



PLANNING COMMISSION MEETING

November 12, 2024 at 7:00 PM

Council Chambers – Town Municipal Center

AGENDA

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

APPROVAL OF MINUTES

REVIEW OF SUBDIVISION LOT REQUIREMENTS

1. Subdivision Requirements

ANNOUNCEMENTS OR COMMENTS

ADJOURN

Sec. 13. Subdivision defined.

13.01. The division of a parcel of land and the establishment of any condominium regime, into four or more lots or parcels less than three acres each for the purpose of transfer of ownership or building development, or if a new street or road is involved in such division, any division of a parcel of land. The term includes resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided; except that the following division of land shall not be deemed a subdivision:

- (a) The sale and exchange of parcels between adjoining landowners where such separation does not create additional building sites.
- (b) The release of a portion of the security of any mortgage or deed of trust, provided that any sale of property presented to any mortgage or deed of trust which would otherwise constitute a subdivision of land shall be subject to the provisions of this ordinance.
- (c) The division of any parcel occasioned by an exercise of eminent domain by any public agency.
- (d) The division of land made solely for bona fide agricultural or natural resource conservation purposes.
- (e) The division of land for sale or gift to a member of the owner's immediate family.

13.02. *Major subdivision defined.* A "major subdivision" is a subdivision as defined in subsection 13.01 above which complies with the following:

- (a) Creates 11 or more lots from a parcel or parcels of land.

13.03. *Minor subdivision defined.* A "minor subdivision" is a subdivision as defined in subsection 13.01 above, which does not meet any of the conditions of a major subdivision as defined in subsection 13.02 above.

Sec. 14. Major subdivision.

14.01. *Purpose.* The purpose of the major subdivision review process is to ensure that larger scale developments are fully reviewed by the planning commission for compliance with the provisions of this ordinance and other applicable county and state regulations.

14.02. *Procedure for review of a subdivision.*

- (a) Submittal of sketch plan (optional), zoning administrator review.
- (b) Submittal of preliminary (mandatory), zoning administrator approval.
- (c) Submittal of final (mandatory), planning commission approval.

Before the preparation of a subdivision plat or plan, a subdivider shall confer with the zoning administrator for the town council, relative to the regulations contained in this ordinance, the comprehensive plan, the zoning ordinance, and other applicable ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of the existing ordinance, plus any amendments which are pending at the time of the plan or plat preparation. A sketch plan for discussion purposes may be submitted at the conference and shall be optional at the developer's discretion and shall not be a prerequisite for any final approvals.

14.03. *Procedures for review of the preliminary plat.* The purpose of the preliminary plat is to provide for the formal review of the developer's detailed and engineered subdivision plans, by the zoning administrator, to determine what changes must be made prior to the submission of a final plat. Submission of preliminary plat is mandatory and is a prerequisite for approval of the final plat by the planning commission. The following procedure shall be used to review a preliminary plat:

- (a) The developer shall prepare an application on forms (addendum 3) available from the zoning administrator and shall prepare the preliminary plat and applicable supporting documents in accordance with the provisions of subsection 14.05 and section 16 hereof. The preliminary plat and plans shall be prepared and signed by a qualified surveyor or engineer as defined herein.
- (b) The developer shall submit four paper copies of the plat and supporting documents and three copies of the application along with the appropriate fees to the zoning administrator. (Please refer to addendum 2). The zoning administrator may request additional copies of the submission.
- (c) The zoning administrator shall check the submission for compliance with the requirements of this ordinance and other applicable ordinances. If deficiencies are found, the zoning administrator shall return the submission to the developer with notations of the additions or corrections needed.
- (d) Upon receipt of a complete submission, the zoning administrator shall distribute copies of the submission to the following agencies and officials who shall review the submission and forward their comments to the zoning administrator within 21 days:
 1. Highway engineer.
 2. Sanitarian, Eastern Shore Health District.
 3. Each utility company which would be responsible for providing utility service to the subdivision.
 4. Such other agencies as the zoning administrator believes appropriate, either for comment or information purposes.
 5. All abutting property owners shall be notified.
- (e) Upon the compliance with 14.03(d), the zoning administrator shall review the submission for compliance with comments received and return the preliminary submission to the applicant with a written statement referring to its approval or disapproval, with reason for disapproval within eight days of the time specified in subsection 14.03(d).
- (f) Upon an approval by the zoning administrator, the zoning administrator shall indicate to the applicant a date and time for review and action on the final plan or plat by the planning commission.

14.04. *Approval of the preliminary plat.* Subdividers shall have not more than 12 months after receiving official notification of approval to file with the zoning administrator a final subdivision plat in accordance with this ordinance. Failure to do so shall render preliminary approval null and void. The town council may, on written request by the subdivider, grant a one-year extension of this time limit.

14.05. *Information and drafting standards required for the preliminary plat.*

- (a) *Drafting standards.* The plat shall be drawn on one or more numbered sheets at a scale of 100 feet to the inch or less. Where conditions warrant, as determined by the zoning administrator, preliminary plats at one inch equals two hundred feet may be accepted. All drafting and lettering shall be clear and neat and drawn so as to be legible if the sheets should be reduced to half size. The plat shall clearly indicate which features are existing and which are proposed. The perimeter boundary line of the subdivision shall be shown as a heavy solid line. When more than one sheet is used, each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (b) *Surveying accuracy.* Distances shall be expressed in feet or meters and decimal parts thereof, and bearings shall be expressed in degrees, minutes and seconds. The data for all curves along road frontage shall be shown in detail on a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearing; all survey data shall show a closure with an accuracy of not less than one in 7,500.
- (c) *General data.* The preliminary plat shall state the following:

1. The title under which the subdivision is proposed to be recorded and the name and address of the record owner and subdivider and holders of any easements affecting the property. The plat shall also show the name of the individual responsible for the preparation of the plat; the date of drawing; number of streets; the north arrow; and the scale. The grid north of the Virginia State Coordinate System shall be used and tied to the National Geodetic Survey horizontal control marker.
2. A vicinity sketch map at a scale of one inch to 2,000 feet shall be included on the plat showing the relationship of the proposed subdivision to the adjoining property and the area within one mile showing all adjoining roads, their names, numbers, town boundaries, and subdivision, and other landmarks.
3. A topographic map compiled by either accepted field or photogrammetric methods with a contour interval of not greater than two feet showing all the area covered by the subdivision property related to coast and geodetic survey data showing the boundary lines of the tract to be subdivided, the floodplain and wetland limits delineated where applicable.
4. The location, width, and names of all existing or platted streets within or adjacent to the subdivision, easements, and land lot lines, total acreage in each use, both proposed and existing, including utilities and watercourses.
5. Location and dimensions of proposed streets, alleys, lots, building lines, and easements, including a boundary surveyor existing survey of record with a closing error not in excess of one foot in 10,000 feet.
6. All parcels of land intended to be dedicated or reserved for public use, or to be reserved in deed for the common use of property owners in the subdivision.
7. Areas shown in the comprehensive plan as proposed sites for schools, parks or other public uses, which are located wholly or in part within the land being subdivided.
8. Preliminary sketch plans indicating the provisions for all utilities, including but not limited to, the proposed method of accomplishing drainage, water supply, and sewage disposal. Preliminary sketch plans for any bridges or culverts that may be submitted.
9. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
10. The zoning classifications and proposed use for the area being subdivided.
11. Sedimentation and erosion control measures proposed on advice by the area conservationist of the Eastern Shore Soil and Water Conservation District of which the town is a member in accordance with the zoning ordinance.
12. The lot number, designated dimensions, and area of all lots.
13. Written and signed statements of the appropriate officials concerning the availability of gas, electricity, water and sewer to the proposed subdivision.
14. The developer shall submit a copy of any deed restrictions or private contracts that will be part of the sale or transfer of any lot within the subdivision.
15. The developer shall state how any common property or facilities within the subdivision such as private roads, joint driveways, waterfront structures and community association facilities will be improved, managed and maintained during and after the sale of the subdivision lots.

14.06. *Procedures for the review of the final plat.* The purpose of the final plat is to require formal approval by the planning commission, the roads engineer and the health officer, in keeping with submittal requirements for "major subdivisions" and before such subdivisions are recorded and lots sold or transferred.

The final plat shall be submitted conforming to the approved preliminary plat and any changes or conditions attached to its approval within one year of the receipt of notification of approval of the preliminary plat as specified under section 14.08. The following procedures shall be used to review a final plat:

- (a) The developer shall make application on forms (addendum 4) available from the zoning administrator and shall prepare a final plan and supporting documents in accordance with subsection 14.07 and section 16 hereof.
- (b) The developer shall submit three copies of the application and four paper copies of the final plat, plus four copies of any supporting documents, along with appropriate fees to the zoning administrator. If required for review purposes, the zoning administrator may request additional copies of the submission.
- (c) The zoning administrator shall check the submission for compliance with the ordinance and other applicable ordinances and with the approved preliminary plat and any conditions attached thereto. If deficiencies are found, return the submission to the developer with a notation of the additional information or corrections needed.
- (d) Upon receipt of a complete submission, the zoning administrator shall accomplish the following:
 1. Distribute copies of the submission to the roads engineer, the health officer, and each utility company which would be responsible for providing utility service to the subdivision and such other agencies as the zoning administrator believes appropriate.
 2. Establish a date and time for planning commission's review and inform the developer of such.
 3. Prepare a recommendation for planning commission consideration.
 4. Upon receipt of a favorable comment from the roads engineer and health officer, the zoning administrator shall secure the signatures of these two officials on the three paper copies of the final plat attesting that the final plat conforms with all applicable requirements of their respective departments. These signatures shall be prerequisites for planning commission approval.

14.07. *Information and drafting standards required for the final plat.*

- (a) The plat shall be drawn to the scale of 100 feet to the inch, and the sheet size for recording purposes shall not exceed 18 inches by 24 inches with a one-inch border on all sides. If the plat is reduced for recording purposes, the type size after reduction shall be no less than pica (ten characters per inch). The top of the sheet shall be approximately north. The plat shall be accompanied by certification from the public works director stating that the highway specifications as to streets, grades and drainage have been met. In addition to the requirements of the preliminary plat and plans, the final plat shall include the following:
 1. The name or number of the section if part of a larger tract.
 2. A statement that "The Subdivision of the land described herein is within the free consent and in accordance with the desires of the undersigned owner, proprietors, and trustees." The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgments of deeds.
 3. The plat shall bear a statement signed by the surveyor or engineer who prepared the plat setting forth the sources of title of the land to be subdivided and the place of record of the last

instrument in the chain of title. The statement shall also state that the plat has been accurately prepared in accordance with all applicable ordinances and state regulations.

4. The boundary lines of the area being subdivided shall be determined by an accurate field survey with bearings shown in degrees, minutes and seconds to the nearest ten seconds and dimensions to the area shown in feet to the nearest hundredth of a foot to an accuracy to one in 10,000. Total area of each proposed use plus floodplain delineation shall be shown.
5. Streets shall be named, but shall not duplicate existing or platted street names unless the new street is a continuation of an existing or platted street. All dimensions both linear and angular for location of lots, streets, alleys, public easements, and private easements; the linear dimensions shall be expressed in feet to the hundredths of a foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten seconds. All curves shall be defined by their radius, central angle, tangent distances, chord bearing and length and arc lengths. Such curve data shall be expressed by a curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
6. Lot numbers in numerical order and block identification.
7. Location of all minimum building setback lines specified in the zoning ordinance, with the area, in square feet, of lots indicated for each individual parcel.
8. Location and type of material of all permanent reference monuments. Monuments found or installed shall be indicated prior to plat recordation and may be referenced if permanent and undisturbed.
9. A definite bearing and distance tie shown between not less than two permanent monuments on the exterior boundary of the subdivision and further ties to existing street intersections where possible and reasonably convenient.
10. Date, north arrow and the drainage district in which the division of land lies.
11. Restrictions imposed by the governing body and their period of existence. Should these restrictions be of such length as to make their lettering on the plat impractical, and does not necessitate the preparation of a separate instrument, reference shall be made thereto on the plat.
12. Signature panels shall be provided for the chairman of the town planning commission, the zoning administrator, and for the health officer and the resident highway engineer.
13. Temporary cul-de-sacs where needed. When one or more temporary turnarounds are shown, the following 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 (street name) is/are extended to (street name) at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining property owners in accordance in specific provisions in their respective deeds.
14. Supporting data shall include previously approved plans for drainage of streets, including cross sections and profiles; water supply and sewage disposal, including drainage courses and name; sedimentation and erosion control measures; existing sewers, water mains, culverts, and other underground structures within the tract showing all pipe sizes, invert elevations, grades and computations; and deed restrictions and maintenance agreements stating how common property and facilities, including private roads and easements, within the subdivision will be improved, managed and maintained, as may be required by the governing body or its agent.
15. Monuments after recording of plat: No monuments other than the permanent control monuments required in section 18.07 of this ordinance shall be required to be set before the

recording of the plat or the conveyance of land by reference to plat if the land surveyor includes in his certification on such plat that any additional monuments required by this ordinance shall be set on or before a specified later date. The placement of any monument at any time after the recording of the plat shall be established both at law and in equity, at prorated positions as determined from direct remeasurements between the established monuments of record rather than as precisely stated or shown on the recorded plat.

- (b) Bonding requirements. All improvements to be dedicated to public use and maintained by the locality, the commonwealth, or other public agency shall be bonded before approval of the final plat or construction.
1. In keeping with the above, the owner or developer shall:
 - a. Construct the public improvements and certify to the governing body that the construction costs have been paid to the person constructing such facilities in compliance with the requirements of the appropriate approving public agency or office.
 - b. Furnish to the town council a certified check, cashier check, savings certificate, a bank's or saving and loan association's letter of credit on certain designated funds or certificate of deposit payable to the town in the amount of the estimated cost of construction, or a bond with surety satisfactory to the town council in such an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities, and the contractor's bond, with like surety, in like amount and so conditioned or real estate (at 75 percent of assessed value with no liens). (See addendum 6).
 2. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.
 3. If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event a governing body of a county, wherein the highway system is maintained by the state department of transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the state highway system, then the governing body may require the subdivider or developer to furnish the town with a maintenance of such road until such time as it is accepted into the state highway system. In lieu of such bond, the governing body may accept a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the governing body as the bank or savings and loan association, the amount and the form. "Maintenance of such road" shall be deemed to mean maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects of damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.
 4. The developer shall set a time, subject to the approval of the governing body, or its agent, by which it is estimated the improvements shall be installed or completed. Unless an extension of that time is approved by the town council, or its agent, and a new estimated date of completion

established, the town council or its agent shall take the necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling on the surety of the bond. No building permit shall be issued until final approval of the plat and all inspections have been made.

5. Upon the completion of the installation of all subdivision improvements, the subdivider shall furnish a statement under oath that all construction conforms to the requirements of this ordinance and the plan as approved by the town council or its agent, to the best of its knowledge and belief.
6. When all required improvements have been properly inspected and certified satisfactory, the town council or its agent shall release or cancel the bond as the case may be, except that the town council or its agent may retain ten percent of the bond or bonds after completion of the construction work to insure that such work was properly installed; and to be held until such time as the roads are accepted into the secondary system of roads of state department of transportation.
7. Upon written request of the developer, the town council may release or cancel a portion of the bond to reflect the satisfactory completion of a usable portion of the required improvements, as outlined below. The town council has 30 days after receipt of such written request to release any bond, escrow, letter of credit, or other performance guarantee required by the governing body unless the governing body or its designated administrative officer notifies the subdivider or developer in writing of nonreceipt of approval by applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the 30-day period.

If no such action is taken by the governing body or administrative agency within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail return receipt to the chief administrative officer of such governing body. The governing body or its designated administrative agency shall act within ten working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

No governing body or administrative agency shall refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by said bond, escrow, letter of credit or other performance guarantee.

Upon written request by the subdivider or developer, the governing body or its designated administrative agency shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than 80 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, or after completion of more than 80 percent of said facilities. The governing body or administrative agency shall not be required to execute more than three periodic partial releases in any 12-month period. Upon final completion and acceptance of said facilities, the governing body or administrative agency shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operation and maintenance by the state agency, local government department of agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

14.08. *Effect of recordation of the final plat.* Upon the recordation of final plat, and only after such recordation, the developer may transfer or sell lots included within such final plat, and the developer may exhibit such final plat in promoting the sale of such lots. Furthermore, the developer or a subsequent owner may acquire a building permit for construction on a lot covered by such final plat. In all advertising of lots covered by a final plat, the developer shall:

- (a) State whether officially approved water and sewerage facilities are available or not.
- (b) State whether roads are public or private.
- (c) State whether the lot is located in the floodplain.

14.09. *Improvements required to be provided in a major subdivision.* The following improvements shall be provided by the developer in a major subdivision as a prerequisite for recordation of the final plat, as may be required:

- (a) Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the state department of transportation and/or the town, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary system, and with the expressed written agreement of the subdivision agent, private roads satisfying the following requirements or criteria.
 1. Street width and right-of-way. If there is to be "no parking on street" then there shall be a minimum of 18 feet of pavement width and a 30 foot right-of-way.

If there is to be parking on one side of the street then there shall be a minimum of 24 feet of pavement width and a 36 foot right-of-way.

If there is to be parking on both sides of the street then there shall be a minimum of 28 feet of pavement width and a 40 foot right-of-way.

Larger widths may be required by the subdivision agent as deemed necessary due to use volumes, traffic densities, the inclusion, or engineering judgment.
 2. Road structure. Paved surfaces shall be constructed in accordance with the current edition of the Virginia Department of Transportation (VDOT) "Pavement Design Guide for Subdivision and Secondary Roads." Other surface materials may be approved for use by the subdivision agent if they are deemed appropriate for the soil characteristics and the intended use of the road.
 3. Location. Placement of streets will be considered in relation to existing and planned streets as well as pedestrian or other uses. Land use permits shall be required for connections to public roads.
 4. Cul-de-sacs. An adequate turnaround shall be provided at the end of each cul-de-sac, with additional right-of-way required as needed.
 5. Sidewalks, curbs, gutters and driveway aprons. Concrete structures shall be installed within the right-of-way and conform to the specifications of the Town of Chincoteague Drawing Number 35, "Miscellaneous Concrete Work." If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.
 6. Drainage. The developer shall provide the subdivision agent with an engineer's drawing for approval depicting elevations, impervious surfaces and proposed drainage facilities. The developer shall construct all drainage facilities in accordance with the requirements of the current edition of the VDOT Drainage Manual. If those requirements are not possible to fulfill, they may be waived by the subdivision agent. When required drainage construction necessitates

an easement through property outside the right-of-way, such easement shall be obtained by the developer and shall not be less than ten feet in width. If the development site includes a drainageway that is considered vital for the stormwater management of areas outside the subdivision, the subdivision agent may require the developer to deed a maintenance easement to the town.

7. Traffic control. Signage and other traffic control devices shall be required in accordance with the current edition of the U.S. Department of Transportation, Federal Highway Administration's "Manual on Uniform Traffic Control Devices." 911 signs shall be installed at intersections and street names subject to town approval. The acquisition and installation costs for traffic control devices will be borne by the developer. If a traffic signal is required, it shall be installed at the developer's expense and in accordance with the requirements of the VDOT resident engineer.
8. Utilities. Easements and utility installations shall be designed in accordance with the current requirements of this Code as well as any other applicable governmental body, agency or utility provider. It shall be the developer's responsibility to obtain all necessary permits or approvals.
9. Street lights. Installation of street lights may be required by the subdivision agent at intersections to public roads. Installation shall be the responsibility of the developer and completed in a manner that meets the current requirement of the town, VDOT and the electric utility.
10. Performance and surety bonds. Performance and surety bonds shall be required in a form mandated by the subdivision agent.
11. Maintenance. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially obligated to maintain such private road in a manner that preserves the conditions created by the above requirements and criteria as deemed necessary by sound engineering judgment.
12. Other conditions. In making the determination whether to require public roads or permit private roads in any subdivision and the enforcement of the requirements or criteria set forth above, the subdivision agent shall give consideration to the number of lots involved in said subdivision, the relationship of said road to existing or planned roads, traffic density and volume, the convenience and safety of the public as well as the lot owners in the proposed subdivision, and to other considerations that may have a specific application to the proposed development site. In making the determinations required hereunder the subdivision agent shall consult with the roads engineer and other sources as deemed necessary. The subdivision agent reserves the right to require the developer to obtain professional engineering or consulting services as deemed necessary.
13. The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on sound engineering judgment.
 - (a) [Reserved].
 - (b) Drainage improvements.
 - (c) Installation of water and/or sewer mains, if public service is available.
 - (d) Surveying monuments.
 - (e) Street signs on public roads.
 - (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.

- (g) Maintenance of parking bay and accessway. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units, or an association comprised of such owners shall be financially obligated to maintain such parking bays and/or accessways in such manner that reasonably preserves their conditions as required by the provisions of appendix A, zoning, article VI, section C, parking, of this Code, and which actions would include but not be limited to, fixing potholes and eliminating prolonged water ponding, or other conditions as deemed reasonably necessary by sound engineering judgment.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

(Adopted 9-4-2007; Amended 9-18-2008)

Sec. 15. Minor subdivisions.

15.01. *Purpose.* The purpose of the minor subdivision is to insure that every new lot created receives at least administrative review to insure that it meets applicable town and state regulations. It is the intent of the minor subdivision review process to keep the town abreast of development activity and to prevent the creation of unusable, hazardous, unsanitary, inconvenient or uneconomical lots.

15.02. *Procedure for review of minor subdivisions.*

- (a) The procedure for review shall be the same as that for major subdivision, except that the final approving authority shall be the zoning administrator.
- (b) The requirement for the preliminary plat approval is waived; however drafting and surveying requirements of the preliminary plat will be required in addition to the requirements for plat submittal for final approval.

15.03. *Improvements, information and drafting standards required for minor subdivision plat.* The improvements, information and drafting standards required for minor subdivisions shall be the same as those required for major subdivision.

15.04. *Effect of recordation of the final plat.* Upon the recordation of final plat, and only after such recordation, the developer may transfer or sell lots included within such final plat, and the developer may exhibit such final plat in promoting the sale of such lots. Furthermore, the developer or a subsequent owner may acquire a building permit for construction on a lot covered by such final plat. In all advertising of lots covered by a final plat, the developer shall:

- (a) State whether officially approved water and sewerage facilities are available or not.
- (b) State whether roads are public or private.
- (c) State whether the lot is located in the floodplain.

15.05. *Improvements required to be provided in a minor subdivision.* The following improvements shall be provided by the developer in a minor subdivision as a prerequisite for recordation of the final plat, as may be required:

- (a) Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the state department of transportation and/or the town, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does

not intend such roads to be added to the secondary system, and with the expressed written agreement of the subdivision agent, private roads satisfying the following requirements or criteria.

1. Street width and right-of-way. If there is to be "no parking on street" then there shall be a minimum of 18 feet of pavement width and a 30 foot right-of-way.

If there is to be parking on one side of the street then there shall be a minimum of 24 feet of pavement width and a 36 foot right-of-way.

If there is to be parking on both sides of the street then there shall be a minimum of 28 feet of pavement width and a 40 foot right-of-way.

Larger widths may be required by the subdivision agent as deemed necessary due to use volumes, traffic densities, the inclusion, or engineering judgment.
2. Road structure. Paved surfaces shall be constructed in accordance with the current edition of the Virginia Department of Transportation (VDOT) "Pavement Design Guide for Subdivision and Secondary Roads." Other surface materials may be approved for use by the subdivision agent if they are deemed appropriate for the soil characteristics and the intended use of the road.
3. Location. Placement of streets will be considered in relation to existing and planned streets as well as pedestrian or other uses. Land use permits shall be required for connections to public roads.
4. Cul-de-sacs. An adequate turnaround shall be provided at the end of each cul-de-sac, with additional right-of-way required as needed.
5. Sidewalks, curbs, gutters and driveway aprons. Concrete structures shall be installed within the right-of-way and conform to the specifications of the Town of Chincoteague Drawing Number 35, "Miscellaneous Concrete Work." If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.
6. Drainage. The developer shall provide the subdivision agent with an engineer's drawing for approval depicting elevations, impervious surfaces and proposed drainage facilities. The developer shall construct all drainage facilities in accordance with the requirements of the current edition of the VDOT Drainage Manual. If those requirements are not possible to fulfill, they may be waived by the subdivision agent. When required drainage construction necessitates an easement through property outside the right-of-way, such easement shall be obtained by the developer and shall not be less than ten feet in width. If the development site includes a drainageway that is considered vital for the stormwater management of areas outside the subdivision, the subdivision agent may require the developer to deed a maintenance easement to the town.
7. Traffic control. Signage and other traffic control devices shall be required in accordance with the current edition of the U.S. Department of Transportation, Federal Highway Administration's "Manual on Uniform Traffic Control Devices." 911 signs shall be installed at intersections and street names subject to town approval. The acquisition and installation costs for traffic control devices will be borne by the developer. If a traffic signal is required, it shall be installed at the developer's expense and in accordance with the requirements of the VDOT resident engineer.
8. Utilities. Easements and utility installations shall be designed in accordance with the current requirements of this Code as well as any other applicable governmental body, agency or utility provider. It shall be the developer's responsibility to obtain all necessary permits or approvals.
9. Street lights. Installation of street lights may be required by the subdivision agent at intersections to public roads. Installation shall be the responsibility of the developer and completed in a manner that meets the current requirement of the town, VDOT and the electric utility.

10. Performance and surety bonds. Performance and surety bonds shall be required in a form mandated by the subdivision agent.
11. Maintenance. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially obligated to maintain such private road in a manner that preserves the conditions created by the above requirements and criteria as deemed necessary by sound engineering judgment.
12. Other conditions. In making the determination whether to require public roads or permit private roads in any subdivision and the enforcement of the requirements or criteria set forth above, the subdivision agent shall give consideration to the number of lots involved in said subdivision, the relationship of said road to existing or planned roads, traffic density and volume, the convenience and safety of the public as well as the lot owners in the proposed subdivision, and to other considerations that may have a specific application to the proposed development site. In making the determinations required hereunder the subdivision agent shall consult with the roads engineer and other sources as deemed necessary. The subdivision agent reserves the right to require the developer to obtain professional engineering or consulting services as deemed necessary.
13. The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on sound engineering judgment.
 - (a) [Reserved].
 - (b) Drainage improvements;
 - (c) Installation of water and/or sewer mains, if public service is available;
 - (d) Surveying monuments;
 - (e) Street signs on public roads; and
 - (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.
 - (g) Maintenance of parking bay and accessway. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units, or an association comprised of such owners shall be financially obligated to maintain such parking bays and/or accessways in such manner that reasonably preserves their conditions as required by the provisions of appendix A, zoning, article VI, section C, parking, of this Code, and which actions would include but not be limited to, fixing potholes and eliminating prolonged water ponding, or other conditions as deemed reasonably necessary by sound engineering judgment.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

(Adopted 9-4-2007; Amended 9-18-2008)