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* **Editor's note**— Printed in this appendix is the pamphlet on the subdivision regulations of the town dated July 1977, as adopted. Amendments to the pamphlet as amended are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original pamphlet. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference— Any ordinance adopting subdivision regulations saved from repeal, § 1-10(18); buildings and building regulations, ch. 14; environment, ch. 18; floods, ch. 30; zoning, app. B.

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ARTICLE 1. TITLE

Sec. 1.1. [Specified.]

This ordinance shall hereinafter be known, cited, and referred to as the "Subdivision Ordinance of the Town of Damascus, Virginia."

ARTICLE 2. AUTHORITY

Sec. 2.1. [State law.]

This ordinance is adopted pursuant to the authority of Code of Virginia, § 15.2-2240 et seq.

ARTICLE 3. JURISDICTION

Sec. 3.1. [Limits.]

The provision [provisions] of this ordinance shall apply to all land within the incorporated Town of Damascus, Virginia.

ARTICLE 4. PURPOSE

Sec. 4.1. [Specific purposes.]

This ordinance is adopted for the following purposes:

- 1) To promote the public health, safety, convenience, comfort, prosperity, and general welfare;
- 2) To further the orderly layout and use of land;
- 3) To provide a guide for the change that occurs when land and acreages become urban in character as a result of development for residential, business, or industrial purposes;
- 4) To avoid unplanned concentrations of population;
- 5) To bring about the coordination of streets within subdivisions with other existing and planned streets;
- 6) To provide for the safe and efficient circulation of traffic;
- 7) To avoid hazardous intersections and other dangerous conditions;
- 8) To establish construction standards for streets and other improvements;
- 9) To provide for adequate drainage;
- 10) To provide for adequate light and air;
- 11) To facilitate adequate provision [provisions] for transportation, water, sewerage, school, parks, playgrounds, and other public requirements in a safe, adequate, and efficient manner;

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- 12) To ensure proper legal description and proper monumenting of subdivided land and assure [ensure] that the purchasers of lots are buying a commodity that is suitable for development and use;
- 13) To facilitate the further resubdivision of tracts or parcels of land.

ARTICLE 5. RULES, INTERPRETATIONS, AND DEFINITIONS

Sec. 5.1. Rules.

In the interpretation of this ordinance, the rules contained in this section shall be observed and applied.

- 1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and plural the singular;
- 2) The word "lot" includes the words "plot" and "parcel";
- 3) The word "shall" is mandatory and not discretionary;
- 4) The word "may" is permissive;
- 5) The word "approve" shall be considered to be followed by the words "or disapprove";
- 6) The masculine gender includes the feminine and neuter;
- 7) Any reference to this ordinance includes all ordinances amending or supplementing the same; and
- 8) All distances and areas refer to measurement in a horizontal plane.

Sec. 5.2. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

5.2-1. Where the conditions imposed by any provisions of this ordinance upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

5.2-2. This ordinance is not intended to annul any easement, covenant, or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of this ordinance shall govern.

5.2-3. For the purpose of this ordinance, certain words and terms shall be interpreted as follows:

- 1) The word "town" shall mean the Town of Damascus, Virginia.
- 2) The word "council" shall mean the governing body of the Town of Damascus, Virginia.
- 3) The words "planning commission" shall mean the planning commission of the Town of Damascus, Virginia.
- 4) The words "highway department" shall mean the Virginia Department of Highways and Transportation.

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- 5) The words "comprehensive land use plan" shall mean the comprehensive plan of the Town of Damascus, Virginia, when adopted.
- 6) The words "zoning ordinance" shall mean the Zoning Ordinance of the Town of Damascus, Virginia, when adopted.
- 7) The words "performance bond" shall mean the bond from a surety company authorized to conduct business in the Commonwealth of Virginia, in an amount sufficient for and conditioned upon the construction of all improvements stipulated by the town.

Sec. 5.3. Definitions.

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

Administrator or agent. The official designated by the town council to administer and enforce all provisions of this subdivision ordinance.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage and access is on a street.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of the Town of Damascus.

Building. Any structure built for the support, shelter, or enclosure of [a] person, animal, chattel, or movable property of any kind, and which is permanently affixed to the land.

Building setback line. A line in front of which the erection of any portion of a building is prohibited.

Cul-de-sac. A local public street having only one outlet, with an appropriate turnaround for the safe and convenient reversal of traffic.

Developer. An owner of property being subdivided, whether or not represented by an agent.

Easement. A grant by the property owner of the use of land for a specific purpose or purposes.

Engineer or surveyor. A person or firm licensed by the Commonwealth of Virginia to survey property.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of watercourses or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain. The land lying adjacent to a stream which is subject to periodic inundation by floodwaters.

Floodway. The natural stream channel and the portion of the floodplain along the channel which must be reserved solely for the passage of floodwaters to prevent an increase in flood heights of more than one foot [0.3048 meter] upstream.

Floodway district. The area defined as such on the Tennessee Valley Authority High Water Profiles Map, Laurel and Beaverdam Creeks, Vicinity of Damascus, Virginia.

Floodway fringe area. Areas lying outside the floodway district but within the areas subject to flood as defined in section 8.2-1.

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Floodproofing. Any combination of structural or nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, structures and their contents.

Frontage. The length of the property line of any lot, lots, or tract of land measured along a public street, road, or highway against which land abuts.

Grade. The slope of a road, street, or other public way, specified in percent and shown on street profile plans as required herein.

Grade, landing. The grade required on streets entering major thoroughfares, at points of intersection, as specified herein.

Health officer. The appropriate health director or sanitarian of Washington County, Virginia.

Highway engineer. The resident engineer employed by the Virginia Department of Highways and Transportation serving Washington County, Virginia.

Improvements. Public utilities, circulation and drainage facilities, including but not limited to [the following]: streets; storm and sanitary sewer systems; curbs and gutters; culverts, catchbasins and other drainage structures; water lines and fire hydrants; sidewalks; and street signs.

Jurisdiction. The area or territory subject to the legislative control of the governing body.

Lot. A numbered and recorded portion of a subdivision intended for transfer or for building development for a single building and its accessory building.

Lot, butt. A lot at the end of a block and located between two corner lots.

Lot, corner. A lot abutting two or more streets at their intersections; 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. The mean (average) horizontal distance between the front and rear lot lines.

Lot, interior. A lot other than a corner lot.

Lot, through. A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot, width of. The horizontal distance between the side lines of a lot measured along the front at the setback line.

Maximum probable flood. A flood which may reasonably be expected to occur. For the purposes of this ordinance, the maximum probable flood is further defined as follows:

Along Laurel and Beaverdam Creeks the flood elevation and the land covered by the maximum probable flood as shown on the TVA plates, "High Water Profiles, Laurel and Beaverdam Creeks, Vicinity of Damascus, Virginia," and all subsequent revisions thereto which are made a part of this ordinance. (See appendix 1.)

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this ordinance.

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Pedestrian way or crosswalk. A right-of-way across, along, or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk, or otherwise designated, and which may include utilities.

Planning department. The planning commission of the Town of Damascus, Virginia.

Property. Any piece, tract, lot, parcel of land or several of the same collected together for the purpose of subdividing.

Recordation. The recording of the approved final plat by the Washington County Clerk of the Court.

Resubdivision. An authorized change in property lines of a recorded subdivision.

Right-of-way. A piece or strip of land set aside for use as a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another public use.

Roadway. That portion of a street used by vehicular traffic.

Street. A public right-of-way which offers a primary means of vehicular access to properties, or provides for through traffic, whether designated as a highway, parkway, turnpike, street, avenue, road, boulevard, thoroughway, land, place, or any other thoroughfare. A street shall be deemed the total length and width of the strip of land dedicated for public travel, including such improvements as may be required.

Streets, arterial. Those streets used primarily for heavy or fast traffic and from which direct access to abutting property may be restricted or prohibited.

Streets, collector. Those streets which carry traffic from local streets to the major system of arterial streets, including the principal entrance streets of a residential development and certain streets for circulation within such development.

Streets, local. Those streets which are used primarily for access to abutting properties.

Streets, marginal-access. Minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.

Structure. Anything constructed or erected on the ground, or attached to the ground, including but not limited to the following: fences, walls, mobile homes, sheds, buildings, and storage tanks.

Subdivider. An individual, corporation, or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in the planning, negotiating, representing, or executing the legal requirements of the subdivision.

Subdivision. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or of building development, including all changes in street or lot lines and the creation of any new street or easement. This term includes resubdivision. The following shall not be deemed a subdivision:

- 1) The sale or exchange of adjacent property between adjoining lot owners, where such sale or exchange does not create additional building sites.
- 2) The division of land into parcels of two acres or more not involving any new street or easement.
- 3) A division of agricultural land for agricultural purposes or for a building site for members of the immediate family owning such agricultural land, which does not involve any new street or easement.

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Town engineer. The person designated as such by the town.

Watercourse. Any depression serving to give direction to a current of water, having a bed and well-defined banks, where the drainage area above the same is ten acres [4.047 hectares] or more in extent provided that it shall, upon the rule or order of the planning commission, also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continual basis but may be intermittent resulting from the surface runoff of rainfall.

ARTICLE 6. ADMINISTRATION*

Sec. 6.1. Administrator.

The administrator (planning commission), as appointed by the governing body, is hereby delegated to administer this ordinance. The administrator shall be considered the agent of the governing body and approval or disapproval by the agency shall constitute approval or disapproval as though it were given by the governing body.

6.1-1. *Duties.* The administrator shall perform all duties regarding subdivision and subdividing in accordance with this ordinance and applicable state authority.

6.1-2. *Consultation.* In the performance of duties, the administrator may call for opinions or decisions, either verbal or written, from town officials and the governing body in considering details of any submitted plat.

6.1-3. *Additional authority.* In addition to the regulations herein contained for the platting of the subdivision, the administrator may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this ordinance.

Sec. 6.2. Enforcement.

6.2-1. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the administrator in accordance with the provisions of this ordinance and duly recorded in the circuit court clerk's office located in the Washington County Courthouse.

6.2-2. No building permit shall be issued for the construction of any building or structure to be located on a lot created or established in violation of the regulations of this ordinance.

6.2-3. No plat of the subdivision shall be approved which does not comply with all applicable provisions of this ordinance.

Sec. 6.3. Appeals.

Any persons, firm, or corporation aggrieved by the administrator's objection to a plat or a failure to approve a final plat may appeal to the governing body of the Town of Damascus. All such appeals shall be brought before the council and a decision announced by that body within 15 days following the objection or rejection of the plat by the administrator. If this 15-day appeal period does not contain or include a scheduled

* **Cross reference**— Administration, ch. 2.

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meeting of the council, a special session shall be required. The town council may direct that the final plat be approved if it finds that the action of the administrator was arbitrary, unreasonable, or discriminatory. Appeals from the decision of the council shall be taken to the circuit court having jurisdiction.

[Sec. 6.4. Reserved.]

Sec. 6.5. Amendments.

This ordinance may be amended in whole or in part by the governing body of the Town of Damascus. The planning commission may on its own initiative, or at the request of the council, prepare and recommend amendments to the subdivision ordinance. No such amendment shall be adopted by the governing body without a reference of the proposed amendment to the planning commission for recommendation, nor until 60 days after such reference, if no recommendation is made by the planning commission. No such amendment shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two successive weeks, and the last notice at least six days but not more than 21 days prior to the hearing.

Sec. 6.6. Violations and penalties.

Any person or persons violating the provisions of this ordinance shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold.

Sec. 6.7. Fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the administrator. The fees for processing subdivision plats shall be established by the governing body. The fees are payable to the treasurer of the Town of Damascus upon submission of the preliminary plat to the administrator.

ARTICLE 7. PROCEDURE FOR SUBDIVISION APPROVAL

Sec. 7.1. General guide.

7.1-1. Preliminary plat.

- 1) The subdivider shall prepare a proposed preliminary plat, including a proposal for the installation of improvements and intended dedication or reservation of public lands, and shall file a letter of transmittance of the plat with the administrator.
- 2) The administrator shall obtain the required recommendations from the Virginia Department of Highways and other public agencies. A written statement shall be obtained from the Washington County Sanitary District stating the availability of water to the proposed subdivision. The amount of water available to the proposed subdivision shall be stated in terms of gallons per day and gallons per minute. After applying the provisions of this ordinance, he shall tentatively approve or disapprove the plat, or approve it with modifications. Written findings shall be reported to the subdivider. The administrator shall reserve the right to review the preliminary plat at any time within six months of the date of approval.

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7.1-2. *Final plat.*

- 1) Within six months of the date of approval of the preliminary plat, the subdivider shall prepare and submit to the administrator the final plat incorporating all required modifications to the preliminary plat. The subdivider shall file three reproductions thereof. Failure to do so shall make the preliminary plat approval null and void. The administrator may, on written request by the subdivider, grant an extension of this time limit.
- 2) The administrator shall review said plat to determine if all requirements of the preliminary approval have been met. A final review shall be conducted by the administrator in coordination with the town engineer, county health officer, and other appropriate public agencies for recommendations as to whether or not their requirements for public utilities, highway plans, easements, drainage facilities, etc., have been addressed.
- 3) The administrator shall approve or reject the final plat within 30 days of the subdivider's submission of the final plat to the administrator unless the subdivider is notified of objections to the plat or the time is extended by agreement of the administrator with the subdivider.

7.1-3. *Recorded plat.* Within 60 days of the date of the approval of the final plat, the subdivider shall submit to the administrator one reproductive print and two copies of the approved final plat. Failure to do so shall make final approval void and shall cause such approval to be withdrawn. The administrator shall, within 15 days of this submission, certify that these plats are identical to the final plat as approved by him and shall forward them to the mayor. The mayor shall within the same 15-day time period accept and sign the final plat on behalf of the town and shall cause one reproducible print to be filed with the Circuit Court Clerk of Washington County, one copy with the mayor's office of the town, and one copy with the appropriate county building inspector. If the administrator determines that the plats, when submitted, are not identical to the approved final plat, he shall notify the subdivider and the plats shall be corrected to the extent of their difference. If required, the subdivider shall be granted an additional 15 days in which such corrections are to be made and all required plats recorded. After proper recordation, the subdivider may proceed to develop and sell the lots of his subdivision.

Sec. 7.2. Disposition of preliminary plat.

The administrator shall, within 60 days of the receipt of an application for the approval of a preliminary plat, tentatively approve or disapprove the plat, or approve it with modifications.

Sec. 7.3. Necessary changes.

No changes, erasures, or revisions shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the report has been endorsed in writing, unless authorization for such change has been granted in writing by the administrator.

Sec. 7.4. Required improvements.

The subdivider shall at his expense install street and utility improvements, and other improvements indicated on the plat, as hereinafter provided. The cost of engineering design, checking, drafting, and field inspection is to be borne by the subdivider. Furthermore, the subdivider's bond shall not be released until all construction has been inspected and approved by the appropriate official.

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ARTICLE 8. - GENERAL REQUIREMENTS

Sec. 8.1. Physical features.

In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical, and similar features.

Sec. 8.2. Unsuitable land.

No land which is held by the administrator, after consultation with appropriate officials, to be unsuitable shall be subdivided. Such determination should be based upon adverse earth or rock formation or topography, or any other reason likely to be harmful to the health, safety, or welfare of the future residents in the proposed subdivision or the present residents of the adjoining community. Land within any floodway district shall not be platted for residential occupancy or other building site and shall not be raised by fill. Other lands subject to flood may be platted for use only if filled to such height as will secure a building site at least one foot [0.3048 meter] above the level of the maximum probable flood, based on data submitted by the subdivider and prepared by licensed engineers, surveyors, or architects, provided such fill does not endanger lives or property, or restrict the flow of floodwater, or increase flood heights upstream.

8.2-1. *Land subject to flood.* In applying the provisions of this ordinance, land subject to flood shall be defined as follows:

Along Laurel and Beaverdam Creeks, the land lying below elevation of the Maximum Probable Flood as shown on the TVA plates, "High Water Profiles, Laurel and Beaverdam Creeks, Vicinity of Damascus, Virginia." (See appendix 1.)

Sec. 8.3. Dedication of land for public use.

8.3-1. *Acceptance of dedication.* When a final plat of a subdivision has been approved and all other required approvals are obtained and the plat is recorded, such recordation shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public use, including street dedications.

8.3-2. *Rejection of dedication.* Whenever a preliminary plat includes a proposed dedication of land for public use and the administrator finds that such land is not required or not suitable for public use, the administrator may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to exclude such land.

Sec. 8.4. Preservation for public spaces.

8.4-1. *Preliminary plat to accommodate planned public spaces.* The administrator shall require that a subdivider set aside land for a proposed street, highway, or parkway, or proposed site for a park, playground, or other public use as may be indicated in the "Town of Damascus Comprehensive Land Use Plan." Such space shall be suitably incorporated by the developer into his subdivision plat after proper determination of its necessity by the administrator and the appropriate town officer or other public agency involved in the acquisition and/or use of each such site.

8.4-2. *Acquisition of land for public use.* The administrator shall consider all preliminary plats and plans or studies related thereto, to determine the need for acquisition for public use of any of the land included in

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the preliminary plat. If such studies or plans do relate thereto, the administrator may refer the plat to the public body concerned with acquisition for its consideration and reply. The administrator may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's reply, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and the estimate of the time required to complete the acquisition. Upon receipt of an affirmative reply, the administrator shall designate on the preliminary plat that area proposed to be acquired by the public body.

Sec. 8.5. Large tracts.

Where land is subdivided into larger parcels than normal building lots, whenever possible, such parcels shall be arranged in a way that future resubdivision is feasible.

Sec. 8.6. Vacation of a recorded subdivision.

No subdivision or any lot lines in a subdivision may be changed, altered, or vacated except as provided in Code of Virginia, §§ 15.2-2271—15.2-2276.

Sec. 8.7. Resubdivision.

A resubdivision of all or any part of a recorded subdivision may not be made or recorded until submitted to and approved by the administrator.

Sec. 8.8. Reserved areas prohibited.

Unless as described in section 8.4-2 of this ordinance, no area within a proposed subdivision or resubdivision shall be set aside for future use or otherwise carry the designation "Reserved."

Sec. 8.9. Advertising standards.

A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to the following items:

- 1) Whether officially approved water and sewage [sewer] facilities are available or not;
- 2) The amount of officially approved water available to each lot purchaser in terms of gallons per day.

Sec. 8.10. Allowable error of closure.

The maximum allowable error of closure shall be as stipulated by the Virginia Association of Surveyors.

ARTICLE 9. PRELIMINARY PLAT

Sec. 9.1. Application for approval.

Written application for approval shall be submitted by the owner. All such applications shall accompany the preliminary plat and shall contain the following information:

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9.1-1. *Name for file identification.*

- 1) Name of the subdivision if property is within an existing subdivision.
- 2) Proposed name of the subdivision if property is not within a previously platted subdivision. Any such proposed name shall not duplicate the name of any existing or proposed subdivision in the Town of Damascus.

9.1-2. *Location and description of property.* Location of property by parcel number or numbers as designated on Washington County Tax Maps.

9.1-3. *Basic facts and proposals pertaining to the property.*

- 1) Size in acres of the entire tract to be subdivided.
- 2) Size of existing lots, if any, in square feet per lot.
- 3) Number of proposed lots, in square feet per lot.
- 4) Area of lots proposed: minimum, average, and maximum.
- 5) Proposed type of water and sewer facilities.
- 6) Any other proposals, such as parcels of land intended to be dedicated, conveyed, or reserved for public use, and the conditions proposed for each such disposal and use.

9.1-4. *Right-of-way and easement information.*

- 1) Citation of an existing legal right-of-way easement affecting the property.
- 2) Existing covenants on the property, if any.

Sec. 9.2. The drawing.

The administrator may request that all preliminary plats for subdivisions featuring apartments, townhouses, or condominium construction be drawn at a scale of one inch equaling 50 feet [1cm = 15.24m]. All other subdivisions shall be drawn at a scale of one inch equaling 100 feet [1cm = 30.48m]. Scale variations may be made upon request, at the discretion of the planning commission. The preliminary plat shall accurately show on its face the following information:

- 1) Proposed subdivision name or identifying title and location.
- 2) Name, address, and telephone number of the owner, the subdivider, and the surveyor or engineer preparing the plat.
- 3) Date of drawing, graphic scale, number of sheets, and true north point or magnetic north point with magnetic declination of the appropriate year.
- 4) Location and names of all adjoining subdivisions and the names of the owners of any adjacent unsubdivided property.
- 5) Boundaries of the land being subdivided shown in heavy outline, with the approximate dimensions of the property and the approximate acreage contained therein; all existing property lines within the tract with all names of such owners.
- 6) Location, names, and widths of all existing and/or platted streets, alleys, easements, railroad and utility rights-of-way, parks, cemeteries, parking spaces, watercourses, permanent buildings, bridges,

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other public ways and open spaces, and any additional feature deemed as pertinent data by the planning commission.

- 7) Location, names, and widths of all proposed streets and rights-of-way including alleys, easements for water and sewer mains and other public utilities.
- 8) Reference to accompanying profiles of all proposed streets and alleys, showing the proposed grade lines thereon and typical cross sections if such profiles and cross sections are required by the planning commission.
- 9) Location and area of all property proposed to be dedicated for public use and the conditions, if any, of such dedication.
- 10) Layout, numbering, and approximate dimensions of all proposed lots or parcels.
- 11) Location of and proposed connections with existing sanitary sewers and water supply or alternate means of sewage disposal and water supply; location of existing culverts and other underground structures within or adjacent to the tract.
- 12) Location of proposed sanitary sewers, culverts, other storm drains, and water mains.
- 13) Proposed building setback lines along all streets including the minimum amount of setback required.
- 14) Contours at intervals of not more than five feet [1.52 meters] or at more frequent intervals if required by the agent for land with unusual topography.
- 15) Approximate radii of curves and central angles on all streets.
- 16) Delineation of the maximum probable floodplain as established by the Tennessee Valley Authority.
- 17) Reference to accompanying statements concerning any proposed covenants to be imposed by the owner.
- 18) Location of necessary benchmarks and source of topography.

ARTICLE 10. FINAL PLATS

Sec. 10.1. Final plat may constitute all or a part of the approved preliminary plat.

A final plat may include all or any part of the area contained in the approved preliminary plat, provided that the public improvements to be constructed in the area covered by the final plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for health, safety, convenience, and general welfare of said area's anticipated inhabitants and for adequate access to contiguous areas.

Sec. 10.2. The drawing.

The final sheet(s) shall be 17 inches by 21 inches [43.18cm × 53.34cm] in size and shall be drawn to the same scale of the approved preliminary plat. Such scale shall in no case be more than 100 feet to the inch [30.48m to 1cm]. The final plat shall conform to the requirements of the approved preliminary plat and shall show on its face the following information:

- 1) Subdivision name and location.
- 2) Name, address, and telephone number of the owner and the subdivider; name of the licensed professional engineer or surveyor responsible for the plat's preparation.

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- 3) Source of title. Certificates signed by the engineer or surveyor setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title.
- 4) Certificate of owner's consent and dedication. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owner, to be signed by the owner, and duly acknowledged before some officer authorized to take acknowledgement of deeds.
- 5) Surveyor's certificate. A statement certifying that to the best of the surveyor's (or engineer's) knowledge and belief all of the requirements of the governing body and ordinances of the Town of Damascus, Virginia, regarding the platting of subdivisions within the town, have been complied with.
- 6) Date, scale, and true north point or magnetic north point with magnetic declination of the appropriate year.
- 7) Boundaries of the land being subdivided with accurate dimensions and bearings and the exact acreage contained therein; also the boundaries and acreages of any parcels within the subdivision which are separately owned. In all measurements on the plat, linear dimensions shall be expressed in feet and hundredths of a foot while all bearings shall be expressed in degrees, minutes, and seconds.
- 8) Accurate location and dimensions of all existing and proposed street rights-of-way, alleys, lot lines, easements, and other public ways for widths, bearings, and lengths.
- 9) Data for all curves in existing and proposed street rights-of-way, alleys, lot lines, easements, and other public ways to be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- 10) All street names.
- 11) Names of property owners of adjoining unsubdivided land and names of any adjacent subdivision.
- 12) Accurate location and dimensions of all existing and proposed parks and other public areas, watercourses, and any areas reserved for public acquisition within the proposed subdivision.
- 13) Sufficient data acceptable to the planning commission to readily determine on the ground the location, bearing, and length of all other lines of demarcation.
- 14) Accurate locations and descriptions of all reference monuments.
- 15) Building setback lines with minimum required setback.
- 16) Total number of lots included on the plat.
- 17) All lots in each block consecutively numbered.
- 18) Delineation of all established floodplains.
- 19) Location of the property to be subdivided by section and parcel numbers as designated on the Washington County Tax Maps.
- 20) All notes pertinent to the owner's and/or developer's intentions for planned land use, water and sewer systems, curbs, gutters, easements, areas of lots, etc.
- 21) Reference to accompanying statement concerning any proposed covenants to be imposed by the owner.
- 22) A blank oblong space three inches by five inches [7.62cm × 12.7cm] reserved for the use of the approving authority.

ARTICLE 11. DESIGN STANDARDS

Sec. 11.1. Conformance to applicable rules and regulations.

In addition to the design standards established herein, all subdivision plats shall comply with the following plans, laws, rules, and regulations:

- 1) The comprehensive land use plan of the Town of Damascus and amendments thereto.
- 2) Rules and regulations and construction specifications and standards of the Washington County Building Inspector.
- 3) The rules and regulations of the state health department relating to sewage disposal if the subdivision is not served by a public sewer.
- 4) The applicable provisions of the Virginia [Uniform] State [Statewide] Building Code.
- 5) Rules and regulations of the Virginia Department of Highways pertaining to streets and roads.

Sec. 11.2. Streets and alleys.

11.2-1. *General considerations.* Streets shall be designed and located in relation to existing, planned, or platted streets on adjoining plats, to existing topographical conditions and natural terrain features such as streams and vegetation, to public safety and convenience, and in appropriate relation to the proposed use of land to be served by such streets.

11.2-2. *Arrangement.*

- 1) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
- 2) Proposed streets in the subdivision shall be extended to the tract's boundary lines with adjacent tracts, unless such extension is prevented by topography or other physical conditions, or unless such extension is found by the administrator to be unnecessary or undesirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Where such extensions provide access to adjacent tracts not yet subdivided, temporary turnarounds shall be provided at the end of such streets.
- 3) Local streets shall be laid out so as to conform to the existing topography and shall be designed to discourage through traffic, to permit efficient drainage and utility systems, to require the minimum number of streets necessary for the provision of safe and convenient access to property, and to create desirable building sites.
- 4) Where such use will result in a more desirable layout, the rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, U-shaped streets, and culs-de-sac shall be encouraged.
- 5) All arterial streets shall be properly related to population densities, the pattern of existing and proposed land uses, and special traffic generators such as industries, business districts, schools, churches, and shopping centers.
- 6) Streets and other accessways in business and industrial developments shall be planned with relation to the grouping of buildings, truck loading and maneuvering areas, location of rail facilities, and the provision of alleys, walks, and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

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11.2-3. *Railroads and highways.* Subdivision of land adjacent to railroad right-of-way and limited-access highways shall be dealt with as follows:

- 1) In areas of business, commercial or industrial use, the nearest street extending parallel or approximately parallel to a railroad or limited-access highway shall, wherever practicable, be at a sufficient distance therefrom to ensure adequate lot depth for commercial or industrial sites.
- 2) Streets parallel to a railroad or limited-access highway and intersecting with a street which crosses same railroad or limited-access highway at a grade shall, whenever practicable, be at a distance no less than 150 feet [45.72 meters] from the railroad or limited-access highway right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

11.2-4. *Access to arterial streets.* Where a subdivision borders on or contains an existing or proposed arterial street, the administrator may require that certain measures be taken so as to reduce the impact of heavy traffic in residential areas and to afford separation of through and local traffic, through one or more of the following means:

- 1) In the subdivision of lots so as to back onto the major street and front onto a parallel local street (reverse frontage), access from the major street shall be prohibited.
- 2) Where appropriate, a series of culs-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street (see 1) above), with the rear lines of their terminal lots backing onto the arterial street, shall be utilized.
- 3) Marginal-access areas or service drives shall be separated from the arterial street by a planting or grass strip, and connecting therewith at infrequent intervals.
- 4) The number of residential streets entering a major street shall be kept to a minimum by providing no more than one direct connection to such an artery for each 50 planned dwelling units in the subdivision.

11.2-5. *Street right-of-way width.* The right-of-way width of all streets shall be determined by the administrator upon recommendation by the highway engineer, except that:

- 1) No street shall have a right-of-way width less than 40 feet [12.19 meters].
- 2) Right-of-way widths for collector streets and local streets in nonresidential (commercial or industrial) subdivisions shall not be less than 50 feet [15.24 meters].
- 3) In no case shall the right-of-way width of an arterial street be less than 80 feet [24.38 meters].

11.2-6. *Culs-de-sac or dead-end streets.* All culs-de-sac or dead-end streets shall terminate in a turnaround having a minimum right-of-way diameter of 100 feet [30.48 meters]. Such streets should not be longer than 500 feet [152.4 meters], exclusive of the turnaround. Where the curvature or slope of a cul-de-sac street does not make obvious the dead-end characteristics, an appropriate street sign shall be placed at the street entrance.

11.2-7. *Half-streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid half-streets where possible. Where a half-street is adjacent to a new subdivision, the other half of the street will be dedicated by the subdivider. Where a new subdivision abuts on an existing street of inadequate right-of-way, additional right-of-way width may be required to be dedicated by the subdivider in order to meet the requirements of this section.

11.2-8. *Construction requirements.* All street construction requirements shall be acceptable to the Virginia Department of Highways and Transportation.

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11.2-9. *Street intersections.*

- 1) Streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees) as topography and good design permit. A proposed intersection of two new streets at an angle of less than 60 degrees shall be prohibited. Not more than two streets shall intersect at any one point.
- 2) Proposed new intersections along one side of an existing street shall coincide with any existing intersection on the opposite side of such street. Intersections of local streets with centerline offsets of less than 100 feet [30.48 meters] shall be prohibited. Where streets intersect with arterial or collector streets, their centerlines shall be continuous or shall be separated by a minimum distance of 300 feet [91.44 meters].
- 3) Intersections shall be designed with a flat grade wherever practicable. In no case should the grade within the intersection exceed 11 percent.
- 4) A leveling area should, where topography will permit, be provided at the approach of an intersection with an arterial or major collector street having no more than five percent grade for a distance of 50 feet [15.24 meters], measured from the nearest right-of-way line of the intersecting street.
- 5) Where any street intersection will involve earth banks and vegetation that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to provide a minimum sight distance of 200 feet [60.96 meters] along each approach leg, measured from the nearest right-of-way line of the intersecting street.
- 6) The minimum corner pavement width at all street intersections shall not be less than 35 feet [10.67 meters]. Furthermore, the right-of-way line at corner lots shall be flared and shall be defined by a chord line connecting the two points on the intersecting right-of-way lines which are located a distance of not less than 20 feet [6.1 meters] from the right-of-way intersection point.
- 7) The administrator, upon the advice of the highway engineer, may request that a vision easement be established at those corner lots which present a hindrance to the safe traffic movement due to obstruction of vision present on such lot. Said easement shall regulate the construction, planting, or maintenance of signs, fences, walls, telephone booths, bus shelters, hedges and other natural growth, or any other obstruction to vision.
- 8) Alley intersection with streets and abrupt changes in street or alley alignment shall have the corners rounded off in accordance with standard engineering practice, to permit safe vehicular movement.

11.2-10. *Private streets and reserve strips.* There shall be no privately maintained streets platted in any subdivision. All subdivided property shall be served by a publicly dedicated and accepted street. Reserved strips restricting access to streets, alleys, public ways, and easements shall not be permitted.

11.2-11. *Alleys.*

- 1) Alleys shall be provided in the side or rear of lots to be used for business and industrial purposes; except that the administrator may waive this requirement where other definite and suitable provision is made for service access, such as off-street parking and loading, consistent with and adequate for the uses proposed.
- 2) The width of alleys shall not be less than 20 feet [6.1 meters].
- 3) Dead-end alleys will be permitted only at the discretion of the administrator, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at their terminus.
- 4) Alleys shall not be permitted in residential areas.

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11.2-12. *Street names.* Proposed streets which are already in alignment with other existing and named streets shall bear the name of the existing street. In no case shall the name of proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, court, etc.

11.2-13. *Identification signs.* Street identification signs of a uniform design approved by the administrator shall be installed at intersections.

Cross reference— Streets, sidewalks and other public property, ch. 50.

Sec. 11.3. Easements.

11.3-1. *Utility easements.* Easements of not less than ten feet [3.05 meters] in width shall be provided for water, sewer, power lines, and other public utilities in the subdivision. Such easements shall be designed and laid out so as to assure [ensure] continuity for utilities from block to block and to adjacent property. All such utility easements shall be kept free of permanent structures and shall, wherever the terrain permits, be covered on rear or side lot lines.

11.3-2. *Drainage easements.* Where a subdivision is traversed by a watercourse drainage way, channel, or stream, there shall be provided a stormwater right-of-way or drainage easement conforming substantially to the lines of such watercourse. Drainage easements for primary runoff shall be a minimum of ten feet [3.05 meters] in width. When a channel is provided, the width of the easement shall be the width of the channel. Additional easement width may be required along either side of a channel when the town engineer deems such necessary for adequate surface drainage and stormwater flow.

Sec. 11.4. Blocks.

11.4-1. *Residential blocks.*

- 1) Blocks in residential areas shall be of sufficient width to provide for two tiers of lots of minimum depth. Exceptions to this prescribed block width shall be permitted where topographical conditions or size or property prevent such a design or in blocks adjacent to schools, parks, arterial or collector streets, railroads, shopping centers, or waterways. In such cases, the administrator may approve a single tier of lots of minimum depth.
- 2) Blocks, in general, should not be longer than 1,600 feet [487.68 meters] nor less than 400 feet [121.92 meters] in length.
- 3) Blocks along arterial or collector streets should, where conditions or topography permit, not be less than 1,000 feet [304.8 meters] in length.
- 4) In any residential block more than 800 feet [243.84 meters] in length, a pedestrian way or crosswalk of not less than ten feet [3.05 meters] in width may be required by the administrator where deemed essential to provide circulation or convenient access to schools, playgrounds, shopping centers, transportation or other community facilities. All crosswalks, if required, shall be located as near as possible to the center of such blocks.

11.4-2. *Nonresidential blocks.* Blocks designed for business, commercial, or industrial uses shall not be longer than 1,600 feet [487.68 meters] nor less than 500 feet [152.4 meters] in length.

Sec. 11.5. Water facilities.

Where public water is adequate and sufficient, the service shall be extended by the subdivider to all lots within a subdivision, including fire hydrants. All design standards and specifications for water, construction,

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and improvements shall be in accordance with the criteria of the Washington County Sanitary District and the state waterworks regulations.

Cross reference— Utilities, ch. 54.

Sec. 11.6. Sewerage [sewer] facilities.

Where public sewerage [sewer] facilities are available, the service shall be extended to all lots within a subdivision and septic tanks will not be permitted. Every such subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications of the Virginia State Health Department.

Cross reference— Utilities, ch. 54.

Sec. 11.7. Privately owned water and/or sewerage [sewer] facilities.

Where public water and/or sewerage [sewer] facilities are not available, privately owned water and/or sewerage [sewer] facilities shall be required. All installations shall meet all the requirements of the state water control board, the state health department, and any other state or local regulation having authority over such installation.

Cross reference— Utilities, ch. 54.

Sec. 11.8. Septic tanks.

The administrator shall not approve any subdivision where sanitary sewers are not provided unless the agent shall receive in writing from the county health department a statement to the effect that the area contained in the subdivision is satisfactory for the installation of septic tanks and that they will not, so far as can be determined, create hazards to public health.

Sec. 11.9. Lots.

11.9-1. *Size and area.* The minimum lot size and lot area in any subdivision shall be in accordance with the following provisions:

- 1) *Lot size.* Lots in proposed subdivisions served by both public water and public sewer systems shall conform to the lot size requirements of the zone in which the subdivision is located.
- 2) *Lot size — Public sewer.* Residential lots served by a public sewer but not a public water system shall be 90 feet [27.43 meters] or more in width and shall contain an area of not less than 15,000 square feet [1,393.5 square meters].
- 3) *Lot size — Public water.* Residential lots served by a public water system but not a public sewer system shall be 100 feet [30.48 meters] or more in width and shall contain an area of not less than 15,000 square feet [1,393.5 square meters].
- 4) *Lot size — Neither public water nor sewer.* Residential lots served by neither public water nor public sewer systems shall be 100 feet [30.48 meters] or more in width and shall contain an area of not less than 20,000 square feet [1,858 square meters].
- 5) *[Lot size—Greater lot areas due to potential health problems.]* Greater lot areas may be necessary where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil condition, or other conditions to cause potential health problems. The administrator shall require that data from soil studies and, when requested by the health official,

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percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal. These tests and soils studies shall be performed by or under the supervision of the health official.

- 6) [*Lot size—Exclusion of roads, water, easement.*] Satisfaction of lot dimension shall not be achieved by including land covered by roads, water, or flowage easements.
- 7) [*Lot size—Measurement of frontage of certain lots.*] Where lots abut a cul-de-sac or U-shape turn, frontage shall be measured at the building setback line.

11.9-2. *Shape.* The lot arrangements, design, and shape shall be such that all lots will provide satisfactory and desirable building sites and be properly related to topography and the character of surrounding development while conforming to the regulations of this ordinance. Lots shall not contain peculiar shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

11.9-3. *Location and orientation.*

- 1) Each lot shall front on or abut a publicly dedicated street with a right-of-way not less than 40 feet [12.19 meters] wide.
- 2) If the existing right-of-way is not 40 feet [12.19 meters] in width, the subdivider shall make provisions in the deed to the lots for all buildings to be so constructed as to permit the widening by dedication of such right-of-way to a width of 40 feet [12.19 meters].
- 3) Lots shall be laid out so as to provide drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- 4) Double-frontage (through lots) and reverse-frontage lots shall be avoided, except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

11.9-4. *Corner lots.*

- 1) Corner lots shall have extra width to permit appropriate building setback from the orientation to both streets as determined by the administrator.
- 2) No corner lot or lots shall be resubdivided to face another street unless all established building setbacks are observed on both streets.

11.9-5. *Side lines.* Side lot lines should be approximately at right angles to street lines or radial to curved street lines.

11.9-6. *Remnants.* All remnants of lots below minimum size left over after [the] subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

11.9-7. *Separate ownership.* Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership.

11.9-8. *Off-street parking and delivery facilities.* Properties laid out for business, commercial, or industrial purposes shall be designed specifically for such purposes with adequate space set aside to provide for off-street parking and/or delivery facilities required by the type of use and development contemplated.

Sec. 11.10. Monuments.

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Permanent reference monuments must be installed by the subdivider and shall meet these minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the administrator are clearly visible for inspection and use.

- 1) *Location — concrete.* Concrete monuments four inches [10.16 centimeters] in diameter or square, at least 24 inches [60.96 centimeters] long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at angle points, and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- 2) *Location — iron pipe.* All other lot corners shall be marked with an iron pipe not less than three-fourths inch [1.9 centimeters] diameter and 24 inches [60.96 centimeters] long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches [10.16 centimeters] deep in the rock, into which shall be cemented a steel rod one-half inch [1.27 centimeters] in diameter, the top of which shall be flush with the finished grade.

Sec. 11.11. Sidewalks.

Where, in the opinion of the administrator, sidewalks are necessary to safeguard the safety of pedestrians, sidewalks at least five feet [1.52 meters] in width shall be provided on one or both sides of all arterial streets and on all other streets within or adjacent to a subdivision for such distances as individual conditions dictate.

Sec. 11.12. Fire hydrants.

The installation of adequate fire hydrants in a subdivision shall be required by the administrator. All water system installations shall be in accordance with all rules, regulations, and construction standards of the Washington County Sanitary District and any other state or local regulation having authority over such installation.

Cross reference— Fire prevention and protection, ch. 26.

Sec. 11.13. Bond.

All physical improvements (see [section 7.4](#) this ordinance) required by the provisions of this ordinance for a subdivision shall be installed by the subdivider at his expense. Prior to final approval of the plat by the administrator, the subdivider may be required, in lieu of construction, to furnish a performance bond in an amount calculated by the administrator to secure the required improvements in a workmanlike manner and in accordance with specification and construction schedules established or approved by the appropriate engineer. Such bond, if required, shall be payable to and held by the town treasurer until all construction has been inspected and accepted by the appropriate official.

Sec. 11.14. Inspection of required improvements.

All construction work on physical improvements shall be subject to periodic inspection by a duly authorized public official so as to ensure conformity with the approved plans and specifications. Upon completion of such improvements, a final inspection shall be conducted and the appropriate public official shall issue certificates of approval thereof to the subdivider and any bond or part thereof which may have been furnished for guarantee shall be released to the subdivider.

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ARTICLE 12. EFFECTIVE DATE

This ordinance was duly considered following a required public hearing held July 28 and August 18, 1977, and was adopted by the Governing Body of the Town of Damascus, Virginia, following the public hearing held on August 18, the members voting:

NAME	FOR	AGAINST

This ordinance shall be effective on and after 12:01 a.m. on (date).

ARTICLE 13. SURVEYOR'S OR ENGINEER'S CERTIFICATE*

I hereby certify that to the best of my knowledge and belief, all of the requirements of the town council and ordinances of the Town of Damascus, Virginia, regarding the platting of subdivisions within the town have been complied with.

Given under my hand this _____ day of _____.

State Certified Engineer (or Land Surveyor)

ARTICLE 14. CERTIFICATE OF APPROVAL*

This subdivision known as _____ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

Date

Administrator

Date

Mayor

* The foregoing plat is not approved until all signatures have been obtained, and affixed thereon.

ARTICLE 15. LEGAL STATUS PROVISIONS

Sec. 15.1. Validity clause.

Should any article, clause, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall affect only that part of the ordinance declared to be invalid or unconstitutional.

Sec. 15.2. Certified copies of ordinances.

Certified copies of this ordinance and amendments thereto shall be filed in the office of the planning commission and in the office of the Clerk of the Court of Washington County, Virginia.