

DIVISION 1. - GENERALLY

Sec. 50-266. - Title.

This article is known and may be cited as the "Subdivision Ordinance of Bristol, Virginia."

~~Sec. 50-267. - Definitions. Move to end of document~~

Sec. 50-~~268~~267. - Purpose.

This article is designed to guide and facilitate the orderly beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to guide the change that occurs when land and acreage become urban in character as a result of development for residential, business or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner.

(Code 1966, app. tit. II, § 1-2)

Sec. 50-269~~8~~. - ~~Platting a~~ Legislative Authority.

~~From and after the passage of the ordinance from which this article was derived, the planning commission shall be the official platting authority, and no plat of a land subdivision shall be entitled to be recorded in the office of the clerk of the circuit court of the city unless it shall have the approval of the planning commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this resolution is declared to be a misdemeanor.~~

This article, as amended, is adopted according to the authority of the Code of Virginia, §15.2, Article 6 Land Subdivision and Development (§15.2-2240 et seq., as amended). As specified therein, the City of Bristol is authorized to provide certain reasonable regulations and provisions that are mandatory in §15.2-2241, and certain optional provisions as found in §15.2-2242.

(Code 1966, app. tit. II, § 4-1)

Sec. 50-270~~6~~9. - ~~Platting~~ certification Authority.

No ~~such~~ plat of subdivision shall be recorded in the office of the clerk of the circuit court of the city unless and until it shall have been approved ~~and certified by the city council~~ in accordance with the regulations set forth in this article. The planning commission shall be the official platting authority and the filing or recording of a plat of a subdivision without planning commission approval as required by this section shall be considered a misdemeanor. No lot shall be sold in any such subdivision before the plat shall have been recorded in the office of the clerk of the circuit court of the city.

(Code 1966, app. tit. II, § 4-2)

Sec. 50-274~~0~~. - ~~Surveyor~~ Engineer to draw and certify.

Every such plat shall be prepared by a land surveyor ~~or civil engineer~~ duly licensed and certified by the commonwealth, who shall endorse upon each plat a certificate signed by him or her setting forth the source of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be

indicated upon such plat. Minimum standards and procedures required for land surveying by the Commonwealth of Virginia shall be required to be met.

(Code 1966, app. tit. II, § 4-3)

Sec. 50-2721. - Erection of building.

No building permit shall be issued and no building shall be erected on any lot in the city unless the street giving access thereto has been accepted as a public street in accordance with this article, or unless such street has attained the status of a public street prior to the effective date of the ordinance from which this article was derived [~~February 11, 1975,~~], or on a street accepted by the city ~~council~~ in conformance with this article and Article II, Zoning.

(Code 1966, app. tit. II, § 4-4)

Sec. 50-2732. - Owner's statement.

Every such plat, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's ~~or civil engineer's~~ certificate provided for, 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 by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgement. When thus executed and acknowledged, the plat, subject to the provisions herein, shall be filed and recorded in the office of the clerk of the circuit court where deeds are admitted to record for the lands contained in the plat and indexed in the general index to deeds under the names of the owners of land signing such statement and under the name of the subdivision.

(Code 1966, app. tit. II, § 4-5)

Sec. 50-2743. - Conflict with other ordinances of the city.

In case of conflict between the provisions of this article and any other ordinance of the city, the most restrictive shall prevail.

(Code 1966, app. tit. II, § 12-2)

Secs. 50-2754—50-285. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 50-286. - Review of preliminary and final plats.

The ~~planning commission subdivision agent~~ is hereby charged with the responsibility of reviewing preliminary plats in accordance with the regulations herein contained. The planning commission shall likewise consider all final plats and ~~make recommendations for approval or disapproval to the city council, which retains unto itself the authority to grant final approval or disapproval to final plats, except certain boundary line alterations specified in Section 50-343 (b) which can be approved by the subdivision agent.~~

(Code 1966, app. tit. II, § 3-1)

~~Sec. 50-287. – Conflict with other ordinances.~~

~~Whenever the provisions of this article and those of some other ordinance apply to the same subject matter, that ordinance requiring the highest or more strict standard shall govern.~~

~~(Code 1966, app. tit. II, § 3-2)~~

Secs. 50-~~288~~287—50-300. - Reserved.

DIVISION 3. - PROCEDURE

Sec. 50-301. - Process of subdivision approval; application and plat review fee.

- (a) The process of subdivision approval is divided into two steps. The first step involves the submission and approval of a preliminary plat prepared and submitted as outlined below. At the time of submittal of the preliminary plat, a subdivision application and plat review fee, based on the number of lots proposed in the original submittal, shall be submitted to the ~~planning commission~~ Department of Community Development as provided in the appendix to this chapter.
- (b) The second step constitutes the preparation and approval of the final plat which is the instrument to be recorded.

(Code 1966, app. tit. II, § 5-1)

Sec. 50-302. - Preliminary plat.

- (a) The ~~owner or proprietor subdivider~~ of a proposed subdivision shall cause a preliminary plat to be prepared, ~~accompanied by street profiles, when required,~~ and shall ~~present six prints or copies of each for tentative approval to the planning commission.~~ provide an electronic copy of the preliminary plat containing all required elements listed in Sec. 50-318 to the subdivision agent for review.
- (b) The ~~planning commission subdividing agent~~ shall approve or disapprove the preliminary ~~subdivision plat and street profile~~ or approve ~~them~~ the plat with modifications, noting thereon any changes that will be required in addition to a written list of required revisions to the plat. One scanned copy shall be returned to the ~~owners or proprietor subdivider~~ of the subdivision or his or her representative with the date of such approval or disapproval noted thereon.
- ~~(c) The preliminary plat shall show the complete planning profile, indicating all utilities and storm drainage systems, with topographical maps of the entire development, complete with drainage computations.~~

(Code 1966, app. tit. II, § 5-2)

Sec. 50-303. - Final plat schedule.

The ~~owner or proprietor subdivider~~ of a subdivision shall, within one year after the date noted on the preliminary plat, file with the planning commission the required copies of the final plat, and reproducible mylars. If the final plat is not presented to the planning commission within one year from the date of approval of the preliminary plat, approval of the preliminary plat shall be null and void. ~~–The~~ is final plat shall be prepared in accordance with the requirements of division 5 of this article.

(Code 1966, app. tit. II, § 5-3)

Sec. 50-304. - Recording plat.

After completion ~~and approval~~ of the ~~final platse details and notations to that effect on the plat~~, the ~~owner or proprietor subdivider of the subdivision or representative~~ shall ~~present two file one~~ reproducible ~~mylar that is a~~ certified copy~~iesy~~ of the final plat ~~with original signatures with to~~ the clerk of the circuit court of ~~Bristol, Virginia and any other locality the city~~ wherein deeds are required by law to be recorded ~~for the lands contained in the plat~~. Following recordation with the clerk of circuit court, the subdivider or representative shall file one certified copy of the final plat with the department of community development, along with any recorded private covenants or deed restrictions applicable to the subdivision.

(Code 1966, app. tit. II, § 5-4)

Secs. 50-305—50-315. - Reserved.

DIVISION 4. - PRELIMINARY PLATSec. 50-316. - Preliminary plat submittal.

- (a) Prior to submission of a preliminary plat, the subdivider is encouraged to submit a sketch plan to the subdivision agent for the purpose of obtaining advice on whether the plans in general are in accordance with the requirements of this article. The sketch plan shall be at a scale of no smaller than 200 feet to the inch showing the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, open space, storm water detention areas, or other proposed uses of land to be subdivided and shall include approximate dimensions and any future development plans. The sketch plan is for informational purposes and is not binding on the owner/developer, or on the planning commission or agent.
- (~~ab~~) All preliminary plats shall be submitted to the ~~planning commission subdivison agent~~ in order to provide up to 45 days' review before presentation at the planning commission's monthly meeting. The subdivider shall ~~present to the planning commission six copies of the preliminary plat at a scale of not less than one inch equals 200 feet, provide a subdivision application, along with the required fee, and an electronic copy of the preliminary plat that is at a scale no smaller than 100 feet to the inch and fits the paper size measuring 18 inches by 24 inches when printed. If necessary due to the size of the proposed subdivision, separate sheets may be submitted.~~
- (b) ~~Upon review and acceptance by the approving authorities, the subdivider shall submit an additional 13 copies of the preliminary plat.~~

(Code 1966, app. tit. II, § 6-1)

Sec. 50-317. - Purpose.

The purpose of the preliminary plat is to safeguard the subdivider from unnecessary loss of time and expense in preparation of a subdivision plat which does not conform with the specifications of the subdivision regulations. ~~Public agencies having jurisdiction~~ City and utility board staff will review the preliminary plat regarding matters within their ~~jurisdiction~~ purview. During the review process, the subdivider or his agent may be called upon for consultation.

(Code 1966, app. tit. II, § 6-2)

Sec. 50-318. - Contents.

The preliminary plat should include:

- (1) The proposed subdivision's name and location, the name and address of the owner, the name of the surveyor of the property, the surveyor's registration number and the ~~designated zone to be used zoning district of the property~~. All the aforementioned items are to be within a title block.
- (2) Date, magnetic north point and graphic scale.
- (3) The location of existing and platted property lines, streets, alleys, buildings, watercourses, railroads, sewer lines, bridges, culverts, drain pipes, water mains, gas lines and any public utility easements, ~~the present zoning classification of the adjoining property~~, the names of adjoining property owners or subdivisions, and the zoning classification of the adjoining property. Both sides of the pavement of adjoining public streets shall be shown to the accuracy of the boundary survey. If any buildings, fences, or utilities are within five feet of existing property lines, the distance to the property line shall be shown.
- (4) ~~The location~~Plans of all proposed utility layouts, including, but not limited to, sewer lines, water lines, gas lines and electricity, showing feasible connections to the existing or any proposed utility system. When such connections are not ~~practicable available~~, a certified copy of an approved agreement for providing the necessary utilities must be submitted.
- (5) The names, locations, widths and other dimensions of proposed features, including streets, alleys, easements, parks and other open spaces, reservations, ~~lot lines, building lines~~ and utilities.
- (6) The boundary lines of each lot with accurate distances, bearings, and acreage, including that of any remaining property of the tract or tracts being subdivided that is not proposed for development. The boundaries shall be determined by an accurate field survey. The entire boundary of all public right-of-ways to be dedicated shall be described by distances, bearings, and acreage. Curve data shall include radius, arc length, chord bearing, and chord length. Private right-of-ways or easements, if allowed, shall be included in the total acreage of the parcels.
- (7) A statement from the subdivider shall be submitted with the preliminary plat, which will describe the method by which storm sewers, sanitary sewers and water facilities will be provided. . If septic tanks or individual waste disposal systems are approved to be used in a subdivision, the percolation tests shall be made in accordance with the city health department requirements, and the results of such tests together with a contour map showing the site of each test hole shall accompany the plat. Public water and sewer shall be required for all major subdivisions which are defined in Section 50-414. For any minor subdivisions without public water or sewer, the subdivider must show that the extension of services is not feasible and must meet all requirements of the Virginia Department of Health for on-site water supply or on-site sewage disposal.
- (86) Deed description and map of survey of the tract boundary made; All current deed references and recorded plat references must be shown for all property proposed to be subdivided and all adjoining tracts.
a certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision and placed on the land by the subdivider.
- (97) Provisions for collecting and discharging surface drainage; preliminary design for any bridges or culverts which may be required.
- (108) The plat shall show For all major subdivisions, existing contour lines shown by a dashed-solid line and proposed contour lines by a solid-dashed line and both shall be shown at two- or five-foot intervals depending upon existing topography. Accuracy shall be within one-half contour intervals.
- (119) Location map of proposed subdivision on an inset map showing relationship of subdivision site to the area, including adjoining streets and their names.
- (4012) The plat must meet minimum standards for land surveying practice as found in Title 18 of the Virginia Administrative Code. Actual closure computations for the boundary traverses. Such boundary traverses shall close to an accuracy of at least one part in 5,000.

- (~~4113~~) If any portion of the land being subdivided is ~~below the elevation of flood in a floodplain district~~ as defined in section ~~50-359(5)50-52(a)~~, the limit of such flood ~~plain~~ shall be shown, ~~including both floodway, flood-fringe, and approximated floodplain.~~
- (~~4214~~) ~~The plat shall show a~~All ~~existing~~ lot and block identification ~~numbers, proposed lot numbers with numeric characters only, and building zoning setback lines and/or setback requirements listed in notes on the plat. If the property to be subdivided is located in more than one zoning district, the zoning district boundary needs to be shown on the plat.~~
- (~~153~~) Future tract plan. The subdivider shall submit to the planning commission a reasonably accurate plat in sketch form of the entire tract which will show the tentative future street system for the entire tract.
- (16) All plats shall be oriented to Virginia South State Plane Coordinates NAD83 grid north and have a least one (1) surveyed boundary point described with a Virginia South State Plane NAD83 coordinate being shown clearly on the plat.

(Code 1966, app. tit. II, § 6-3)

Sec. 50-319. - Completeness.

The subdivision agent shall review the submitted preliminary plat to determine whether all elements listed in 50-318 are included, and shall circulate the plat for review and comment by other city staff and by utility board representatives. If deficiencies are found, the agent shall inform the subdivider and request revisions be made.

~~If any of the above facts are omitted or misrepresented on the plan, the director may refuse to review the plat and shall return the plat to the subdivider to be completed or revised. The preliminary plat shall be deemed filed with the planning commission when it is filed with the director. At the time of filing, a certificate of filing shall include the time and date of filing. The director-subdivision agent shall have the authority to reject the preliminary plat if, after study, he or she finds that it does not comply with this article. If rejected, the director-subdivision agent shall provide the subdivider with a written statement specifying all the respects in which the plat fails to comply. If the subdivider disagrees with this decision and chooses not to correct the deficiencies, he or she may appeal to the planning commission.~~

(Code 1966, app. tit. II, § 6-4)

Sec. 50-320. - Approval by individuals or other agencies.

No preliminary plat shall be approved by the ~~planning commission~~subdivision agent without the written approval of the city engineer, a health department official (only applicable due to lack of public water or sewer), the utility board, and the zoning administrator. These agencies shall approve with or without modifications or disapprove the preliminary plat, to the extent that each has jurisdiction. If rejected, the agency shall provide the ~~planning commission-subdivision agent~~ with a written statement specifying all respects where the plat fails to comply.

(Code 1966, app. tit. II, § 6-5)

Sec. 50-321. - Approval of engineering drawings.

- (a) Upon approval of the preliminary plat and before preparation of the final engineering drawings for the minimum improvements required by this article, the subdivider shall receive tentative approval of said engineering plans from the city engineer.
- (b) The design of all minimum improvements which are to be installed by the ~~developers~~subdivider shall be under the direction of an engineer registered in the state and all plans shall bear his seal.

- (c) A certificate of approval from ~~the health department~~ the utility board shall accompany all water and sewer plans.

(Code 1966, app. tit. II, § 6-6)

Sec. 50-322. - Preliminary plat approval not to constitute approval of final plat.

The approval of the preliminary plat by the ~~planning commission~~ subdivision agent will not constitute acceptance of the final plat and will not be indicated on the preliminary plat.

(Code 1966, app. tit. II, § 6-7)

Secs. 50-323—50-335. - Reserved.

DIVISION 5. - FINAL PLAT

Sec. 50-336. - Conformity with approved preliminary plat.

The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time; provided that such portion conforms to all requirements of this article.

(Code 1966, app. tit. II, § 7-1)

Sec. 50-337. - Content and form.

- (a) Filing the final plat ~~with the planning commission~~ shall include the following:

- (1) At least 15 days prior to the meeting at which it is to be considered, the subdivider shall submit to the ~~planning commission~~ community development and planning office an electronic copy six copies of the final plat. Upon review and approval as required in Section 50-340, the subdivision agent shall prepare a staff report to the Planning Commission and schedule the consideration of the plat on the planning commission agenda and shall notify the subdivider of the time and place of the meeting. ~~he shall submit 13 copies plus three mylar reproducible copies.~~
- (2) ~~A letter of application containing the name and address of a person to whom notice of hearing may be sent.~~
- (23) A complete list of major deviations and revisions, if any, from the approved preliminary plat.
- (34) A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision and placed on the land by the subdivider.
- (5) ~~If any deed restrictions or restrictive covenants are proposed, there must be furnished a plan showing the proposed use of any restrictions on each lot within the subdivision and copies of the provisions and instruments whereby such use of building restrictions will be imposed.~~
- (46) A copy of the accepted agreement for providing the necessary utilities, if required.
- (57) ~~Three reproducible which shall be on a plastic mylar~~ Two signed copies of the final plat with the stamp of the surveyor and all original owner signatures shall be submitted to the community development office for city approval and signatures. An AutoCAD file in .dwg format shall be provided by the surveyor to the subdivision agent for transmittal to the GIS coordinator for mapping.

~~(b) Sheet design. The final plat or revision to a recorded plat shall conform in general with the preliminary plat and requirements therefor, as set forth in this article and standards for plats issued by the state library board. The original shall be drawn in black mylar-ink on appropriate weight paper or control pencil on reproducible plastic mylar measuring 18 inches by 24 inches and in landscape position on the paper. The plat shall be~~ at a scale of 100 feet equals one inch or larger. When two or more sheets are used, a key map shall be shown on each sheet. There shall be at least a one-fourth-inch margin on all sides. The copy filed with the clerk of the circuit court of the city shall have the stamp of the ~~engineer or~~ surveyor and all signatures shall be original signatures.

(Code 1966, app. tit. II, § 7-2)

Sec. 50-338. - Specific contents.

The final plat shall show:

- (1) The lines of all streets and roads, alley lines, lot lines, ~~building setback lines~~, lots numbered in numerical order, reservations, easements and any areas to be dedicated to public use or sites for other than residential use, with notes stating their purpose and any limitations.
- (2) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line ~~and building line~~, whether curved or straight. This shall include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
- (3) A note endorsed by the licensed surveyor ~~or civil engineer~~ setting forth the source of title of the owner of the land subdivided and the place of record and deed book and page numbers of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon the plat.
- (4) ~~The plat must meet minimum standards for land surveying practice as found in Title 18 of the Virginia Administrative Code. All dimensions to the nearest 100th of a foot and angles to the nearest minute.~~
- (5) ~~Location and description of monuments.~~ All plats shall be oriented to Virginia South State Plane Coordinates NAD83 grid north and have a least one (1) surveyed boundary point described with a Virginia South State Plane NAD83 coordinate being shown clearly on the plat.
- (6) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
- (7) Date, title, name and location of subdivision, graphic scale and true north point.
- (8) Location map to scale, showing site in relation to area.
- (9) ~~All boundary traverses including lot and block traverses shall close to an accuracy of at least one part in 5,000.~~
- (10) If any portion of the land being subdivided is ~~below the elevation of flood~~ in a floodplain district as defined in section ~~50-359(5)~~ 50-52(a), the limit of such flood plain shall be shown, including both floodway, flood-fringe, and approximated floodplain.
- (11) All permanent reference monuments shall be shown by the standards symbols given on the data sheet. Monuments of a type approved by the city engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, lot corners and other points, as shall be required by the city engineer.

(Code 1966, app. tit. II, § 7-3)

Sec. 50-339. - Filing regulations.

The final plat shall be deemed filed with the planning commission when it is filed with the ~~director~~ subdivision agent. ~~At the time of filing, a certificate of filing shall be furnished the applicant, which will include the time and date of filing. The final plat shall be prepared in accordance with this article and applicable city requirements by a registered engineer, surveyor and/or architect, including landscape architect, who is licensed under the laws of the state.~~ The planning commission shall have the authority to reject the final plat if, after study, the commission finds that it does not conform withto the approved preliminary plat or this article. If rejected, the commission shall provide the subdivider with a written statement specifying all the respects in which the plat does not conform. ~~Filing the final plat shall be accomplished at least ten days prior to the regular meeting of the planning commission at which it is to be considered.~~

(Code 1966, app. tit. II, § 7-4)

Sec. 50-340. - Approval by certain agencies and city officials.

The final plat shall not be approved by the planning commission unless ~~the planning commission first obtains~~ approval of the plat is provided by the director of health, utilities board, zoning administrator and the ~~engineer's office~~ city engineer. Such agencies and city officials shall approve, with or without modification, or disapprove the final plat to the extent to which each has jurisdiction. If disapproved, the agency or city official must provide a written statement of reasons for disapproval, citing paragraphs of this article violated ~~within 60 days of the time of submittal~~.

(Code 1966, app. tit. II, § 7-5)

Sec. 50-341. - Approval of final plat; ~~hearing~~.

Approval or disapproval of the final plat by the planning commission, ~~health department~~, utilities board, zoning administrator and city engineer shall be accomplished as soon as practical after the plat is filed with the planning commission. If the final plat is disapproved, the reasons therefor shall be stated in the resolution disapproving the same and the subdivider shall be so informed. The approval of the final plat shall not be deemed to constitute an acceptance by the city of any street or other ground shown upon the plat. No plat shall be acted upon by the planning commission without ~~affording a hearing thereon~~ consideration at a regular meeting or properly advertised special meeting of the commission, and notice of the time and place of such ~~hearing meeting~~ shall be sent by ~~registered or certified~~ regular mail to the subdivider not less than ~~nine~~ seven days before the date of such ~~hearing meeting~~.

(Code 1966, app. tit. II, § 7-6)

Sec. 50-342. - Final plat.

Upon satisfactory compliance with this article, approval by the planning commission and appropriate signatures have been obtained on the plat ~~a resolution of approval from city council~~, the final plat shall be presented to the office of the clerk of the circuit court of the city to be recorded and copies of the final plat shall be distributed in accordance with ~~the distribution schedule set forth in this article~~ Section 50-304. ~~The subdivision agent shall be responsible for the filing of the original copy in both hard and digital copies in department records in city hall and notification of the recording to appropriate city departments.~~

The approved final plat shall be recorded within 60 days from the date of the final plat approval; otherwise the approval of the final plat shall be deemed to have been withdrawn. Upon written

application, an extension of no more than 60 days may be granted by the planning commission, or subdivision agent.

(Code 1966, app. tit. II, § 7-7)

Sec. 50-343. - Proposed revisions; ~~distribution of additional copies.~~

- ~~(a) Proposed revisions to any recorded subdivision plat shall be treated as a new plat and subject to the requirements of this chapter. submitted as a preliminary plat in accordance with this article. In addition, a revision to a recorded plat shall show the name, phase, if any, date of the recorded subdivision plat being revised and the exact citation with regard to the city land records and the book and page number wherein such plat is recorded. A statement of revision from the original recorded plat shall be entered on the replat.~~
- ~~(b) The planning commission staff shall be responsible for the distribution of additional copies of the final plat to the other appropriate city departments.~~

~~(Code 1966, app. tit. II, § 7-8)~~

Sec. 50-344. - Vacation of ~~boundary lines~~plat or boundary line alteration.

~~Owners may relocate boundary lines in accordance with Code of Virginia, § 15.1-483.1, as amended, repealed, reenacted, or recodified from time to time, provided the plat is prepared as required by this article. Such plat may be approved by the director of community development and planning for filing and recording if the number of lots is not increased.~~

- ~~(a) Vacation. Code of Virginia, § 15.2-2278 sets forth that any plat of subdivision recorded in any clerk's office, may be vacated as outlined in the sections below, taken from Code of Virginia, § 15.2-2270 et seq. The effects of such vacations are outlined in Code of Virginia, § 15.2-2274.~~
- ~~(b) Boundary Lines. As allowed by Code of Virginia, § 15.2-2275, the boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as provided in this article or properly recorded prior to the applicability of this article, and executed by the owner or owners of the land. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein. This type of boundary line alteration in which no new lots are created shall be reviewed and approved by the subdivision agent and does not require planning commission approval.~~
- ~~(c) Interest to the city. Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to the city as a condition of the approval of a site plan may be vacated according to the two (2) methods listed in Code of Virginia, § 15.2-2270.~~
- ~~(d) Before sale of lot. An approved and recorded plat of subdivision, or part thereof, may be vacated prior to the sale of any lot therein by utilizing the procedures set forth in Code of Virginia, § 15.2-2271 with subsequent amendments thereto.~~
- ~~(e) After sale of lot. An approved and recorded plat of subdivision, or part thereof, may be vacated after the sale of any lot by utilizing one (1) of the two (2) methods specified in Code of Virginia, § 15.2-2272 and subsequent amendments thereto.~~
- ~~(f) Fees. As allowed by Code of Virginia, § 15.2-2273, the city council shall establish a fee for processing an application for vacation of plat under (d) and (e), and for the vacation of city interest under (c) . The filing fee shall be paid in accordance with the fee schedule established by the city council, as amended.~~

(g) Duties of the clerk. According to Code of Virginia, § 15.2-2276, the clerk in whose office any plat so vacated has been recorded shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.

(Ord. No. 95.07, 2-28-95)

Secs. 50-345—50-355. - Reserved.

DIVISION 6. - GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Sec. 50-356. - Streets.

- (a) Conformity to current VDOT Road Design Manual – Appendix B(1) Subdivision Street Design Guide, henceforth referred to as the “VDOT Manual.” All streets shall conform to the VDOT Manual, except as allowed in Section 50-358, and to the city comprehensive plan. ~~major thoroughfare plan. The location and width of all streets and roads shall conform to the official major thoroughfare plan and functional plan, which may include a major street plan within the city and/or a major road plan within the city and county region.~~
- (b) Relation to adjoining street system. ~~Any~~The proposed new streets ~~system~~ shall extend existing or proposed streets ~~projects~~ at the same or greater width, but in no case less than the regional ~~minimum~~ width required in the VDOT Manual.
- (c) Access streets to subdivision boundaries. Sufficient access streets to adjoining properties shall be provided in subdivisions to permit harmonious development of the area.
- (d) Street width. The minimum width of right-of-way, measured from lot line to lot line, shall be as hereinafter provided: the width necessary to accommodate all required roadway elements as hereinafter provided in the VDOT Manual, and extend at least one (1) foot behind any feature intended to be maintained by the city as part of the roadway. In no event shall the minimum width be less than forty (40) feet. Below are the general standards for road width based on roadway classification:
- (1) Arterial streets and highways, 80 to 150 feet, as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the major thoroughfare plan.
 - (2) Collector streets, 60 feet. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.
 - (3) Local streets, 50 feet. Minor [local] streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by local traffic.
 - (4) Frontage roads (streets), 50 feet. Frontage roads (streets) [are those] which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
 - (5) Dead-end streets (cul-de-sacs), ~~50~~ 40 feet. Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future. Through proposed business or commercial areas, the street width shall be increased ten feet on each side if needed to facilitate parking without interference of normal parking traffic.

Pursuant to the provisions of Code of Virginia, ch. 49, § 33.1-41.1, as amended, and as it may from time to time be amended, repealed, reenacted, or recodified, the planning commission may approve right-of-way and pavement widths for local, frontage and dead-end streets that conform to those set forth in the current edition of the Virginia Department of Transportation Subdivision Street Requirements in lieu of those set forth hereinabove.

- (e) *Additional width of existing streets.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.
- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 - (2) When the subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the centerline of the existing roadway shall be provided. In no case shall the resulting right-of-way width be less than ~~50 feet~~ 40 feet.
- (f) *Restriction of access to major roads.* When a tract fronting on a major road for a distance of 500 feet or more and an average depth from the major road of more than 350 feet is to be subdivided, the planning commission and/or city council may require such residential lots adjoining the major road to be provided with frontage on a secondary or interior street.
- (g) *Street elevations.* No street shall be approved which is more than two feet below the elevation of land subject to base flood elevation as defined in section ~~50-359(5)~~ Division 18 of this article. The planning commission may require, where necessary, profiles and elevations of streets in areas subject to flood. Fill may be used for streets, provided such fill does not ~~unduly increase flood heights~~ adversely affect the capacity of the channels and floodway of any watercourse, drainage ditch, or any other drainage facility. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood ~~height~~ levels.
- (h) *Intersection.* Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 60 degrees. ~~To permit the construction of a curb having a desirable radius, property line radii at all street intersections shall not be less than 35 feet. Where the angle of the street intersection is less than 90 degrees, the planning commission may require a greater radius. (See computations pertaining to class of street.) Streets must meet other design criteria for intersections found in the VDOT Manual.~~
- (i) *Street jogs.* Street jogs with centerline offsets shall not be allowed. There must be at least 150 feet between the centerlines of off-setting streets.
- (j) *Dead-end streets.*
- (1) Local streets ~~or courts~~ designed to have one end permanently closed shall be no more than 500 feet long, excluding the turn-around, unless ~~necessitated by topography it can be demonstrated the protection of existing terrain or environmental features would be better served by a longer street as opposed to an interconnected system of streets or if previous development precludes interconnected streets. They~~ Such streets shall be provided at the closed end with a circular turnaround having an ~~outside~~ roadway diameter (pavement) of at least ~~400-90~~ feet, and a street right-of-way diameter of at least ~~420~~ 110 feet or a cul-de-sac with an unpaved center that meets design criteria in the VDOT Manual.
 - (2) Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary circular turnaround having a roadway diameter (pavement) of at least 80 feet with necessary temporary easements. However, the planning commission may approve an alternative T-shaped or a branch type, paved ~~backaround turnaround~~ in place of the circular turnaround, providing it is determined that the street length is not more than 200 feet, that the topographic conditions dictate a lesser turnaround be provided, or that the development of the adjoining property is imminent. The minimum acceptable dimensions for alternative turn-arounds shall be in compliance with the VDOT Manual. T-shaped, paved space shall extend over the entire width of the street right-of-way and shall extend at least 25 feet along the right-of-way line to the boundary of the adjoining property. The planning commission may waive the temporary turnaround requirement when no lots front on such temporary dead-end streets.
 - (3) It shall be the responsibility of the subdivider of adjacent land to remove the pavement used in constructing temporary turnarounds and to begin construction of the street extension, at standard street specifications, so as to properly connect the two subdivisions. Furthermore, the subdivider

shall improve to standard VDOT specifications all unimproved rights-of-way leading to the subdivision from improved state roads or city streets unless, in the opinion of the planning commission, such improvement is an undue burden upon the subdivider.

- (k) *Private streets and reserve strips.* ~~There shall be no private streets platted in any subdivision.~~ Every subdivision property shall be served from a publicly dedicated street, and every individual lot within a subdivision shall front on a publicly dedicated street unless one of the exceptions listed for private streets as provided in section 50-358(b) applies. ~~There shall be no reserve strips controlling access to streets, except as provided in subsection (n) of this section. Private streets shall be permitted within PUD and R-T developments.~~ Such private streets shall meet the minimum design criteria pavement width criteria for minor residential streets set forth in section 50-381(2), and the pavement design criteria for minor residential streets (allowable capacity zero—1000) set forth in the VDOT Road Design Manual for subdivision streets appendix to this article, except that no right-of-way not necessary for pavement shall be required. In any case that a private street is allowed, a property owners' association shall be established with adequate provisions for the perpetual maintenance of the private streets and recorded as part of the covenants governing the subdivision. Minimum building setbacks shall be measured from the edge of pavement in such developments. There shall be no reserve strips controlling access to streets.
- (l) *Surface drainage.* All streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way of all streets and roads by grading and drainage as required by ~~Subdivision and Site Plan Requirements for Storm Drainage Systems, City of Bristol, Virginia, located in the appendix of this article~~ Article IV of this Chapter - Stormwater Management and Erosion and Sediment Control .
- (m) *Street Names.* Street names shall be approved and address numbers assigned by the city Geographic Information Systems (GIS) Division. Street names shall be in compliance with section 74-7. Street name signs will be installed at all intersections at locations in accordance with the recommendations of the city engineer or his or her designee.

(Code 1966, app. tit. II, § 8-1; Ord. No. 95.08, 2-28-95; Ord. No. 98.10, 5-26-98; Ord. No. 19-2, § 2, 1-22-19)

Sec. 50-357. - Blocks.

Blocks shall not be more than 1,000 feet in length, except as the planning commission considers necessary to secure efficient use of land.

(Code 1966, app. tit. II, § 8-2; Ord. No. 19-2, § 2, 1-22-19)

Sec. 50-358. - Lots.

- (a) *Adequate building sites.* Each lot shall contain a building site not located in a special flood hazard area subject to flood, as defined in section 50-~~52(a) and section 50-242359(5)~~, and outside the limits of any existing easement on building setback lines required in subsection (d) of this section.
- (b) *Arrangement.* Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of 50 feet upon a public street or road ~~which is not less than 50 feet in width~~ or the minimum width required for the zone in which the subdivision land is located with the following two exceptions:
- 1.- Exception 1: Within PUD and R-T ~~townhouse~~ developments, individual lots may front on private streets meeting the requirements of section 50-356(k) and shall front for a minimum width required in article II of this chapter for lots within such developments.

~~2.Exception 2:~~ Lots in manufacturing districts and business districts may front a private drive if developed as an industrial or business park. This private drive serving a manufacturing or business district shall be constructed to the current state department of transportation roadway design standards and specifications. ~~Travel lanes-Pavement width~~ shall be a minimum of 24 feet to accommodate two-way traffic. The private drive shall be separated from parking areas by physical barriers approved by the city engineer

- (c) *Minimum size.* The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer and provide a connection to each lot. Where a public sewer is not accessible, an alternate, approved method of sewage disposal may be used, when meeting all applicable public health regulations.
- (1) Residential lots that can be served by a public sewerage system shall meet the size requirements under article II of this chapter.
 - (2) Residential lots that cannot be feasibly ~~not~~ served by a public sewerage system shall meet the size requirements under article II of this chapter, and requirements of the state department of health for approval of subdivisions, including a soil evaluation by a qualified expert. Greater area may be required for private sewage disposal if, in the opinion of the health officer, there are factors of drainage, soil condition or other conditions to cause potential problems. The planning commission may require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.
 - (3) The minimum size of residential lots to be served by a private source of water supply shall be determined by the health officer after investigation of soil conditions, the proposed sewerage system and the depth of groundwater.
 - (4) Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
 - (5) The size and widths of lots shall in no case be less than the minimum requirements of any zoning ordinance in effect article II of this chapter.
 - (6) Any lot less than 170 feet in width shall not have a depth more than three times the width, unless authorized by the planning commission.
- (d) *Building setback lines and yard requirements.* The minimum depth of building setback lines from the street right-of-way line shall be governed by article II of this chapter, and subsection 50-356(k) as noted for private streets without right-of-ways.
- (e) *Corner lots.* Corner lots shall be governed by article II of this chapter and the sight distance requirements of this article.

(Code 1966, app. tit. II, § 8-3; Ord. No. 96.05, 4-9-96; Ord. No. 96.27, 12-10-96; Ord. No. 02.02, 2-26-02)

Sec. 50-359. - Public use and service area.

The planning commission shall have the authority to allocate certain areas, suitably located and of adequate size, for playgrounds and parks for local or neighborhood use as well as public service areas. These designated open space areas will be subject to maintenance and upkeep by the city's park and recreation department if approved by the city, or by the private property owners' association and so stated in the deed covenants for the subdivision.

- (1) *Public open space.* Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission is located in part in the applicant's subdivision, the planning commission may require

the reservation of such open space within the subdivision, but this section shall not be construed to require the subdivider to donate said land without just compensation.

It is strongly recommended by the planning commission and the park and recreation department that the subdivider set aside a certain parcel of the subdivision for recreation purposes.

(2) *Easement for utilities.*

- a. Except where alleys are permitted for the purpose, the planning commission shall require easements for all utilities, including but not limited to underground conductors, conduits, storm and sanitary sewers, gas, electric, water and heat mains, along side lot lines.
- b. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.
- c. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way along each side for the purpose of widening, deepening, relocating, improving or protecting such for drainage purposes.

(3) *Water supply and sewerage connections.* Where a public water supply or public sewerage system is reasonably accessible, the subdivider shall indicate a connection with such water supply or sewerage system and a water or sewerage connection for each lot with such material and to such size and length as shall be approved by the planning commission. Where a public water supply or public sewerage is not reasonably accessible or not planned for in the future, an alternate method of water supply or sewage disposal may be indicated and shall be approved in writing by the state health officer.

(4) *Community assets.* In all subdivisions due regard shall be shown for all natural features such as large trees, watercourses, historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

(5) *Suitability of the land.* The planning commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. Land subject to flooding or other uses which may increase danger to health, life or property or aggravate erosion or flood hazard shall not be platted for residential occupancy. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. Fill may not be used to raise land in areas subject to flood unless the fill proposed does not restrict the flow of water and unduly increase flood heights, and in compliance with Division 5 of Article II of this chapter.

(Code 1966, app. tit. II, § 8-4)

Sec. 50-360. - Large tracts or parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical future resubdivision.

(Code 1966, app. tit. II, § 8-5)

Sec. 50-361. - Group housing developments.

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

(Code 1966, app. tit. II, § 8-6)

Sec. 50-362. - Variances.

Variances may be granted where the planning commission ~~and/or city council~~ decides that there are topographical or other conditions peculiar to the site, and when strict adherence to the regulations would result in substantial injustice or hardship; and a departure from this article will not destroy its intent. Any variance thus authorized and the reasons therefor shall be stated in writing in the minutes of the planning commission.

(Code 1966, app. tit. II, § 8-7)

Sec. 50-363. - Zoning or other regulations.

- (a) No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance.
- (b) Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in article II of this chapter, building code or other official regulations, the highest standard shall apply.

(Code 1966, app. tit. II, § 8-8)

Secs. 50-364—50-375. - Reserved.

DIVISION 7. - DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

Sec. 50-376. - Required improvements.

Every subdivision developer shall be required to grade and improve streets and alleys and to install curbs, monuments, sewers, stormwater ~~facilities~~inlets and water mains, underground electric facilities and other utilities, in accordance with state or local specifications. If specifications have not been adopted by local authorities, the planning commission will accept specifications equal to those of the state department of transportation's road designs and standards; provided, that these specifications do not conflict with the standards set forth in this article. Where specifications adopted by local authorities conflict with standards as set forth in this article, the higher set of standards, as determined by the planning commission, shall govern.

(Code 1966, app. tit. II, § 9-1)

Sec. 50-377. - Monuments.

- (a) Concrete monuments four inches in diameter or four inches square, three feet long shall be set at all points where the street lines intersect the exterior boundaries of the subdivision, and at all angle points, point of curve and points of tangency. The monuments shall have a one-fourth-inch steel rod, 12 inches long set flush in top of the monument to identify properly the corner and/or location and shall be flush with the finished grade.
- (b) All other corners and points shall be marked with iron pipe or solid steel rod not less than one-half inch in diameter and 24 inches long and driven so as to be six inches above finished grade.

(Code 1966, app. tit. II, § 9-1.1)

Sec. 50-378. – Grading, Storm Drainage, and Roadway Construction.

All grading and storm drainage construction is subject to approval and permitting required by the city engineering department. Roadway construction shall meet VDOT design standards unless the engineering department determines a stricter standard is warranted. ~~streets, roads and alleys shall be graded or filled horizontally to such width as the planning commission deems necessary.~~

~~(1) — *Preparation.* Before grading is started, the entire right-of-way area, as required above, shall be cleared of all trees, stumps, roots, brush and other objectionable materials.~~

~~(2) — *Lots.* All tree stumps, boulders and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered, shall be scarified to a depth of 12 inches below subgrade.~~

~~(3) — *Fill.* A suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess materials including organic materials, soft clay, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed 12 inches loose and compacted 95 percent. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped; but, where water is used to assist compaction, the water content shall not exceed the optimum of moisture. The subgrade shall be constructed as specified by the Road and Bridge Specifications, Virginia Department of Highways, 1970, and latest revision thereto.~~

~~(Code 1966, app. tit. II, § 9-1.2)~~

~~Sec. 50-379. – Storm drainage.~~

~~An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by the Manning formula, but in no case shall the pipe be less than 15 inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. All drainage systems must be so designed as to provide the discharge of surface water as required by the Subdivision and Site Plan Requirements of Storm Drainage Systems, City of Bristol, Virginia.~~

~~(Code 1966, app. tit. II, § 9-1.3)~~

~~Sec. 50-380. – Roadway improvements.~~

~~Streets shall be constructed to the current state department of transportation design standards and specifications.~~

~~(Code 1966, app. tit. II, § 9-1.4; Ord. No. 96.26, 12-10-96)~~

Sec. 50-~~379~~-381. - Reserved.

Editor's note— Ordinance No. 98.09, adopted May 26, 1998, repealed § 50-381 in its entirety. Formerly, such section pertained to minimum pavement width and derived from App. Tit. II, § 9-1.5 of the 1966 Code.

Sec. 50-382. - Installation of utilities.

After grading is completed and approved and before any base is applied, all of the underground work, water mains, gas mains, underground electric facilities, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All electrical utilities shall be underground unless the property is currently served by overhead service or adverse conditions warrant a variance from the planning commission~~in accordance with utility board~~

~~requirements at the price differential between overhead and underground installation, unless adverse conditions warrant a variance from the planning commission and the utilities board.~~

(Code 1966, app. tit. II, § 9-1.6)

Sec. 50-383. - Water supply system.

- (a) Water mains properly connected with the community water supply system or with an alternate supply approved by the state health officer shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The size of water mains necessary to serve all lots with an adequate water supply for both domestic use and fire protection shall be determined and approved by Bristol Virginia Utilities (BVU) by the proper official. ~~However, in no case shall the water mains be less than six inches in diameter. Laterals which cannot be reasonably extended in the future may be decreased in size by the planning commission.~~
- (b) The location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall meet BVU requirements. ~~be approved by the planning commission, upon the recommendation of the utility board, and shall conform with accepted standards of good practice for municipal water systems.~~

(Code 1966, app. tit. II, § 9-1.6)

Sec. 50-384. - Guarantee in lieu of completed improvements.

No final subdivision plat shall be approved by the planning commission or accepted for record by the city registrar of deeds until one of the following conditions has been met:

- (1) All area improvements have been constructed in a satisfactory manner and approved by the city engineer ~~engineers' department.~~
- (2) The planning commission has accepted a security or performance bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city in the event of default of the subdivider. The conditions of such security or performance bond shall provide for the installation of the improvements covered by such land within a period of not to exceed one year; provided, however, that such period may be extended by the planning commission, with the consent of the parties thereto, if the planning commission finds that the public interest will not be adversely affected by such extension. If the planning commission shall decide at any time during the performance bond that the extent of the building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond, that required improvements have been installed as provided in this section in sufficient amount to warrant reduction in the face amount of such bond, or that the character and the extent of such development require additional improvements, the face value of such performance bond shall thereupon be reduced or increased by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements.
- (3) Performance bonds which are submitted in lieu of the installation of required improvements shall be in cash or made by a surety company authorized to do business in the state.
- (4) In the event the required improvements have not been made, the Planning Commission reserves the right to call on the bond to meet its obligations. A minimum 30-day notice will be given to the financial institution or surety company prior to this action.

(Code 1966, app. tit. II, § 9-2)

Secs. 50-385—50-395. - Reserved.

DIVISION 8. - PROVISIONS EFFECTIVE AFTER ADOPTION OF ARTICLE; PENALTIES

Sec. 50-396. - Making and recording of plat and compliance with ordinance required.

No person shall subdivide land in the city without making and recording a plat of such subdivision and without fully complying with the provisions of this article.

(Code 1966, app. tit. II, § 10-1)

Sec. 50-397. - Approval by planning commission or subdivision agent required.

No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the planning commission or in the case of a boundary alteration as specified in Section 50-344(b), approval by the subdivision agent. ~~The subdivision also must be approved by a resolution of approval from the city council.~~

(Code 1966, app. tit. II, § 10-2)

Sec. 50-398. - Sale or transfer involving use of unrecorded plat.

No person shall sell or transfer any such land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto; provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

(Code 1966, app. tit. II, § 10-3)

Sec. 50-399. - Penalties.

Any person violating the foregoing provisions of this division shall be subject to a fine of not more than \$~~5~~400.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

(Code 1966, app. tit. II, § 10-4)

Sec. 50-400. - Clerk of circuit court not to file or record plat prior to approval of such.

The clerk of the circuit court of the city shall not file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein.

(Code 1966, app. tit. II, § 10-5)

Secs. 50-401—50-410. - Reserved.

DIVISION 9. - AMENDMENTS

Sec. 50-411. - Recommendation of amendments by planning commission.

The planning commission on its own initiative may, or at the request of the city council shall, prepare and recommend amendments to this article; provided, that no such amendment shall be adopted by the city council without a reference of the proposed amendment to the planning commission for recommendation nor until 60 days after such references, if no recommendation is made by the planning commission.

(Code 1966, app. tit. II, § 13-1)

Sec. 50-412. - Notice of amendment.

No amendment to this article may be approved or adopted by the city council until after a notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the city. Such notices shall specify the time and place of hearing, at which time persons affected may appear and present their views, not less than ~~five~~^{six} days nor more than 21 days after final publication in compliance with the Code of VA 15.2-2204.

(Code 1966, app. tit. II, § 13-2)

Sec. 50-413. - Advertisement by reference.

Proposed amendments to this article need not be advertised in full, but may be advertised by reference. Each such advertisement shall contain a reference to the place or places within the city where copies of the proposed amendment may be examined.

(Code 1966, app. tit. II, § 13-3)

Secs. 50-414—50-~~435~~⁴³⁴. - Reserved.

DIVISION 10. - DEFINITIONS

Sec. 50-~~267~~435. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense; the singular includes the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this ordinance includes all ordinances amending or supplementing the same; and all distances and areas refer to measurement in a horizontal plane.

Alley means a public right-of-way, not intended to be a vehicular arterial or to provide the primary means of access to abutting property, but to be used for service access to the rear or side of properties otherwise abutting a public street.

Building setback means a line beyond which no foundation wall or part of the structure of any building shall project. Overhangs are part of the building and must meet the setback restrictions. All overhangs shall be shown.

~~*Boundary Alteration plat* means a plat of property that relocates or vacates an existing, recorded property line or lines, but does not create any new lot or lots, nor create any new right-of-way or easement.~~

Comprehensive plan means the comprehensive plan for the city, approved by the planning commission and/or the city council, which may consist of the general land use plan, ~~major thoroughfare transportation~~ plan and other maps, data and descriptive matter for the physical development of the urban area or any portion thereof, including any amendments, extensions or addition thereto, as adopted by the planning commission.

Crosswalk means a right-of-way, within a block, dedicated to public use for pedestrian use only and is so designed as to provide access to adjacent streets or lots.

Cul-de-sac means a street having only one end open for access to another street, the other end being terminated by a turnaround, as specified in this article.

Development means the act, process or state of erecting buildings, structures, making improvements or changing the topography of the land.

~~*Director* means the director of the planning commission.~~

Easement means a grant by the owner of land for use of such land by others, including the public, for a specific purpose.

~~*Health officer* denotes the fact that all matters pertaining to health regulations shall be directed to that officer or his assistant~~ means the appropriate authorizing official with the Virginia Department of Health.

Lot means a portion or parcel of land separated from other portions or parcels by description, as on a subdivision plat or record of survey map, or as described by metes and bounds and intended for transfer of ownership or for building development. For the purpose of this article, the term does not include any portion of a dedicated right-of-way.

Lot, corner, means a lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

~~*Lot, double frontage*, means an interior lot having frontage on two streets.~~

~~*Lot, interior*, means a lot other than a corner lot.~~

Lot, width, means the distance between the side lot lines, measured at the building line, parallel to the street right-of-way line.

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

Right-of-way means a portion of land being used, or in the future will be used, as a street, road, thoroughfare, crosswalk, pipeway, drainage canal and/or other similar uses and designated by means of right-of-way lines.

Sidewalk – A paved surface typically located adjacent to a roadway for use as a pedestrian walkway.

Street means a public right-of-way which provides vehicular access to abutting property. Streets are classified as arterial, collector, local, frontage, or dead-end streets.

- ~~(1) Major arterial street means a street which is designated on the major thoroughfare plan and which is intended to provide swift and safe movement of traffic.~~
- ~~(2) Secondary arterial street means a street which is designated as such on the major thoroughfare plan and which is intended to provide easy and convenient traffic movement.~~
- ~~(3) Collector street means a street which is designated as such on the major thoroughfare plan and which is intended to collect traffic from residential streets and direct it safely to secondary or major streets.~~
- ~~(4) Dead-end street means a street having only one end open for access to another street, the other end being abruptly terminated with no turnaround.~~
- ~~(5) Marginal access street means a street parallel to and adjacent to an arterial street, providing access to abutting properties and protection from through traffic.~~
- ~~(6) Residential street means a street used for local circulation in residential areas, providing access to abutting property.~~
- ~~(7) Street width means the total width of a strip of land, measured from lot line to lot line, which is dedicated or reserved for public travel including roadway, curbs, gutter, sidewalk and planting strips.~~

Subdivider means the person having such a proprietary interest in the land to be subdivided as will authorize the ~~maintenance of proceedings application and proceeding~~ to subdivide such land under this article, or the authorized agent of such person for the purpose of applying and proceeding under this article.

Subdivision means the division of a parcel of land into two or more lots for the purpose of transfer of ownership or building development. The term includes construction of any new streets, resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

~~However, the following shall be excluded from the definition provided that any and all new lots or parcels shall front a minimum of 50 feet on a street accepted into the city street system: A subdivision in which the total number of lots is not increased and the resultant combination of portions of previously platted lots shall conform to the provision of this article.~~

Major subdivision means the division of a parcel of land that does not meet the criteria of a minor subdivision, as defined by this section.

Minor subdivision means the division of land that meets the following criteria: 1) No more than three (3) lots will be created, including the original or residue tract; 2) All lots shall front on an existing developed public street that extends across the entire frontage of the lot; 3) No new streets are created by the plat; 4) The subdivision is served by public water and sewer and does not require the extension of public utilities.

Subdivision Agent means an appointee of the planning commission or city council charged with the administration of the subdivision application review process and authorized to approve certain plats, as described herein.

Tract means a portion of land with definite and ascertainable limits or boundaries.

Utility means any community service available to the public by means of an overhead or underground distribution or collection system, including but not limited to electricity, telephone, water, gas and sewerage disposal.

Utility board means the governing authority of any community service available to the public by means of an overhead or underground distribution or collection system, including but not limited to electricity, telephone, water, gas and sewerage disposal.

Zoning administrator means the ~~planning department director of the city~~ appointee of the city manager charged with the administration of the zoning regulations of the city.

Zoning regulations means article II of this chapter.

(Code 1966, app. tit. II, §§ 2-1—2-29; Ord. No. 95.01, 1-10-95)