason for refunding any fee or cost paid by the Applicant.

Sec. 74-29. Amendments to approved plats.

- (a) The Subdivision Agent may approve all amendments to minor plats according to [section 74-22\(f\)](#).
- (b) The Subdivision Agent may approve minor amendments to major plats according to [section 74-22\(f\)](#). Any proposed amendment to an approved major plat which would result in any of the following shall be considered a major amendment and shall follow the procedures in the initial approval and the provisions of this chapter:
 - 1. Relocation or alteration of any streets, alleys, easements for public passage or other public areas;
 - 2. Relocation or alteration of utility easements or rights-of-way;
 - 3. A change to the general layout or design which would substantively affect issues or concerns raised by the Planning Commission or City Council during the major plat's initial approval;
 - 4. An increase in density.

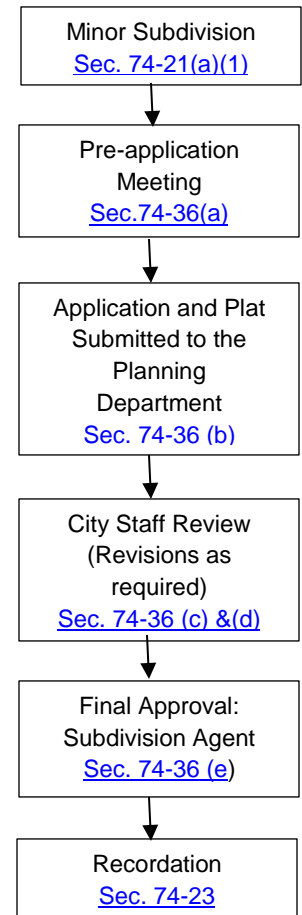
Secs. 74-30 - 74-35. - Reserved.

DIVISION 2. – MINOR SUBDIVISION PROCEDURES

Sec. 74-36. - Minor Subdivision procedures

The procedure for the submittal, review, revision and approval of Minor Subdivision Plats shall be as follows:

- a. **Pre-application Meeting.** It is strongly suggested that the Subdivider or their agent schedule a meeting with the Subdivision Agent prior to submittal of the plat to discuss individual issues that may arise from during the review and approval of the plat.
- b. **Plat Submittal.** Minor Subdivision Plats shall be developed in accordance with [section 74-47](#) and submitted to the City's Subdivision Agent through the Planning Department along with a completed subdivision application and payment of fees.
- c. **Completeness Review.** The Subdivision Agent shall review all plats and applications for completeness and is authorized to reject a plat application if, in the opinion of the Subdivision Agent, it has significant deficiencies relative to the requirements of this code. Plat applications which are found to be deficient are not considered officially submitted until deficiencies are properly addressed and remedied.
- d. **Plat Review and Revisions.** The Subdivision Agent shall review the plat for conformance with the standards of this chapter and other applicable regulations. When deemed necessary, the Subdivision Agent may request review and comment from other city departments or outside agencies. If the Subdivision Agent finds that the plat does not conform to the standards of this chapter, then the plat shall be returned to the Applicant with a written explanation of deficiencies and necessary revisions. Such information may be described either on the plat itself or by separate document.
- e. **Final Approval.** Once all the deficiencies have been revised to the satisfaction of the Subdivision Agent, a final approval will be issued and the completed plat shall be signed and dated by the Subdivision Agent.
- f. **Recordation.** The Subdivider, or their agent, shall record the plat with the City of Waynesboro Clerk of the Court in accordance with the general procedures of this chapter, [Article II, Division 1](#).
- g. **Report.** The Subdivision Agent or his designee shall report to the Planning Commission, at its next regular meeting, all Minor Subdivision applications acted upon since the previous meeting.



DIVISION 3. – MAJOR SUBDIVISION PROCEDURE

The Major Subdivision procedure process consists of three principal steps: approval of the preliminary plat, approval of the public infrastructure plans, and approval of the final plat.

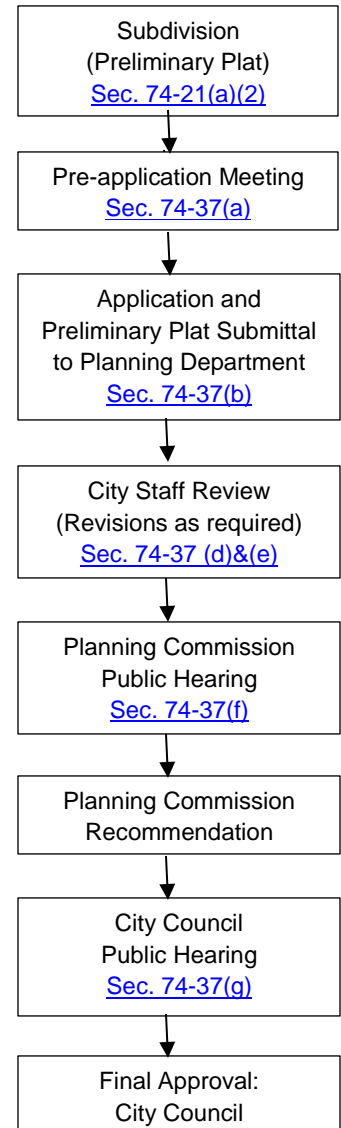
Sec. 74-37. - Preliminary plat procedures.

- a. **Pre-application Meeting.** It is strongly suggested that the Subdivider or their agent schedule a meeting with the Subdivision Agent prior to submittal of the plat to discuss individual issues that may arise during the review and approval of the plat.
- b. **Plat Submittal.** Preliminary Subdivision Plats shall be developed in accordance with [section 74-46](#) and submitted to the City's Subdivision Agent through the Planning Department along with a completed subdivision application and payment of fees.
- c. **Requested Waivers.** The Subdivider shall bear the responsibility of requesting, in writing, any waivers to the subdivision ordinance as permitted in [section 74-24](#). Typically, waiver requests should be made at the time of plat submittal.
- d. **Completeness Review.** The Subdivision Agent shall review all plats and applications for completeness and is authorized to reject a plat application if, in the opinion of the Subdivision Agent, it has significant deficiencies relative to the requirements of this code. Plat applications found to be deficient will not be considered officially submitted until deficiencies are properly addressed and remedied.

- e. *Plat Review and Revisions.* The Subdivision Agent, other city departments, and/or outside agencies shall review the plat for conformance with the standards of this chapter, the city's comprehensive plan, capital improvements program as well as the best practices for land development and other applicable regulations. The Subdivision Agent may require the assistance of a third party to review certain aspects of a plat for a wide variety of reasons, such as, but not limited to: impacts to environmental or historic resources, environmental contamination, traffic impacts, etc. The Subdivider shall be required to bear any costs associated with these third-party reviews.

If the Subdivision Agent finds that the plat does not conform to the applicable regulations, then the plat shall be returned to the Applicant with a written explanation of deficiencies and necessary revisions. Such information may be described either on the plat itself or by separate document.

- f. *Planning Commission Public Hearing.* Based upon staff review and any subsequent plat revisions, the Subdivision Agent shall prepare and submit a consolidated staff report on the proposal with recommendations to the Planning Commission. The Planning Commission shall hold a public hearing in accordance with [section 74-38](#), determine if the plat is in conformity with the comprehensive plan and provisions of this chapter, and make a recommendation to the City Council. Failing to do so, the plat shall be deemed to have been recommended approval by the Commission.
- g. *City Council Public Hearing.* City Council shall hold a public hearing in accordance with [section 74-38](#) and, based upon recommendation of the Planning Commission and a determination that the plat is in conformity with the comprehensive plan and provisions of this chapter, may approve the preliminary plat by resolution. If the City Council finds that the plat does not conform to the standards of this chapter then the plat shall be returned to the Applicant with a written explanation of deficiencies and a shall state what corrections or modification will permit approval. Such information may be described either on the plat itself or by separate document. Failing to do so, the plat shall be deemed to have been approved by the City Council.
- h. *Approval.* Once a preliminary subdivision plat is approved, it shall be signed and dated by the Subdivision Agent and the Mayor. A copy of the approved preliminary plat shall be kept in the Planning Department until the recordation of a final plat for all remaining sections of the subdivision or until the subdivision is determined to be invalid in accordance with [section 74-22](#).



Sec. 74-38. - Public notice prior to preliminary plat review.

The City Council and Planning Commission shall take no official action on a preliminary subdivision plat until after public notice has been given.

Notice of such hearing shall be published once a week for two consecutive weeks in a newspaper having general circulation within the city. The public hearing shall be held not less than six nor more than 21 days after the second advertisement appears. The notices shall specify the time and place of hearing at which persons affected by the subdivision may appear and present their views. The advertisement shall contain a reference to the place or places within the city where copies of the proposed subdivision plat may be examined.

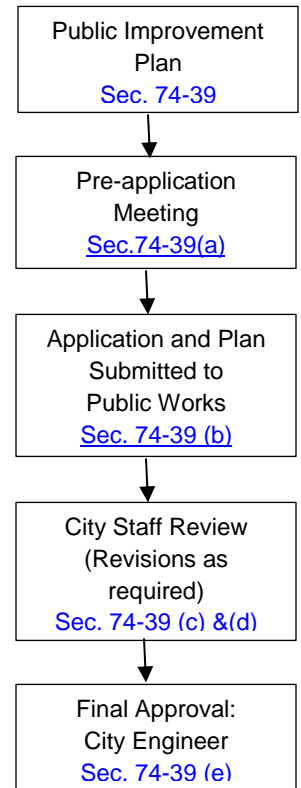
In addition to such advertisement, written notice shall be given at least five days before the hearing to the adjacent property Owners, their agent, or the occupant of each parcel involved, and to the Owners, their agents or the occupants, of all abutting property and property immediately across the street or alley from the property affected. Notice shall be sent to the last known address of such Owner, as shown on the

current real estate tax assessment books, by registered or certified mail; first class mail may be used if the City Council or Planning Commission or its official representative shall make an affidavit that such mailings have been made and file such affidavit with the papers in the case.

Additionally, the Subdivision Agent shall post signage on the property in question advertising the public hearing for such preliminary subdivision at least one week prior to the hearing.

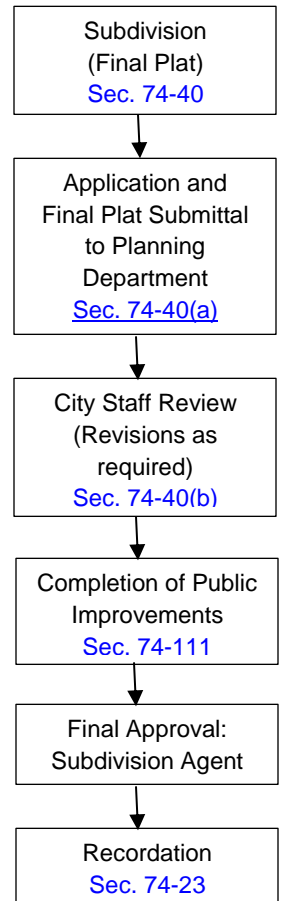
Sec. 74-39. – Public Improvement Plan procedures

- a. *Pre-application Meeting.* It is strongly suggested that the Subdivider or their agent schedule a meeting with the Department of Public Works prior to submittal of any Public Improvement Plans to discuss individual issues that may arise during the review and approval of the plans.
- b. *Plan Submittal.* Public Improvement Plans shall be developed in accordance with [Article IV](#) and [V](#) of this chapter and submitted to the Department of Public Works along with a completed Public Improvement Plan application. Fees for the review of Public Improvement Plans will be assessed based upon a schedule established by the Department of Public Works and then billed to the Subdivider accordingly.
- c. *Completeness Review.* Department of Public Works shall review the Public Improvement Plans and application for completeness and is authorized to reject plans or application if they have significant deficiencies relative to the requirements of city code, state code, or other applicable design standards. Public Improvement Plans that are found to be deficient are not considered officially submitted until deficiencies are properly addressed and remedied.
- d. *Plan Review and Revisions.* The Department of Public Works, other city departments, and, where applicable, outside agencies shall review the plans for conformance with the standards of this chapter and other applicable regulations. If the plans do not conform to the standards of this chapter, then the plans shall be returned to the Applicant with a written explanation of deficiencies and necessary revisions. Such information may be described either on the plans or by separate document.
- e. *Final Approval.* Once all the deficiencies have been revised to the satisfaction of the Department of Public Works, a final approval will be issued and the completed plans shall be signed and dated by the City Engineer or his designee.



Sec. 74-40. – Final plat procedures.

- a. *Plat Submittal.* Before expiration of the validity of the preliminary plat, final subdivision plats shall be developed in accordance with [section 74-47](#) and submitted to the City's Subdivision Agent through the Planning Department along with a completed subdivision application and payment of fees.
- b. *Plat Review and Revisions.* The Subdivision Agent and other appropriate staff shall determine if the final plat is in general conformity with the preliminary plat and if the proposed improvements within the proposed subdivision are in compliance with applicable standards and specifications of the city. The Subdivision Agent shall respond either by approving the final plat or by returning the submitted plat to the Subdivider with written notice of deficiencies. Such information may be described either on the plat itself or by separate document.
- c. *Completion of Public Improvements.* The Subdivider shall be notified upon a determination by the Subdivision Agent that the final plat is in regulatory compliance. At that time, the Subdivider shall have either elected to complete all of the public improvements to the requirements of [section 74-111\(a\)](#) or provided a subdivision performance guarantee for the completion of the public improvements as allowed for in [section 74-111\(b\)](#).
- d. *Final approval.* The Director of Public Works, or his designee, shall notify the Subdivision Agent that either the public improvements have been satisfactorily completed or a subdivision performance guarantee has been provided in accordance with section 74-121(b). The Subdivider shall then provide a sufficient number of fully executed copies of the final plat for signature by the Subdivision Agent.
- e. *Recordation.* The Subdivider, or their agent, shall record the plat with the City of Waynesboro Clerk of the Court in accordance with the general procedures of this chapter, [Article II, Division 1](#).
- f. *Reporting.* The Subdivision Agent shall report to the Planning Commission, at its next regular meeting, on all final plats acted upon since the previous meeting.



Secs. 74-41—74-45. - Reserved.

ARTICLE III. - STANDARDS FOR SUBDIVISION PLATS

Sec. 74-46. - Standards for Major Subdivision preliminary plats.

- (a) A surveyor, civil engineer, land planner, architect, landscape architect or other person having training or expertise in subdivision planning design shall prepare the preliminary plat.
- (b) The preliminary plat shall be drawn at a scale of 100 feet to the inch, unless a different scale allows a better representation of the preliminary plan.
- (c) The preliminary plat shall contain:
 - (1) The title under which the subdivision is to be recorded and the names and addresses of the Owner(s) of record, Subdivider, and holders of any encumbrances or easements against the property.
 - (2) A vicinity sketch showing the relation of the proposed subdivision to adjoining property and the city.
 - (3) A topographic map derived from aerial topographic surveys or, where required by the director of public works, from actual field surveys, with a contour interval of four feet referred to city data, showing the boundary lines of the tract to be subdivided.

- (4) The location, width and names of all existing or platted streets or other public ways within or adjacent to the subdivision, easements, railroad rights-of-way, and land lot lines.
- (5) The location and dimensions of proposed streets, alleys, lots, building lines, and easements.
- (6) Existing city real property tax map and parcel numbers for the property being subdivided.
- (7) All parcels of land intended to be dedicated or reserved for public use or to be reserved in the deed for the common use of property Owners in the subdivision.
- (8) Preliminary sketch plans indicating the proposed method of accomplishing stormwater drainage, water supply and sanitary sewage collection or disposal. Approval of such preliminary plans does not constitute approval of final utility plans required as a part of the final plat.
- (9) Preliminary street profiles and approximate grades.
- (10) The location of existing zoning district lines and the proposed uses of the property being subdivided.
- (11) Date, true north point and scale.
- (12) Location of all trees greater than ten inches in caliper, with designation of which trees are to be removed. However, thickly wooded areas may be designated by symbols showing their extent and location.
- (13) Floodplain boundaries, water courses and other essential geographic boundaries.
- (14) Other reasonable information may be required by the Subdivision Agent or the director of public works as deemed necessary. This information may include but is not limited to:
 - Mapped dam inundation zone;
 - Any grave, object or structure marking a place of burial;
 - Any land lying wholly or partially within an area subject to the joint control of more than one locality.
- (15) The name, address and phone number of the plat preparer.
- (16) Existing utilities.
- (17) The proposed location of all public and private utilities.

Sec. 74-47. - Standards for minor plats and Major Subdivision final plats.

- (a) The plat shall be prepared by a land surveyor or certified professional engineer licensed by the state.
- (b) The plat shall be drawn at a scale of 100 feet to the inch unless a different scale allows a better representation of the plat. Final plats shall be on sheets measuring not less than 8½ x 11 inches nor more than 18 x 24 inches. Enlargements, at Applicant's expense, may be required by the city when necessary for detailed review as required in this chapter or in exceptional circumstances where required by the clerk of circuit court for recording purposes.
- (c) The plat shall contain:
 - (1) The title under which the subdivision is to be recorded and the name or number of the section if a part of a larger tract.
 - (2) Every plat, or deed of dedication to which the plat is attached, shall contain in addition to the professional engineer's or land surveyor'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." The statement shall be signed and duly acknowledged before an officer authorized to take acknowledgment of deeds.

- (3) The boundary lines of the area being subdivided with accurate distances and bearings. The boundaries shall be determined by an accurate field survey.
- (4) An engineer's or land surveyor's endorsement of the accuracy of data shown thereon; certification of the source of title of the Owner of the land to be subdivided; and the place of record of the last instrument in the chain of title.
- (5) The exact layout in general conformity with the approved preliminary plat, including street names. Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of the existing or platted street. All dimensions, both linear and angular, for locating lots, streets, alleys, public easements and private easements shall be clearly shown. The linear dimensions shall be expressed in feet and hundredths of a foot, and all angular measurements shall be expressed by bearings or angles to the nearest second. All curves shall be defined by their radius, central angle, chord distances, chord bearing and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curves shown throughout the plat. The error of closure for property boundary shall not exceed 1:15,000.
- (6) Lots numbered in numerical order and block identifications.
- (7) The location of all minimum building setback lines.
- (8) The location and material of all permanent reference monuments.
- (9) All parcels of land intended to be dedicated or reserved for public use or for the common use of all property Owners within the subdivision.
- (10) A definite bearing and distance tie between not less than two permanent monuments on the exterior boundary of the subdivision and to existing street intersections where possible and reasonably convenient.
- (11) Date, true north point and scale.
- (12) Private restrictions and their period of existence. Should these restrictions be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference shall be made thereto on the plat.
- (13) A resolution of approval and signature panel for the Mayor and the Subdivision Agent for Major Subdivision final plat. A resolution of approval and signature panel for the Subdivision Agent for minor plat.
- (14) Temporary turnarounds where required. When one or more temporary turnarounds are shown, the following note shall be included on the plat:

"The area on this plat designated as 'temporary turnaround' will be constructed and used as other streets in the subdivision until (name of street) is extended to (end point), at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining lot Owners."
- (15) Location and method of lighting for private driveways, streets, and parking areas, if needed and included in initial planned improvements.
- (16) Bearings and distances for all utility easements where not parallel to lot lines.
- (17) The location of waste, such as fill dirt, brick, or block, whether buried or not. Waste materials such as stumps, logs and other materials regulated under the Virginia Department of Environmental Quality's solid waste management program shall not be buried on site.
- (18) The following supporting data shall accompany the final plat:
 - a. Stormwater management plans.
 - b. Soil erosion and sediment control plans.

- c. Street plans including cross sections and profiles and other necessary data relating to [Article IV, Division 3](#).
 - d. Natural gas, water supply and sewage disposal plans including drainage courses, existing sewers, water and gas mains and culverts and other underground structures, showing pipe sizes, invert elevations and grades.
 - e. Landscape and tree protection plan as required.
- (19) The proposed location of all public and private utilities.
- (20) For a minor plat, existing utilities with proof that no public utilities shall require extension.

Secs. 74-48—74-50. - Reserved.

ARTICLE IV. - SUBDIVISION DESIGN

DIVISION 1. - IN GENERAL

Sec. 74-51. - Conformity to applicable requirements.

All subdivision plats, Public Improvement Plans, and supporting materials shall be in accordance with the following regulations, as applicable:

- (1) The provisions of the Code of Virginia, title 15.2, chapter 22, article 6 (Va. Code §§ 15.2-2240—15.2-2279).
- (2) [Chapter 30](#) of the Code of the City of Waynesboro, Article II (Erosion and Sediment Control) and Article III (Stormwater Management).
- (3) [Chapter 34](#) of the Code of the City of Waynesboro, Article III (Fire Prevention Code)
- (4) [Chapter 86](#) of the Code of the City of Waynesboro (Utilities).
- (5) [Chapter 98](#) of the Code of the City of Waynesboro (Zoning ordinance).
- (6) The City of Waynesboro [Standard Details and Approved Product Manual](#) .
- (7) Other applicable laws, ordinances, policies and requirements, including, without limitation, the other standards set forth within this article.

Sec. 74-52. - Obligation to pay for improvements.

All public and private improvements, amenities and features required to be installed within a subdivision under this chapter shall be made at the Subdivider's or Developer's sole cost and expense, and at no cost to the city. Further, nothing in this chapter shall be construed as creating an obligation upon the city to pay for grading or paving of streets, or for sidewalks, sewers or drainage facilities, curb and gutter improvements, utility lines or construction of any other facilities or the testing and replacement of materials, except as City Council may specifically authorize in an individual case.

Sec. 74-53. - Voluntary off-site road improvements.

If a Subdivider or Developer makes an advance of payments for construction of reasonable and necessary road improvements located outside the property limits of the land owned or controlled by him, the need for which is substantially generated and reasonably required by the construction or improvement of his subdivision or development, and such advance is accepted, the City Council may agree to reimburse the Subdivider or Developer. Such funds as the City Council may make available for such purpose from time to time for the cost of such advance together with interest shall be excludable from gross income for federal income tax purposes, at a rate equal to the rate of interest on bonds most recently issued by the City Council on the following terms and conditions:

- (1) The City Council shall determine or confirm that the road improvements were substantially generated and reasonably required by the construction or improvement of the subdivision or

development and shall determine or confirm the cost thereof, on the basis of a study or studies conducted by qualified traffic engineers and approved and accepted by the Subdivider or Developer.

- (2) The City Council shall prepare, or cause to be prepared, a report accepted and approved by the Subdivider or Developer, indicating the governmental services required to be furnished to the subdivision or development and an estimate of the annual cost thereof for the period during which the reimbursement is to be made to the Subdivider or Developer.
- (3) The City Council may make annual reimbursements to the Subdivider or Developer from funds made available for such purpose from time to time, including, but not limited to, real estate taxes assessed and collected against the land and improvements on the property included in the subdivision or developments in amounts equal to the amount by which such real estate taxes exceed the annual cost of providing reasonable and necessary governmental services to such subdivision or development.

Sec. 74-54. - Materials and methods of construction for improvements.

Materials and methods of construction of all public and private improvements required in subdivisions shall be constructed and installed in accordance with approved plans as well as applicable local, state, and federal laws, regulations and policies.

Secs. 74-55-74-60. - Reserved.

DIVISION 2. – GENERAL LAYOUT

Sec. 74-61. - Blocks.

- a. Where possible, blocks shall have sufficient width to accommodate two tiers of lots of appropriate depth.
- b. Where possible, and where blocks do not adjoin a major artery, the maximum length of a residential block (adjacent to lot frontages) shall be 1000 feet and the minimum length shall be 500 feet. Design criteria and exceptions to be considered in determining length, width and shape of blocks shall include:
 - 1) Provision for adequate building sites suitable to the needs of the type of use contemplated;
 - 2) Zoning requirements as to lot sizes, setbacks, and dimensions;
 - 3) Needs for convenient access, circulation, control and safety of street traffic; and
 - 4) Limitations and opportunities of topography and/ or environmental features.
- c. Where blocks adjoin a major artery, the greatest dimension of the block should be parallel to such major artery. Where practical, such blocks shall not be less than 1,000 feet in length.
- d. The city may require the reservation of an easement through a long block or cul-de-sac to accommodate utilities, drainage facilities, bicycle or pedestrian traffic.

Sec. 74-62. - Lots.

- a. All lots intended for development shall contain a satisfactory building site that meets the requirements of the zoning ordinance ([chapter 98](#) of this Code).
- b. Side lines of lots shall be perpendicular to straight street lines and radial to curved street lines, unless a variation from this regulation will provide a better street or lot layout.
- c. Double frontage or reserved frontage lots shall be avoided except where essential to provide separation of residential development from major thoroughfares or to overcome disadvantage of topography.

- d. Lots should not contain elongations which are designed solely to provide necessary square footage of area or frontage on a public road and which would be unusable for normal purposes.
- e. All lots shall have a minimum width and area as required by chapter 98 "Zoning" of this Code.
- f. Each lot shall front on a public street having a right-of-way that meets the minimum requirement in [Section 74-71](#). The street shall extend across the entire frontage of the lot.
- g. No plat shall be approved on which a lot is bisected by the corporate limits of the city.

Sec. 74-63. - Parks, schools and other public land.

In subdividing property, consideration should be given to suitable sites for parks, schools, recreation facilities and resource conservation areas and other areas for public use as contained in the city's comprehensive plan. Such planned location for parks, schools or other public land should be indicated on the preliminary plat to allow for the determination of 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 comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

Sec. 74-64. - Preservation of natural features and amenities.

- (a) Generally. Existing natural features that would add value to residential development or to the city as a whole, such as trees, watercourses, historic sites, and similar irreplaceable assets shall be protected wherever practicable in the design of the subdivision.
- (b) Site cover requirements.
 - (1) Any subdivision development shall meet site cover and landscaping requirements as specified in chapter 98 "Zoning" of this Code.
 - (2) The Applicant shall consult with the city horticulturist as to trees planted to satisfy canopy requirements stated therein.
 - (3) To curtail the spread of disease or insect infestation in a plant species, when more than five trees are required to be planted on a site, no more than 50 percent of those trees shall be of one type. When more than 20 trees are required on a site, no more than 25 percent of the required trees shall be of a single species.

Sec. 74-65. - Manufactured home subdivisions and planned unit developments.

Design standards for manufactured home subdivisions and planned unit developments shall be as specified in [chapter 98](#) "Zoning" of this Code.

Secs. 74-66—74-70. - Reserved.

DIVISION 3. - STREETS

Sec. 74-71. - Design standards for new streets and alleys.

- (a) Layout. Local streets shall be laid out to conform as much as possible to the topography, to encourage energy conservation, to provide vehicular, bicycle and pedestrian interconnections within the subdivision and existing or future development on adjoining lands, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide for safe, convenient access to property.
- (b) Intersection. No more than two streets shall intersect at one point. Intersections shall be laid out so as to intersect as nearly as possible at right angles. A 75-degree angle shall be the least acceptable angle between two intersecting streets.

- (c) Alignment. Streets that do not align with existing streets shall have an offset of not less than 150 feet between centerlines.
- (d) Surface. All public streets shall be designed in conformity to the requirements set forth in the most current version of the [VDOT Road Design Manual](#) and the [City of Waynesboro Standard Details and Approved Product Manual](#).
- (e) Right-of-way. The minimum width of right of way shall be sufficient to accommodate all roadway elements, including pedestrians, multiuse trails, bicyclist, shared use paths and the clear zone and extend at least one (1) foot behind any feature intended to be maintained by City as part of the roadway. However, the minimum width of right of way shall be no less than 50 feet. No right-of-way shall be used for street trees when less than 60 feet of right-of-way is provided.
- (f) Adjacent easement. Adjacent easement refers to an area five feet in width on either side of the dedicated right-of-way which shall not be deemed to be conveyed to the city in fee simple, but over which the city shall be deemed to have a perpetual easement for public purposes, including but not limited to location of city utility lines, poles and meters, planting of shade trees, installation of traffic signs or signals, bus stops or benches and clearing and cutting to preserve visibility at driveways and intersections. The Developer shall grade the areas subject to such easements in the same manner as the dedicated right-of-way, and such easements shall be shown on preliminary and final plats. The reservation of such easements shall not be deemed to deny the property Owner rights of ingress and egress which would otherwise accrue to him, nor to deny the Developer or Owner the right to include the area subject to the easement in calculating lot sizes to fulfill minimum area requirements in the city zoning ordinance (chapter 98 "Zoning" of this Code).

On arterial streets, no adjacent easements are required; instead, additional right-of-way is to be dedicated in fee simple to permit future widening of the paved surface. In the case of a new subdivision bounded on only one side by an existing arterial street, the City Council may only require the dedication of one-half of the amount of additional right-of-way required to increase the total right-of-way.
- (g) Cul-de-sacs. No cul-de-sac street shall exceed 500 feet in length, excluding the turnaround. City Council may waive this maximum length standard if it can be demonstrated the protection of existing terrain or environmental features would be better served by a longer cul-de-sac as opposed to an interconnected system of streets or if previous development precludes interconnected streets. Where deemed necessary by the City Engineer or Subdivision Agent, adjacent cul-de-sacs shall have a 20-foot limited access easement connecting the cul-de-sacs.
- (h) Temporary turnarounds. Streets that terminate temporarily and thereby take on the character of a dead-end street shall be provided with a temporary turnaround as specified in the VDOT Road Design Manual.
- (i) Grades. The maximum allowed street grade without special approval shall be six percent. The City Council may allow grades in excess of six percent where it determines that such a street grade will permit better lot arrangements with less adverse environmental impact.
- (j) Street names. Where a street is planned as a continuation of an existing street, such street will bear the same name. New street names shall be sufficiently different from existing street names in the city or Augusta County to avoid confusion. The Subdivision Agent shall ratify all street names.
- (k) Sidewalks. A concrete sidewalk at least five feet wide exclusive of curbing and constructed to city standards shall be provided on both sides of all local, collector, and arterial streets. In all instances the dedicated right-of-way shall be sufficient to permit installation of sidewalk at some point in the future.

- (l) Multi-use path. A multi-use path may be constructed on one side of the street in lieu of sidewalks. Multi-use path along streets shall have a minimum width of 8 feet and shall comply with AASHTO design standards.
- (m) Alleys. Private alleys of not less than 20 feet in width may be provided in the rear of all business and industrial district lots. No dead-end alleys shall be permitted.
- (n) Accessways. As defined in [chapter 98](#) section 5.3.2, accessways shall be provided in blocks over 800 feet in length or at the end of cul-de-sacs to allow for pedestrian connectivity to existing or future schools, parks, greenways, trails, bikeways, or streets.
- (o) Signs. Street name identification signs and traffic control signs shall be installed of a design and in locations as specified in the [VDOT Road Design Manual](#).
- (p) Traffic Devices. Traffic signals, speed bumps or traffic calming devices shall be installed, at the Subdivider's expense, as required by the city engineer or by a Traffic Impact Analysis if warranted.
- (q) Street lights. Fully shielded, downward-facing street lights in accordance with the standards of chapter 98 sections 5.5.3 shall be installed, at the Developer's expense, in order to promote the general health, safety and welfare and to enhance general subdivision quality and aesthetic character. Streetlighting should be of scale and character befitting the overall development plan. Driveway lighting and other alternative lighting may be considered by the Subdivision Agent in lieu of streetlights.
- (r) Reserve strips. Reserve strips restricting access to streets or alleys shall not be permitted.
- (s) Reverse curb and gutter. Reverse curb and gutter shall not be allowed within the public right-of-way.

Sec. 74-72. - Improvements of existing public streets, sidewalks and right-of-way.

- (a) The Applicant for a subdivision fronting on an existing public right of way that contains a substandard street or sidewalk shall make the following improvements:
 - (1) If such subdivision fronts on a street with a requirement for additional front yard setbacks as prescribed by [chapter 98](#) "Zoning" of this Code, the Subdivider shall dedicate an additional right-of-way according to the standards in [section 74-71\(e\)](#).
 - (2) If a subdivision with three or more new lots fronts on an existing city street without a sidewalk or with a sidewalk determined by the City Engineer to be substandard along its frontage, the Subdivider shall improve the existing sidewalk as deemed necessary by the City Engineer or construct a new sidewalk in accordance with the requirements of this Code. If a subdivision creates two or fewer new lots fronting on an existing city street without a sidewalk and would otherwise qualify as a Minor Subdivision, the Subdivider shall not be required to improve an existing sidewalk or construct a new sidewalk unless the City Engineer deems it necessary to do so.
 - (3) If a subdivision fronts on a dedicated right-of-way which is unimproved, the Subdivider shall construct such streets as may be deemed necessary by the City Engineer according to the standards set forth in this section. Streets shall be constructed across the entire frontage of the lot.

Sec. 74-73. - Private Streets

Private streets are prohibited except pursuant to City Code [Chapter 98](#) (Zoning) Section 5.2.1.C.

Sec. 74-74. - Provisions for bus stops, bicycle trails, greenway.

- (a) Where the proposed subdivision fronts on an arterial street which has bus routes, the City Council may require that adequate land be dedicated to permit installation of a turnout lane or bus stop and a bench or shelter.

- (b) Where the proposed subdivision fronts on a street which is designated as a potential bicycle route in any bicycle plan or greenway plan subsequently approved by the City Council, at the time of such application the Applicant shall provide sufficient additional right-of-way to accommodate the development of a bike lane, bicycle trail or greenway.
- (c) Where there is a bicycle trail or greenway shown in the bicycle plan or greenway plan subsequently adopted by the City Council, which crosses through a proposed subdivision, the Applicant, shall show such route on the preliminary plat. The Applicant and the city shall mutually determine the location of such route, and the final plat shall provide a 12-foot bicycle and/or pedestrian easement for such route. To the maximum practicable extent, such easements shall be adjusted to follow lot lines and not bisect individual lots.
- (d) The City Council may require the reservation of rights-of-way for additional trails in new subdivisions where such trails or greenway are necessary for access to routes shown in the bicycle plan or greenway plan approved by the city.

Sec. 74-75. - Monuments.

- (a) Permanent monuments of concrete shall, with a center brass or aluminum punched plate (per city design standards), be placed at all intersections of centerline, at the points of curvature and tangency, at all corners in the exterior boundary of the subdivision, and at such other points as may be designated by the director of public works. The location and character of all such monuments shall be clearly designated on the final plat. The centerline monument boxes shall be set flush with the proposed final grade of the road. The subdivision boundary monument boxes shall be set flush with final grade. Monuments and boxes shall be constructed in accordance with the City of Waynesboro's "Standard Details and Approved Products Manual," Details R-1 and R-2. Monuments should have a clear line of sight from one to the next.
- (b) The Applicant shall have a licensed surveyor certify in writing that the monuments have been accurately placed throughout the subdivision as required before the streets may be accepted for maintenance or the performance bond or other guaranty released.
- (c) All permanent monuments of concrete that are placed shall be noted on the final plat with northing and easting designation according to the State Plane Coordinate System listed below and with elevation listed according to NAVD88.

State Plane Coordinate System

This is the state plane coordinate system that is used by the departments within the City of Waynesboro:

NAD_1983_StatePlane_Virginia_North_FIPS_4501_Feet
 Projection: Lambert_Conformal_Conic
 False Easting: 11482916.666667
 False Northing: 6561666.666667
 Central Meridian: -78.500000
 Standard_Parallel_1: 38.033333
 Standard_Parallel_2: 39.200000
 Latitude_Of_Origin: 37.666667
 Linear Unit: Foot_US
 GCS_North_American_1983
 Datum: D_North_American_1983

Secs. 74-76—74-80. - Reserved.

DIVISION 4. – UTILITIES

Sec. 74.-81. - Requirements for the provision of water and sanitary sewer

All lots shall be served by public water and sewer facilities, except as follows:

- (a) all lots shall be provided with a public sanitary sewer where such sanitary sewer is within 200 feet of the Applicant property prior to subdivision.
- (b) Lots not served by either sanitary sewer or water lines shall contain at least 30,000 square feet and the installation of a water system and/or a sewage disposal method shall be approved by the Virginia Department of Health. In the event of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood, the Virginia Department of Health may require a larger lot. Additionally, lots served by individual private septic systems shall be of sufficient area to accommodate an alternate drainfield as required by subsection(c).
- (c) Where private individual septic systems approved by the health department are utilized, each system shall have another septic drainfield area reserved for use in the event of failure of the initial drainfield. The reserve drainfield area shall be sufficient to accommodate 100 percent of the capacity of the original drainfield. The location of drainfields and reserve areas and easements required for their construction, use and maintenance shall be shown on the plat.
- (d) The City Council may increase the lot area required in subsection(b) of this section where it determines that unusual soil conditions or other physical factors may impair the health and safety of the occupant, property Owner or neighborhood.
- (e) If a sanitary sewerage system is not available, the Applicant shall submit to the director of public works satisfactory proof that such lots meet the requirements of the health department, as determined by tests or inspections of soil conditions conducted by an officer of the health department.

Sec. 74-82. - Construction of water, sewers and gas relative to road construction.

- (a) Where required by the director of public works and prior to the installation of roadway base materials, the Subdivider shall install water and sanitary sewer mains with laterals to the property line of each platted lot. Gas mains with laterals to the property line of each platted lot shall also be installed prior to the installation of the roadway base materials. Installation of the foregoing shall be in strict accordance with the city's standards and specifications and the plans approved by the Council.
- (b) Installation of public improvements shall be inspected by the director of public works or his designee in accordance with applicable specifications of the city.

-Sec. 74-83. - Sanitary sewers.

- (a) An Applicant for a subdivision proposing to utilize a public sanitary sewer system shall submit plans, profiles and specifications for sewer mains to the director of public works for review. The director shall review such plans and specifications for their conformity with generally accepted engineering practice and city construction standards. Upon approval of the construction plans, the Applicant may then contract with a private contractor for installation of such mains according to the approved plans and specifications, with the cost apportioned as provided in subsection Sec. 74-87(a)(1)b [section 74-52](#); provided, that the city shall have the right to inspect and supervise such installations at all times during construction. The Applicant shall insure that the contractor, at no cost to the city, shall provide all materials, equipment and labor to vacuum test all manholes and pressure test all mainline segments, under the supervision of a city engineering office representative. All water mains and appurtenances installed for the development and to be accepted by the city must pass the aforementioned tests.
- (b) Sanitary sewer mains shall be located within street or alley rights-of-way unless topography dictates otherwise. When such mains are located on private property, permanent access shall be provided to all manholes and sewer mains through the dedication of easements.

Sec. 74-84. - Water supply.

- (a) Where public water supply is not available, the Applicant shall provide a suitable source of potable water to every lot within the subdivision. The health department shall approve such water supply system and water quality.

- (b) Applicants for subdivision proposing to utilize public water supply shall submit plans, profiles and specifications for water mains to the director of public works for review. The director shall review such plans and specifications for their conformity with generally accepted engineering practice and city construction standards. Upon approval of the construction plans the Applicant may then contract with a private contractor for installation of such mains according to the approved plans and specifications, with the cost apportioned as provided in subsection Sec. 74-87(a)(1)b [section 74-52](#); provided, that the city shall have the right to inspect and supervise such installations at all times during construction. The Applicant shall insure that the contractor, at no cost to the city, shall provide all materials, equipment and labor to conduct and pass a pressure test, chlorine test and a bacterial analysis on all mainline segments, under the supervision of a city engineering office representative. All mainlines installed for the development and to be accepted by the city must pass the aforementioned tests.
- (c) Water mains shall be located within street or alley rights-of-way unless topography dictates otherwise. When such mains are located on private property, permanent access shall be provided to all water mains and appurtenances through the dedication of easements.

Sec. 74-85. - Drainage.

- (a) The right is reserved to disapprove any subdivision which is subject to periodic flooding or which is inadequately drained.
- (b) The stormwater drainage system in any subdivision shall be separate and independent of any sanitary sewer system. All necessary drainage facilities, including underground pipe, inlets, catch basins or open ditches to provide for the adequate disposal of surface water and to maintain any natural drainage course, shall be installed according to plans approved by the director of public works or his designee. All pipe installed in connection with the construction of streets and sidewalks shall be reinforced concrete pipe or such other type as required by the director of public works and shall meet the standards of the Virginia Department of Transportation.
- (c) All drainage facilities installed in the subdivision shall be sized to accommodate run-off from all developed land and potential run-off from undeveloped land upstream within the same watershed based upon present zoning, whether inside or outside the subdivision. The Applicant shall consult the director of public works or his designee concerning this requirement.
- (d) The director of public works or his designee shall examine the impact of the proposed subdivision on adjacent properties and areas downstream and shall determine whether any on-site retention is required to protect the public health, safety and welfare, in accordance to the requirements set forth in [Chapter 30](#) of this Code. On-site or off-site retention will not be required for subdivisions with a total area of less than 10,000 square feet.
- (e) The Subdivider or Developer shall grade the land shown on the plat or plan in accordance with the approved grading plan and construct such improvements as required by the director of public works in order to eliminate the collection of surface water in any low spot and to take care of the drainage of any water course or other area where water accumulates as a result of the grading of any street, lot, or other improvement.

Sec. 74-86. - Natural gas.

Installation of gas mains shall be governed by the rules and procedures established by the private natural gas company and the Commonwealth of Virginia. The Developer shall notify the private natural gas company of the layout and location of the proposed subdivision, and have the natural gas company determine whether natural gas can be supplied to the proposed subdivision. In subdivisions where gas is being used, easements for mains shall be shown on the preliminary and final plats. All private utilities installed within the public right of way shall be shown on as-built plans as required by [section 74-113](#).

Sec. 74-87. - Other utilities.

- (a) All other public utility facilities, including but not limited to electric power, telephone, and CATV cables, shall be located underground throughout all new subdivisions, excluding subdivisions on existing dedicated, accepted, and constructed street rights-of-way.

- (b) It shall be the responsibility of the Applicant to arrange with appropriate electric power, telephone, and CATV companies for the installation of such facilities. Where such facilities are to be located in existing or newly dedicated street rights-of-way, the Applicant shall submit plans and specifications to the director of public works. Additionally, where service lines are located in street rights-of-way, the Developer, contractor, or utility company installing the facilities shall install an individual service lateral to the street property line of each lot in the subdivision to minimize later disruption of pavement. The director of public works may waive this requirement where two or more lots are to be developed for a single use or for other good cause demonstrated. Where utilities are not to be located in street rights-of-way, they shall be placed within the general utility easements along lot lines, described in [section 74-88](#), or in other duly recorded easements. The Applicant shall provide the director of public works with a set of as-built plans showing these utilities before release of his bond furnished under [section 74-113](#).
- (c) Private utilities, installed within the public right of way, shall be shown on as-built plans as required by [section 74-113](#).

Sec. 74-88. - Utility Easements.

- (a) All utility easements shall have a width that is a minimum of 20 feet or equal to twice the depth of the utility, whichever is greater, and centered over the utility. All access easements shall be a minimum of 20 feet in width, though a wider access easement may be required at the discretion of the director of public works. Drainage easements shall be a minimum of 20 feet wide, or as wide as determined in the review of the storm water management plan, by the city engineering office.
- (b) All easements for private utilities shall be granted only after all Right-of-Way and Easements for the City have been recorded in the circuit court for the City of Waynesboro.
- (c) All easements shall be specified by naming the utility that the easement is provided for.

Secs. 74-89—74-100. - Reserved.

DIVISION 5. – ENVIRONMENTAL PROTECTION STANDARDS

Sec. 74-101. - Soil erosion and sediment control.

- (a) The Applicant shall submit a soil erosion and sediment control plan to be approved in accordance with the provisions of [chapter 30](#) "Environment" of this Code. Soil erosion and sediment control plans shall include measures to control soil erosion both during and after construction.
- (b) In order to stabilize grade areas, grass shall be re-seeded on cleared areas in accordance with [chapter 30](#) of this code. Sod may be used to comply with this requirement.
- (c) Except as otherwise provided herein, no cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be left deposited on any lot or street at the time of issuance of a certificate of occupancy. Removal of debris and waste shall be considered a prerequisite for the issuance of a certificate of occupancy. No debris shall be left or deposited in any area of the subdivision at the time of expiration of any subdivision improvement agreement or dedication of public improvements, whichever is sooner.

Sec. 74-102. - Easements along streams.

Whenever any stream or important surface drainage course is located in the area being subdivided, provision shall be made for an adequate easement along each side of the stream or drainage course for the purpose of widening, deepening, relocating, improving, or protecting the stream for drainage purposes, stream bank stability, and resource protection. Such easements shall not be considered part of a required street width.

~~-Secs. 74-103—74-110. - Reserved.~~

ARTICLE V. – PROCEDURES AND STANDARDS FOR THE COMPLETION OF PUBLIC IMPROVEMENTS AND SURETY

Sec. 74-111 - Completion of Public Improvements required.

Upon approval of Public Improvement Plans in accordance with [section 74-39](#), and once the erosion and sediment, stormwater management, and all other applicable local, state, and federal permits have been obtained, a Subdivider shall ensure either:

- (a) *Completion of the public improvements prior to final plat.* All required public improvements as specified in the approved public improvement plans and in the final plat as approved, including but not limited to streets, sidewalks, utility lines, storm drainage installations, traffic and street signals, street lights or signs, street trees, and bicycle trails shall be accepted by the City as specified in [section 74-111](#); or
- (b) *Provision of a subdivision performance guarantee.* As an alternative to completing improvements prior to the final plat, a Subdivider may provide a surety that the public improvements will be completed with a subdivision performance guarantee. This performance guarantee must be accepted by the City before the Subdivision Agent can sign and date the final plat. The following process shall govern the subdivision performance guarantee acceptance:
 1. One of the following shall constitute an appropriate subdivision performance guarantee:
 - a. A bond with corporate or personal surety;
 - b. A certified check, an irrevocable letter of credit;
 - c. Assignment of loan proceeds;
 - d. A cash escrow agreement if, in the judgment of the director of public works, such arrangements will provide a substantially similar guaranty of performance of the Applicant's obligations; or,
 - e. Other performance guarantee required as may be approved by the City Manager.
 2. The value of the subdivision performance guarantee shall be based on the estimated cost of the improvements represented in the approved plans, which shall be determined either from bids from three different contractors, or a stamped estimate from a Professional Engineer. The highest bid or estimate plus 25% of the bid or estimate shall be the required amount for the subdivision performance guarantee.
 3. The director of public works shall determine that the subdivision performance guarantee satisfactorily covers the estimated cost of the public improvements and the city attorney shall determine that the subdivision performance guarantee is legally sufficient. Upon these findings, the Subdivision Agent shall be notified that the plat may be signed and released to the Subdivider for recordation in accordance with article II of this chapter.
 4. The City shall provide periodic partial release, and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the city under this article, within thirty (30) days after receipt of written notice by the Subdivider of completion of part or all of any public facilities required to be constructed hereunder, unless the director of public works notifies the Subdivider in writing, prior to the expiration of the thirty-day period, of any grounds preventing the city's approval or acceptance of the facilities and of any specified defects or deficiencies in construction and suggested corrective measures.

Request for partial or final release(s) of performance guarantee shall be processed by the city in accordance with the requirements of [Virginia Code §15.2-2245](#) and [section 74-114](#).

If the agent fails to take written action within the thirty-day period on a request for partial release, the request shall be deemed approved and a partial release shall be granted. No final release shall be granted until after expiration of the thirty-day period and an additional request in writing is sent

by certified mail return receipt to the city manager. The agent shall act within ten (10) working days of receipt by the city manager of any such request; if the agent fails to act, then the request shall be deemed approved and final release shall be granted to the Subdivider.

Sec. 74-112 - Construction

During the construction of the subdivision and associated public improvements, the following regulations shall apply:

- (a) Prior to commencing construction of any physical improvement of facilities, the Subdivider or Developer will obtain, or cause any and all subcontractors to obtain, proper construction permits for the performance of all work.
- (b) Where the work is carried out in or adjacent to any street or public place, the Subdivider or Developer shall at its own expense furnish and erect such barricades, fences, lights, and danger signals; shall provide such watchmen; and shall take any other precautionary measures for the protection of persons or property in accordance with State and Federal temporary traffic control requirements, as approved by the director of public works. The Subdivider or Developer will be responsible for all damage to the work, persons, or property due to failure of such barricades, signs, lights, and watchmen needed to render effective protection. The Subdivider or Developer's responsibility for the maintenance of barricades, signs, and lights, and for providing watchmen, shall not cease until the director of public works has accepted the improvements in writing.
- (c) The Subdivider or Developer agrees that all materials, installation, construction practices, and completed improvements shall be:
 - 1. Free from structural defects, so as to pass without objection in the trade;
 - 2. Constructed in a workmanlike manner, so as to pass without objection in the trade; and
 - 3. In compliance with all City of Waynesboro and VDOT construction standards and specifications. The more restrictive standards and specifications shall apply.

The term "structural defects" shall mean a defect or defects which reduce the stability or safety of the structure below accepted standards or which restrict the normal use thereof. Approval of the subdivision or development plans by the city does not absolve the Subdivider or Developer from any liability for damages or injuries to adjacent property Owners and others because of errors made.

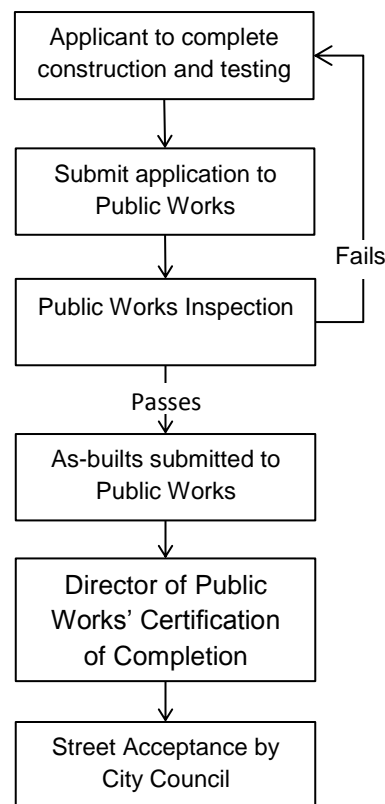
- (d) The Subdivider or Developer shall indemnify and hold harmless the city, adjacent property Owners, and others from any and all damages of any nature whatsoever arising out of the performance of work required of the Subdivider or Developer under this chapter.
- (e) Within a period of seven working days after the receipt of notice from the director of public works (or as soon thereafter as the director agrees is reasonable or practical), without expense to the city, the Subdivider or Developer shall proceed to remove and replace all unsatisfactory work and/or materials with suitable materials and equipment, shall make such repairs, and shall perform such maintenance work as directed.
- (f) Failure by the Subdivider or Developer to proceed with or complete in a reasonable time any requirement of this chapter shall be sufficient reason for the city to have the defects or deficiencies corrected or the unfinished work completed. The Subdivider or Developer and its surety shall be liable for all expenses incurred by the corrections.
- (g) If, in the opinion of the city manager or director of public works or their designees, an emergency arises that jeopardizes the continuity of any public service and/or threatens the public health, welfare, or safety of the public, and the Subdivider or Developer is unable to remedy the situation with satisfactory immediacy, the city reserves the right to take whatever steps may be necessary to have the situation immediately remedied. The Subdivider or Developer and his surety shall be liable for all expenses incurred in making emergency repairs. Any provisions of this chapter for written notice of time periods will be dispensed with when such an emergency is determined by the city to exist, and any notice to Subdivider or Developer otherwise required shall be waived.

- (h) If at any time the director of public works determines that it is necessary to remedy dust conditions on the construction site, the director of public works or his designee shall notify the Subdivider or Developer. If the situation is not corrected within 24 hours, the city shall perform such corrections as may be necessary and bill the Subdivider or Developer for time and materials incurred, which must be paid to the city before any final approval is given.
- (i) The Subdivider or Developer shall construct, when required to do so by the director of public works and within 30 days after written notice to Subdivider or Developer, temporary drainage swales, ditches, and waterways as per specifications, drawings, or instructions from the director of public works, to eliminate the ponding of water or the accumulation of water and mud in the area.

Sec. 74-113 - Acceptance of Public Improvements

The following actions shall be completed before the acceptance of any public improvements or, as necessary, release of the subdivision performance guarantee, partially or in total:

- (a) The Subdivider shall complete a final inspection application with the Department of Public Works and provide all fees and information as required by this application.
- (b) The Department of Public Works, and other city departments as required, shall inspect the public improvements. If the inspection determines deficiencies in a system that prevent acceptance, the Subdivider shall be provided with a written list of these deficiencies.
- (c) The Subdivider shall correct the list of deficiencies and schedule an additional final inspection.
- (d) Once the public utility is properly constructed, the Department of Public Works shall notify the Subdivider that the project is ready for acceptance.
- (e) Upon notice that the project is ready for acceptance, the Subdivider shall provide a single hard copy and a digital copy of as-built plans that have been completed to the following standards:
 - 1. Public improvements and private improvements within the right-of-way shall be provided to the director of public works within 60 days of final acceptance in the form of one paper set of as-builts and one digital copy of as-builts in the most recent version of AutoCAD.
 - 2. Private utilities shall be shown in conformance with [section 74-86](#) and [87](#).
- (f) The director of public works shall certify to the City Manager that the public improvements have been inspected and satisfactorily completed, the as-built plans have been satisfactorily completed, and the public improvements are free of liens and encumbrances. The director of public works shall advise the Subdivider of the acceptance by the city of all public facilities except for streets, which shall be accepted into the city system by action of the City Council.
- (g) Upon certification of public street completion from the director of public works, the City Manager shall draft a resolution of street acceptance for consideration and action by the City Council.



Sec. 74-114. - Release of subdivision performance guarantee

- (a) All required subdivision improvements shall run with the land and bind all successors, heirs, and assignees of the Subdivider, Developer, or Owner until the improvements have been accepted in accordance with [section 74-111](#) and released under the provisions of this section.
- (b) The Subdivider or Developer shall guarantee all work, materials, and installations of public improvements against defects resulting from the use of inferior materials, equipment, or workmanship for a period of one year from the date of the director of public works' certification of completion as specified in [section 74-111\(f\)](#).

- (c) The Subdivider or Developer shall, during the life of this guarantee, make all repairs to or changes to the guaranteed work, materials, and installation which, in the sole discretion of the director of public works, are necessary or are the result of the use of material, equipment, or workmanship which are inferior or defective or which are not in accordance with the original or substituted plans and specifications.
- (d) On or before the actual date that the city accepts the required public improvements and releases the contract and performance bond, certified check, or other form of security previously approved by the city for the required public improvements, the Subdivider or Developer shall post a subsequent bond, certified check, or other form of security as approved by the city in the amount of five percent of the cost of the actual public improvements, including all work, materials, and installations, to insure the faithful performance of the one-year guarantee specified in section 74-114 (b).
- (e) Any or all special guarantees by the Subdivider or Developer applicable to definite parts of work, equipment, grading, or other actions performed or items supplied by the Subdivider or Developer shall also continue during the first year of life of such work, equipment, grading, or items supplied.
- (f) After the individual public water and sewer systems are certified by the director of public works to be functional and capable of standalone operations, the performance guarantee shall be released, except for 5% of the guarantee which will be held for a one (1) year warranty period to ensure that the systems continue to function as intended.
- (g) Landscaping guarantees shall not be partially released but shall be held for a warranty period of one (1) year from the director of public works' certification as established in [section 74-113 \(f\)](#). The landscaping guarantee shall be released after this warranty period expires and after the city horticulturist certifies that the landscaping is healthy and viable.
- (h) The release of erosion and sediment and stormwater guarantees shall be in accordance with Chapter 30.
- (i) The Subdivider is responsible for requesting the release of the remaining performance guarantee after the warranty period expires.

The director of public works may approve partial releases based upon completion of the water system, sanitary sewer system, street system, or stormwater management system where they find that such release will not reduce the remaining bond to an insufficient level. Completion of a major system shall be defined such that each is a standalone and complete system.

Sec. 74-115. - Issuance of certificates of occupancy

No certificate of occupancy for any building in the subdivision shall be issued until:

- (a) The public streets are completed and accepted or, where the public streets remain incomplete but are covered by a performance guarantee, the director of public works, the building official, the chiefs of police and fire, and the director of emergency service, at their sole discretion, jointly determine that adequate access for the building occupants, emergency response equipment, and the general public can reasonably and safely be provided for until the completion of the corresponding public improvements;
- (b) All road signs are installed;
- (c) Public water and sewer facilities have been provided to the occupants and are fully operational in accordance with approved Public Improvement Plans or, where applicable, the Subdivider has provided evidence of the Virginia Department of Health's final approval of any private sewer or water system;
- (d) The Subdivider or Developer agrees to convey in fee simple or dedicate to the City of Waynesboro, without cost, all such physical improvements or facilities as indicated on the approved final plat;
- (e) The Subdivider or Developer provides evidence that the final plat has been recorded in accordance with [section 74-23](#); and,

- (f) Chapter 30 requirements have been met and deemed acceptable by the City Engineer or his designee or are covered by a performance guarantee.



CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
MJR 17-244
July 18, 2017

SUMMARY SHEET

<i>Applicant:</i>	Roudabush, Gale & Associates, Inc.
<i>Address/Legal Description:</i>	914 Monticello Road Charlottesville, VA 22902
<i>Total Acreage:</i>	30.847
<i>Tax Map Number:</i>	14-6-25A
<i>Real Estate Owner of Record:</i>	Claybrook Associates LLC 914 Monticello Road Charlottesville, VA 22902
<i>Current Zoning:</i>	RS-12 Residential District
<i>Comprehensive Plan Designation:</i>	Low Density Residential
<i>Attachments:</i>	1. Applications 2. Waiver Request 3. Approved Claybrook preliminary subdivision plat dated November 14, 2003 4. "Claybrook Phase II Major Subdivision Plat" prepared by Roudabush, Gale & Associates, Inc., dated June 2, 2017, revised July 7, 2017
<i>Flood Plain:</i>	No
<i>Enterprise Zone:</i>	No
<i>Action Requested:</i>	1. Preliminary subdivision plat to subdivide a 30.847-acre site into 67 lots
<i>Authorizing City Code Section(s):</i>	Preliminary Subdivision Plat: City Code Chapter 74
<i>Summary Recommendations:</i>	The City staff recommends approval of the preliminary subdivision plat, with the following conditions: 1. Final plats and associated deeds in a form acceptable to the City Attorney shall ensure the dedication of the greenway to the City and such deeds shall be recorded in the City of Waynesboro Circuit Court. 2. No final plat shall be approved until the road connection to Evershire (from Cross Keys Way) is constructed.

1. Nature of Request

Roudabush, Gale & Associates, Inc., applicant and agent for Claybrook Associates LLC, has requested an amendment to the approved Claybrook preliminary subdivision plat. The proposed amendment subdivides Phase II of Claybrook, made up of 30.847 acres, into 67 single family detached lots.

As part of this preliminary plat review, the applicant has requested waivers from the requirements of the following Subdivision Ordinance sections:

- Section 74-62(a), which sets the minimum acceptable residential street paved surface width as 36 feet and the minimum right-of-way width as 60 feet; and
- Section 74-82 (a), which requires that all properties shall be connected to public sewers if it is available within 200 feet.

2. Background

Claybrook Associates LLC gained preliminary subdivision plat approval for the Claybrook development at 6001 Ivy Street in February, 2004. The approved plat comprised 59.04 acres with an 86-lot single family residential subdivision. After the approval of the preliminary plat, the applicant submitted a final plat application for the Phase I of Claybrook Subdivision. This final plat consists of 28.188 acres and contains 32 single-family residential development lots, a 1.970-acre lot containing the original estate home, and a 7.988-acre common area containing a 30-foot wide public greenway easement. The Phase I final plat was approved on August 22, 2005. In the past 12 years, 25 of the approved 32 lots have been constructed with single-family houses. A roughly 1300-foot greenway was constructed within the common area, but has not been dedicated to the City yet.

After the recession, Claybrook lay dormant, most of the partners in the original project were dissolved, and the balance of the development was left to the applicant, Roudabush, Gale & Associates, Inc. The original Claybrook plat was designed for large homes on large lots, but since the recession the market has leaned strongly towards smaller homes, making it difficult to move the type of houses originally envisioned for Claybrook. The property is currently zoned RS-12, our lowest-density zone, requiring a minimum of 12,000 sq. ft. lots. The applicant is not asking for a rezoning, but is reducing the size of the lots on the original plat to get closer to the minimum required by the zoning designation.

3. Plat Analysis

Subdivision Design

The revised plat contains 21.367 acres of buildable lots, 5.880 acres of public right-of-way, and 3.5 acres of common areas. The development will contain 67 single family houses on slightly smaller lots (minimum 12,000 square feet – still the largest minimum in our zoning code) compared to the approved preliminary plat, in which lots were at least 15,000 square feet each. The total number of lots increased from 86 lots to 98 lots (two of the phase 1 lots were merged into one lot) and the density increased slightly from 1.46 units/acre to 1.65 units/acre. The density for phase II is 2.2 units/acre. The layout of the streets is mostly consistent with the approved preliminary plat, with the exception of a change to the east side of the development, put in by the developer at the request of staff, that will allow for better interconnectivity in the area. The plat also contains sidewalks, street trees and dusk-to-dawn lights.

Zoning Requirements

The subject property is located in the RS-12 Single Family District. It requires a 12,000 square foot minimum lot size. The lots shown on the preliminary plat vary in size from 12,033.7 square feet to 24,718.7 square feet. Lots in the RS-12 Single Family District appear to conform to the standards of the zoning ordinance.

Traffic

The entire Claybrook subdivision is accessed from a single entrance on Ivy Street. The approved preliminary plat reserves inter-parcel connections to the Quesenbery property to the north and to the Evershire Subdivision at Cross Keys Circle to the south. The layout of the revised plat generally follows the previously approved street pattern except for two major changes. The new sections of road proposed in Phase II have a 50' right-of-way, 24' pavement, and 4' sidewalks on both sides of the street, compared to the Phase I streets which were constructed with 60' right of way, 36' pavement, and no sidewalks. This will conform to the city's proposed revision of the subdivision ordinance. However, since the ordinance has not yet been formally adopted, staff has advised the applicant to request a waiver until the ordinance is approved.

The new plat still reserves the inter-parcel connection to the Quesenbery property at the end of Claybrook Drive, however there are no plans to develop the Quesenbery property at this time. Additionally, the new plat provides a second inter-parcel connection to the Evershire Subdivision to the south. These road connections are shown on the plat and the construction easements will need to be provided with any associated deeds. The applicant will need to obtain site plan approvals that will show the required public and private site improvements. Easements associated with these improvements will need to be included as part of the final platting process.

Also, the existing Claybrook subdivision can only be access from Ivy Street. Both the fire marshal and the city engineer emphasized the importance of having a second access point for the Claybrook Subdivision given the number of homes located there. City staff have made interconnectivity a priority in recent years. As a result, staff recommends a condition requiring the construction of the road connection to the Evershire subdivision to the south at Cross Keys Way before approval of any Phase II final plats.

Utilities

Public water and sewer is available to serve this property. However, the plat proposes a private sewer system (grinder) for 18 lots with individual gravity services connected to a city owned gravity manhole. The private system will be located outside of the City road right-of-way and the City will have no responsibility for the maintenance of the private system. In order to build a private sanitary system, the applicant has requested a waiver to Section 74-82(a) of the Subdivision Ordinance. Section 74-82(a) of the Subdivision Ordinance requires that "all lots shall be provided with a public sanitary sewer where such sanitary sewer is within 200 feet of the applicant property prior to subdivision." The utility plan of the preliminary plat has been reviewed and approved by the public works department. Staff does not foresee this as an issue and these types of changes are common between a preliminary and final plat. Staff would recommend approval of the waiver.

Stormwater Management

The stormwater will be drained to the existing stormwater ponds constructed in Phase 1. A 0.32-acre common area (beside the proposed road connection to the Quesenbery property) contains an existing stormwater pond and water quality swales are proposed at the back of the residential lots. The stormwater plan will be required at the final plat stage and the design will be subject to Technical Criteria Part IIB.

4. Review with Respect to the Comprehensive plan

The City's Comprehensive Plan designates the property as "Low Density Residential" and the proposed use is consistent with the designated use.

5. Review of Waiver Requests

The proposed plat meets the requirements of the Subdivision Ordinance except for street pavement and right-of-way width and the private sanitary system. Approval of this plat will require a waiver of Section 74-62(a) and 74-82(a). Section 74-126 provides that any subdivision ordinance requirement may be waived or varied by the City Council provided that the Council determines that the waiver or variance best satisfies the overall purposes of the subdivision ordinance or that the subdivider can show that strict application of a provision of the ordinance would cause an unnecessary hardship or practical difficulty because of topographical or other conditions of the site. It is also required by the City Code that the reasons for authorizing a variance or waiver must be entered into the minutes of the Council.

The road width waiver has been requested because of the Subdivision Ordinance revision currently underway. The current Subdivision Ordinance Section 74-62 (a) sets the minimum paved surface width on local residential streets at 36 feet and the minimum right-of-way width at 60 feet. A primary goal of the revision is to remove existing ordinances on street design and require all public streets to be designed in conformity with the requirements set forth in the most current version of the VDOT Road Design Manual and the City of Waynesboro Standard Details and Approved Product Manual. The revision also proposes reducing the required minimum right-of-way width from 60 feet to 50 feet. The proposed street pavement is 24 feet, which meets VDOT standards, and the proposed right-of-way is 50 feet, which meets the proposal in the revised Subdivision Ordinance. The revision of the Subdivision Ordinance is in the process of receiving public comments and if the revised Subdivision Ordinance were approved, no waiver would be required for the proposed road width and the right-of-way width. Staff would recommend approval of the waiver.

The second waiver, allowing a private sewer system for 18 lots on the east side of the property, is warranted because of a challenge presented by the topography. The land to the east of the subdivision is not currently served by public utilities and there is a ridge crest near that end of the property. Installing a standard gravity sewer system on the far eastern side of the subdivision that fed into gravity mains on the western end would require the developer to either dig a deep trench or build a standalone pump station, both of which would be both cost prohibitive to construct and inefficient for the city to maintain in the future. Instead, the director of public works has agreed to support a private grinder system maintained by the homeowners at their own expense until the land along Hopeman Parkway east of Claybrook develops and receives public sewer service, at which point the 18 lots can be tied into the gravity system in a more logical place.

6. Conclusion and Recommendations

Staff finds that the subdivision application meets all minimum standards for a preliminary plat and subdivision design as prescribed by the City Code, except the road pavement and right-of-way width and the private sanitary system. Staff supports a waiver for narrower road pavement and right-of-way width (Section 74-62(a)) and the private gravity system (Section 74-82 (a)) based on the unique characteristics of the site. Thus, staff recommends approval of the

preliminary subdivision plat with a waiver of Section 74-62(e) and Section 74-82(a) with the following conditions:

1. Final plats and associated deeds in a form acceptable to the City Attorney shall ensure the dedication of the greenway to the City and such deeds shall be recorded in the City of Waynesboro Circuit Court.
2. No final plat shall be approved until the road connection to Evershire (from Cross Keys Way) is constructed.

cc: Claybrook Associates LLC
D. James Shaw II, Deputy City Manager
Todd Wood, City Engineer
Joe Honbarrier, Zoning Administrator



SUBDIVISION APPLICATION

CITY OF WAYNESBORO, PLANNING DEPARTMENT

Reference Subdivision Ordinance
City Code Chapter 74

A.) PLAN SUBMITTAL TYPE (Check Appropriate Box):

- ☒ Preliminary Major Subdivision Plat (\$350+\$10 per lot)

\$520
- ☐ Final Major Subdivision Plat (\$250)

☐ Minor Subdivision Plat (\$250)

(See qualifying questions at the bottom of the page to determine if your subdivision is major or minor.)

(Note: Stormwater Management Permit and/or Erosion and Sediment Control (E&S) Permit may be required with plat approval. To determine whether these permits are required, call the City Engineer's office at 540-942-6628 or visit at 941 Fir Street)

B.) SITE INFORMATION:

Subdivision Name: Claybrook

Property Address: 600 Ivy St.

Tax Map No./Legal Description: PARCEL B (30.874 AC) adjacent Bowman on RT254 small

Present Zoning: RS-12 Comprehensive Plan Designation: _____

Size (Acreage or Square Footage): 30.874 AC Present Use: VACANT

Is property located in any of the following overlay districts? ☐ Enterprise Zone ☐ Historic Other _____

☐ Flood Hazard (according to FEMA Flood Maps)

C.) APPLICANT INFORMATION:

Property Owner of Record: Claybrook Assoc. LLC

(Printed)

Address: 914 Monticello Rd Charlottesville VA 22902

(Street Address) (City, State, Zip)

Email Address: bill@roudabush.com Phone #: 434-977-0205

*Applicant Name: Roudabush, Gale & Assoc. Inc.

(Printed)

Address: 914 Monticello Rd Charlottesville VA 22902

(Street Address) (City, State, Zip)

Email Address: bill@roudabush.com Phone #: 434-977-0205

* If applicant is not property owner of record, the Power of Attorney Form is Required (Form A-2).

<p>IS YOUR SUBDIVISION MAJOR OR MINOR PLAT?</p> <p>Does this subdivision result in 5 or fewer lots? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Will all the parcels have frontage on an existing Street? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Is public sanitary sewer and water service available at the property line of each lot? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p style="font-size: x-small;">If you answered NO to any of these questions, then you must to apply for a MAJOR subdivision.</p>	<p style="text-align: center; font-size: small;">FOR OFFICE USE ONLY:</p> <p>Date Rec'd <u>06/02/2017</u> Application# <u>520-07-244</u></p> <p>MS Receipt # <u>96303</u> Fee Paid \$ <u>520.00</u></p> <p>Required SWM Plan? _____ E&S Plan? _____</p> <p>Approval Date _____ <input type="checkbox"/> Not approved</p>
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D.) LICENSED PROFESSIONAL (Professional Engineer or Land Surveyor):

Firm Name: Roudabush, Gale & Assoc. Inc. Contact Name: Jim L. Taggart
(Printed) (Printed)
 Address: 914 Monticello Rd. Charlottesville VA 22902
(Street Address) (City, State, Zip)
 Phone #: 434-977-0205 Fax Number: 434-296-5220
 Email Address: jtaggart@roudabush.com Professional License # 22841
 Is a signed Plat Checklist attached? ☒ YES ☐ NO

E.) SELECT PRIMARY CONTACT PERSON FOR STAFF: ☒ Owner ☒ Applicant ☐ Licensed Professional**F.) PROPOSED USE OF PROPERTY:**

Describe purpose of request: _____

Select all that apply:

- ☒ Single Family Detached
☐ Single Family Attached
☐ Zero Lot Line
☐ Two-Family
☐ Multiplex
☐ Townhomes
☐ Multi-Family
☐ Non-Residential

Total Subdivision Acreage 30.847
 Number of Lots 70
 Number of Dwelling Units 69

Will public water OR sewer service be required for this project? If yes, which? Water ☐ Sewer ☐

If water OR sewer services are required, Water & Sewer Application and Domestic Meter Sizing Form must be completed and submitted with this application. These applications can be obtained through the City Engineering Office or on the City's website.

G.) SIGNATURES:

If applicant is not property owner of record, the Power of Attorney Form is Required (Form A-2).

AFFIDAVIT: The undersigned ☐ property owner, or ☒ duly authorized agent/representative thereof [check one] certifies that the foregoing information is true and correct to the best of my knowledge and belief; WITH THE UNDERSTANDING THAT ANY INCORRECT INFORMATION SUBMITTED MAY RESULT IN THE DELAY OF APPROVAL. I hereby authorize the City of Waynesboro to review this request, visit the site, and contact any appropriate design professional in relation to questions generated as a result of the review.

William Ledbetter
 Print Name
[Signature]
 Signature of Owner, Contract Purchaser, Agent

434 977 0205
 Daytime phone number of contact
6/2/17
 Date

Rev. 11-14-11

CITY OF WAYNESBORO • Planning Department • 503 W. Main St., Suite 204 • Waynesboro, VA 22980 • Phone (540) 942-6604 • Fax: (540) 942-6671



LAND SURVEYING
ENGINEERING
LAND PLANNING

WILLIAM J. LEDBETTER, L.S.
JIM L. TAGGART, P.E.
DAVID M. ROBINSON, P.E.
AMMY M. GEORGE, L.A.

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BRIAN D. JAMISON, L.S.
DAVIS A. JORDAN, L.S.
KRISTOPHER C. WINTERS, L.S.

Mr. Michael G. Hamp, City Manager
City of Waynesboro
503 W. Main Street
Waynesboro, VA 22980

June 26, 2017

Re: Claybrook Subdivision
Waiver Requests for Subdivision Ordinance Section 42-62(a): Minimum acceptable street width and right-of-way width; and Section 74-82(a): Sanitary sewers (private).

Dear Mr. Hamp:

In accordance with Section 74-126 of the City Code I respectfully request a waiver for Section 42-62(a) to allow reduced street and right-of-way width for the second phase of Claybrook Subdivision. The reduced widths are in accordance with current VDOT standards and anticipated ordinance changes currently being pursued by the City's planning and engineering departments. The reduced widths will better serve the public through reduced stormwater runoff and better serve the city by providing less long term maintenance costs.

I would also like to request a waiver for Section 74-82(a) to allow 18 lots in Phase 2, Claybrook to be served by a private sanitary sewer system that will be owned and maintained by the individual lot owners and the homeowners association. The private system will be located outside of the City road right-of-way and the City will have no responsibility for the maintenance of the private system. For the 18 lots, the developer will also construct traditional gravity sewers, including laterals to the homes, that will connect to the future gravity sewer system installed with the construction of the subdivision to the north. This temporary private arrangement will negate the need for a publicly owned sewer pump station that will require perpetual maintenance, and associated costs, by the City.

Thank you for consideration of these requests and please do not hesitate to contact me with questions or concerns.

Sincerely,

William J. Ledbetter, L.S.
Claybrook Associates, LLC
Roudabush, Gale and Associates, Inc.

