

Chapter 52 SUBDIVISIONS¹

ARTICLE I. IN GENERAL

Sec. 52-1. Title.

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

(Ord. of 8-18-1977, § 1.1)

Sec. 52-2. Authority.

The ordinance from which this chapter is derived is adopted pursuant to the authority of Code of Virginia, § 15.2-2240 et seq.

(Ord. of 8-18-1977, § 2.1)

Sec. 52-3. Jurisdiction.

The provisions of this chapter shall apply to all land within the incorporated town.

(Ord. of 8-18-1977, § 3.1; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Sec. 52-4. Purpose.

The ordinance from which this chapter is derived 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;

¹State law reference(s)—Subdivision regulations, Code of Virginia, § 15.2-2240 et seq.

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- (10) To provide for adequate light and air;
 - (11) To facilitate adequate provisions for transportation, water, sewerage, school, parks, playgrounds, and other public requirements in a safe, adequate, and efficient manner;
 - (12) To ensure proper legal description and proper documenting of subdivided land and assure 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.

(Ord. of 8-18-1977, § 4.1)

Sec. 52-5. Rules.

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

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

(Ord. of 8-18-1977, § 5.1)

Sec. 52-6. Interpretation.

- (a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.
- (b) Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter 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.
- (c) This chapter is not intended to annul any easement, covenant, or other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of this chapter shall govern.
- (d) For this chapter, words and terms provided in the definitions section of this chapter shall be interpreted in accordance with the definitions stated therein except where the context clearly indicates a different meaning.

(Ord. of 8-18-1977, § 5.2; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Sec. 52-7. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator or agent means the official designated by the town council to administer and enforce all provisions of this subdivision chapter. The administrator may be any appointed or elected official who is by formal resolution designated to the position by the town council. In the absence of such formal resolution, the administrator shall be the town manager.

Alley means 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 means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the town.

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

Comprehensive land use plan means the comprehensive plan of the town, adopted pursuant to title 15.2 Code of Virginia chapter 22, article 3.

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

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

Easement means a grant by the property owner of the use of land for a specific purpose.

Engineer or surveyor means a person or firm licensed by the commonwealth to survey property.

Flood means 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 means the land lying adjacent to a stream which is subject to periodic inundation by floodwaters.

Floodway means 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 m) upstream.

Floodway district means the area delineated by the flood insurance study and the flood insurance rate map for the town most recently prepared by the federal emergency management agency, federal insurance administration, and within any additional flood hazard or ponding areas that are delineated by the town as provided in the town's zoning ordinance regulating flood hazard districts.

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

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

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

Health officer means the appropriate health director or sanitarian of the county.

Highway department means the Virginia Department of Transportation.

Highway engineer means the resident engineer employed by the state department of highways and transportation serving the county.

Improvements means 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 means the area or territory subject to the legislative control of the town council.

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

Lot, corner, means 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, means the mean (average) horizontal distance between the front and rear lot lines.

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

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

Maximum probable flood means a flood which may reasonably be expected to occur as shown on the flood insurance study and the flood insurance rate map for the County of Washington, Virginia, prepared by the federal emergency management agency, federal insurance administration, that are effective as of the date of application, and within any additional flood hazard or ponding areas that are delineated by the town as provided in the town's zoning ordinance regulating flood hazard districts.

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

Pedestrian way or crosswalk means 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.

Performance bond means the bond from a surety company authorized to conduct business in the commonwealth, in an amount sufficient for and conditioned upon the construction of all improvements stipulated by the town.

Planning commission or commission means the planning commission of the town.

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

Recordation means the recording of the approved final plat by the county clerk of the court.

Resubdivision means an authorized change in property lines of a recorded subdivision.

Right-of-way means 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 means that portion of a street used by vehicular traffic.

Street means 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, means those streets used primarily for heavy or fast traffic and from which direct access to abutting property may be restricted or prohibited.

Streets, collector, means 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, means those streets which are used primarily for access to abutting properties.

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

Structure means 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 means 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 means 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. The term "subdivision" 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.

Town means the town of Damascus, Virginia.

Town council or *council* means the governing body of the town of Damascus, Virginia.

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

Watercourse means 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 ha) 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.

Zoning ordinance means the zoning ordinance of the town adopted pursuant to title 15.2 Code of Virginia chapter 22, article 7.

(Ord. of 8-18-1977, § 5.3; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Secs. 52-8—52-32. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 52-33. Administrator.

- (a) The town manager, or the town manager's designee, is appointed to serve as the administrator designated to administer this chapter. The administrator shall be considered the agent of the town council and approval or disapproval by the agency shall constitute approval or disapproval as though it were given by the town council.
- (b) The administrator shall perform all duties regarding subdivision and subdividing in accordance with this chapter and applicable state authority.
- (c) *Consultation.* In the performance of duties, the administrator may call for opinions or decisions, either verbal or written, from town officials and the town council in considering details of any submitted plat.
- (d) *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 chapter.

(Ord. of 8-18-1977, § 6.1; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Sec. 52-34. Enforcement.

- (a) 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 chapter and duly recorded in the circuit court clerk's office located in the county courthouse.
- (b) 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 chapter.
- (c) No plat of the subdivision shall be approved which does not comply with all applicable provisions of this chapter.

(Ord. of 8-18-1977, § 6.2)

Sec. 52-35. Appeals.

Any persons, firm, or corporation aggrieved by the administrator's objection to a plat or a failure to approve a final plat, who contends that the disapproval or failure to approve was not properly based on the ordinance applicable thereto or was arbitrary or capricious, may appeal to the county circuit court, and the court shall hear and determine the case, provided that the appeal is filed with the court within 60 days of the written objection to or disapproval by the administrator.

(Ord. of 8-18-1977, § 6.3; Ord. No. 2025-0505-2, § 1, 5-5-2025)

State law reference(s)—Right of appeal to circuit court, Virginia Code §§ 15.2-2259(D), 15.2-2260(D).

Sec. 52-36. Amendments.

- (a) The planning commission may, on its own initiative or at the request of the council, prepare and recommend amendments to the subdivision ordinance.
- (b) Plans or ordinances, or amendments thereof, adopted by town council under the authority of title 15.2 Code of Virginia chapter 22 may be amended in whole or in part by the town council but only after prior referral to

the planning commission for its recommendation, and only after public hearing(s) are held before the planning commission and the town council at which persons affected may appear and present their views subject to the notice requirements stated in this section. The town council and planning commission may hold joint or separate public hearings.

- (c) The planning commission shall not recommend nor the town council adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published twice in some newspaper published or having general circulation in the locality, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice; however, the notice for both the planning commission and the town council may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the town council.
- (d) If the planning commission fails to provide a recommendation within 60 days after town council referral and request for recommendation, then town council may schedule a joint public hearing on the proposal to be held together with the planning commission in accordance with the notice requirements stated in this section.

(Ord. of 8-18-1977, § 6.5; Ord. No. 2025-0505-2, § 1, 5-5-2025)

State law reference(s)—Public notice and hearing requirements, Virginia Code § 15.2-2204(A).

Sec. 52-37. Violations and penalties.

Any person violating the provisions of this chapter 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.

(Ord. of 8-18-1977, § 6.6)

Sec. 52-38. 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 ordinance adopted by the town council and set out in appendix B to the town's Code of Ordinances. The fees are payable to the treasurer of the town upon submission of the preliminary plat to the administrator.

(Ord. of 8-18-1977, § 6.7; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Secs. 52-39—52-64. Reserved.

ARTICLE III. PROCEDURE FOR SUBDIVISION APPROVAL

Sec. 52-65. General guide.

- (a) *Preliminary plat.*
 - (1) For plats involving more than 50 lots, 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. At the option of the landowner, a subdivider of property involving 50 or fewer lots may submit a proposed preliminary

plat including a proposal for the installation of improvements and intended dedication or reservation of public lands, and, if such is filed, shall include with such preliminary plat a letter of transmittance of the plat with the administrator.

- (2) The administrator shall obtain the required recommendations from the state department of highways and other public agencies. A written statement shall be obtained from the county service authority stating the availability of water and public sewer 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.
 - (3) 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. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the administrator shall, within ten business days of receipt of such preliminary subdivision plat, forward it to the appropriate state agency or agencies for review. If disapproved, the state agency or public authority shall provide a statement of specific reasons for disapproval either in a separate document or on the plat itself. The administrator shall act upon a preliminary subdivision plat within 35 days of receipt of the approvals from all state agencies. Any notification of disapproval shall include the administrator's written identification of the deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat.
 - (4) Upon tentative final approval of a preliminary subdivision plat, the administrator may, at the administrator's sole discretion, present the preliminary plat to the planning commission for its review, general information, and comments.
 - (5) *Appeal.* If the administrator fails to approve or disapprove a preliminary subdivision plat within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the administrator and within the applicable statutory limitation period, may petition the circuit court to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.
 - (6) Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the administrator may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.
- (b) *Final plat.*
- (1) When a preliminary plat has been approved, the subdivider shall, within 12 months of the date of approval of the preliminary plat, prepare and submit to the administrator an original and three copies of a proposed final plat that includes all required modifications to the preliminary plat for official certification of the approved final plat. Failure to make such submittal within the required time limit 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. The administrator shall review said proposed final plat to determine if all requirements of the preliminary approval have been met.
 - (2) A subdivider submitting a proposed plat without an approved preliminary plat shall submit to the administrator the original and three reproductions thereof for the administrator's review and processing as provided herein.

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- (3) The administrator shall act on any proposed final plat or plan within 60 days after it has been officially submitted by either approving or disapproving it in writing, and, if disapproved, giving a written statement of specific reasons therefor. The administrator shall thoroughly review the plat or plan and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. A final review may be conducted by the administrator in coordination with the town engineer, if any, county health officer, and other appropriate public agencies for recommendations as to whether their requirements for public utilities, highway plans, easements, drainage facilities, etc., have been addressed.
 - (4) However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the administrator shall, within ten business days of receipt of it, forward it to the appropriate state agency or agencies for review. If disapproved, the state agency or public authority shall provide a statement of specific reasons for disapproval either in a separate document or on the plat itself. The administrator shall act upon a proposed final plat within 35 days of receipt of the approvals from all state agencies. Any notification of disapproval shall include the administrator's written identification of the deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat.
 - (5) The administrator shall act on any proposed plat or plan that it has previously disapproved within 45 days after it has been modified, corrected and resubmitted for approval. In the review of a resubmitted plat or plan that was previously disapproved, the administrator shall consider only deficiencies that were identified in review of the initial or other subsequent submission and any deficiencies that arise because of the corrections made to address deficiencies identified in the prior submission.
 - (6) The failure of the administrator to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.
 - (7) Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency, that if left uncorrected, would violate local, state or federal law, regulations, mandatory department of transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved.
 - (8) Any mandatory provisions of state law effective as of the date of plat review and approval that are more restrictive than the provisions set out in this chapter shall supersede and control review, approval, and validity of the plat.
- (c) *Appeal.* If the administrator fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response, the subdivider, after ten-days' written notice to the administrator and within the applicable statutory limitation period, may petition the circuit court to enter an order with respect thereto as it deems proper, which may include directing approval.
 - (d) *Recorded plat.* Promptly after the date of approval of the final plat or plan, the subdivider shall submit to the administrator one reproductive print and two copies of the approved final plat or plan for certification of final approval. The administrator shall, within 15 days, certify whether the plat or plan is identical to the final plat or plan as approved by the administrator. If the administrator determines that the plat or plan is not identical to the approved final plat or plan, the administrator shall notify the subdivider, and the subdivider shall correct it 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 the revised plat or plan resubmitted. Upon approval, the administrator shall forward the approved final plat or plan to the mayor for the mayor's certification to authorize recordation. The administrator shall return the fully certified reproducible print and two copies to the subdivider, and the subdivider shall submit the original to the circuit court clerk of the county for

recordation in the land records, one copy to the town, and one copy to the county, if so required. After proper recordation of the final plat, the subdivider may proceed to develop and sell the lots of the subdivider subdivision.

- (e) *Expiration and voiding of approved final plat.* Unless a plat is filed for recordation within six months after final approval thereof, such approval shall be withdrawn and the plat marked void and returned to the administrator. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the administrator, or where the developer has furnished surety to the administrator by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the administrator, whichever is greater.
- (f) *Term of validity of approved, recorded final plat.* An approved final subdivision plat that is recorded in the land records of the circuit court clerk of the county shall be valid for a period of not less than five years from the date of approval or for such longer period as the administrator may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development or as otherwise authorized by state law and so indicated on the approved, recorded final plat. If no lots have been conveyed from the subdivision created by the plat upon expiration of the five-year period or such other period as the administrator may have indicated on the recorded plat, then the plat shall be deemed void and of no further effect thereafter.

(Ord. of 8-18-1977, § 7.1; Ord. No. 2025-0505-2, § 1, 5-5-2025)

State law reference(s)—Action on final plat, Va. Code § 15.2-2259.

State law reference(s)—Time allowed for governmental review and term of validity of preliminary plat, Va. Code § 15.2-2260.

State law reference(s)—Recorded plat, Va. Code § 15.2-2261.

State law reference(s)—Timing, recordation, voiding, and expiration of final plat, Va. Code § 15.2-2241(A)(8).

Sec. 52-66. Reserved.

Ord. No. 2025-0505-2, § 1, adopted May 5, 2025, repealed § 52-66, which pertained to disposition of preliminary plat and derived from Ord. of Aug. 18, 1977, § 7.2.

Sec. 52-67. 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.

(Ord. of 8-18-1977, § 7.3)

Sec. 52-68. Required improvements.

The subdivider shall, at the subdivider's 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.

(Ord. of 8-18-1977, § 7.4)

Secs. 52-69—52-94. Reserved.

ARTICLE IV. GENERAL REQUIREMENTS

Sec. 52-95. 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.

(Ord. of 8-18-1977, § 8.1)

Sec. 52-96. Unsuitable land.

- (a) 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.
- (b) Land within the special flood hazard areas delineated on the flood insurance study and the flood insurance rate map for the town prepared by the federal emergency management agency, federal insurance administration, that are effective as of the date of application, and within any additional flood hazard or ponding areas that are delineated by the town as provided in the town's zoning ordinance regulating flood hazard districts 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 (i) such land is filled to such height as will secure a building site at least one foot (0.3048 m) above the level of the maximum probable flood and (ii) such fill does not endanger lives or property, or restrict the flow of floodwater, or increase flood heights upstream, both of which criteria shall be based on data submitted by the subdivider and prepared by licensed engineers, surveyors, or architects.

(Ord. of 8-18-1977, § 8.2; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Sec. 52-97. Dedication of land for public use.

- (a) *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.
- (b) *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.

(Ord. of 8-18-1977, § 8.3)

Sec. 52-98. Preservation for public spaces.

- (a) *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 the developer's 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.

- (b) *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 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.

(Ord. of 8-18-1977, § 8.4)

Sec. 52-99. 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.

(Ord. of 8-18-1977, § 8.5)

Sec. 52-100. 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 through 15.2-2276.

(Ord. of 8-18-1977, § 8.6)

Sec. 52-101. 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.

(Ord. of 8-18-1977, § 8.7)

Sec. 52-102. Reserved areas prohibited.

Unless as described in section 52-98(b), no area within a proposed subdivision or resubdivision shall be set aside for future use or otherwise carry the designation "Reserved."

(Ord. of 8-18-1977, § 8.8)

Sec. 52-103. 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 sewer facilities are available or not;
- (2) The amount of officially approved water available to each lot purchaser in terms of gallons per day.

(Ord. of 8-18-1977, § 8.9)

Sec. 52-104. Allowable error of closure.

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

(Ord. of 8-18-1977, § 8.10)

Secs. 52-105—52-121. Reserved.

ARTICLE V. PRELIMINARY PLAT

Sec. 52-122. 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:

- (1) *Name for file identification.*
 - a. Name of the subdivision if property is within an existing subdivision.
 - b. 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.
- (2) *Location and description of property.* Location of property by parcel number or numbers as designated on county tax maps.
- (3) *Basic facts and proposals pertaining to the property.*
 - a. Size in acres of the entire tract to be subdivided.
 - b. Size of existing lots, if any, in square feet per lot.
 - c. Number of proposed lots, in square feet per lot.
 - d. Area of lots proposed: minimum, average, and maximum.
 - e. Proposed type of water and sewer facilities.
 - f. 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.
- (4) *Right-of-way and easement information.*
 - a. Citation of an existing legal right-of-way easement affecting the property.
 - b. Existing covenants on the property, if any.

(Ord. of 8-18-1977, § 9.1)

Sec. 52-123. 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 (1 cm equals 15.24 m). All other

subdivisions shall be drawn at a scale of one inch equaling 100 feet (1 cm equals 30.48 m). 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, 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 m) 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 flood insurance study and the flood insurance rate map for the town prepared by the federal emergency management agency, federal insurance administration, that are effective as of the date of the plat.
- (17) Reference to accompanying statements concerning any proposed covenants to be imposed by the owner.
- (18) Location of necessary benchmarks and source of topography.

(Ord. of 8-18-1977, § 9.2; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Secs. 52-124—52-144. Reserved.

ARTICLE VI. FINAL PLATS

Sec. 52-145. 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.

(Ord. of 8-18-1977, § 10.1)

Sec. 52-146. The drawing.

The final sheet shall be 17 inches by 21 inches (43.18 cm by 53.34 cm) 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 (30.48 m to 1 cm). 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.
- (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 town council and ordinances of the town, 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.

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- (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 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 (7.62 cm by 12.7 cm) reserved for the use of the approving authority.

(Ord. of 8-18-1977, § 10.2)

Secs. 52-147—52-175. Reserved.

ARTICLE VII. DESIGN STANDARDS

Sec. 52-176. 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 and amendments thereto.
- (2) Rules and regulations and construction specifications and standards of the 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 Statewide Building Code.
- (5) Rules and regulations of the state department of highways pertaining to streets and roads.

(Ord. of 8-18-1977, § 11.1)

Sec. 52-177. Streets and alleys.

- (a) *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.
- (b) *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.
- (c) *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 m) 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.
- (d) *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:

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- (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 subsection (d)(1) of this section), 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.
- (e) *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 m).
 - (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 m).
 - (3) In no case shall the right-of-way width of an arterial street be less than 80 feet (24.38 m).
- (f) *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 m). Such streets should not be longer than 500 feet (152.4 m), 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.
- (g) *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.
- (h) *Construction requirements.* All street construction requirements shall be acceptable to the state department of highways and transportation.
- (i) *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. Intersects of local streets with centerline offsets of less than 100 feet (30.48 m) 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 m).
 - (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 m), 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

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- the grading of the public right-of-way to the extent deemed necessary to provide a minimum sight distance of 200 feet (60.96 m) 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 m). 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 m) 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.
 - (j) *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.
 - (k) *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 m).
 - (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.
 - (l) *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.
 - (m) *Identification signs.* Street identification signs of a uniform design approved by the administrator shall be installed at intersections.
- (Ord. of 8-18-1977, § 11.2)

Sec. 52-178. Easements.

- (a) *Utility easements.* Easements of not less than ten feet (3.05 m) 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 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.
- (b) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainageway, 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 m) 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.

(Ord. of 8-18-1977, § 11.3)

Sec. 52-179. Blocks.

(a) *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 m) nor less than 400 feet (121.92 m) in length.
- (3) Blocks along arterial or collector streets should, where conditions or topography permit, not be less than 1,000 feet (304.8 m) in length.
- (4) In any residential block more than 800 feet (243.84 m) in length, a pedestrian way or crosswalk of not less than ten feet (3.05 m) 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.

- (b) *Nonresidential blocks.* Blocks designed for business, commercial, or industrial uses shall not be longer than 1,600 feet (487.68 m) nor less than 500 feet (152.4 m) in length.

(Ord. of 8-18-1977, § 11.4)

Sec. 52-180. 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, and improvements shall be in accordance with the criteria of the county sanitary district and the state waterworks regulations.

(Ord. of 8-18-1977, § 11.5)

Sec. 52-181. Sewer facilities.

Where public 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 state health department.

(Ord. of 8-18-1977, § 11.6)

Sec. 52-182. Privately owned water and/or sewer facilities.

Where public water and/or sewer facilities are not available, privately owned water and/or 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.

(Ord. of 8-18-1977, § 11.7)

Sec. 52-183. 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.

(Ord. of 8-18-1977, § 11.8)

Sec. 52-184. Lots.

- (a) *Size and area.* The minimum lot size and lot area in any subdivision shall be in accordance with the following provisions:
- (1) *Lot size—Generally.* 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 m) or more in width and shall contain an area of not less than 15,000 square feet (1,393.5 m²).
 - (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 m) or more in width and shall contain an area of not less than 15,000 square feet (1,393.5 m²).
 - (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 m) or more in width and shall contain an area of not less than 20,000 square feet (1,858 m²).
 - (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, 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.
- (b) *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 chapter. Lots shall not contain peculiar shaped

elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

(c) *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 m) wide.
- (2) If the existing right-of-way is not 40 feet (12.19 m) 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 m).
- (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.

(d) *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 lots shall be resubdivided to face another street unless all established building setbacks are observed on both streets.

(e) *Side lines.* Side lot lines should be approximately at right angles to street lines or radial to curved street lines.

(f) *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.

(g) *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.

(h) *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.

(Ord. of 8-18-1977, § 11.9)

Sec. 52-185. Monuments.

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 cm) in diameter or square, at least 24 inches (60.96 cm) 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 cm) diameter and 24 inches (60.96 cm) 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 cm) deep in the rock, into

which shall be cemented a steel rod one-half inch (1.27 cm) in diameter, the top of which shall be flush with the finished grade.

(Ord. of 8-18-1977, § 11.11)

Sec. 52-186. Sidewalks.

Where, in the opinion of the administrator, sidewalks are necessary to safeguard the safety of pedestrians, sidewalks at least five feet (1.52 m) 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.

(Ord. of 8-18-1977, § 11.11)

Sec. 52-187. 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 county sanitary district and any other state or local regulation having authority over such installation.

(Ord. of 8-18-1977, § 11.12)

Sec. 52-188. Bond.

All physical improvements (see section 52-68) required by the provisions of this chapter for a subdivision shall be installed by the subdivider at the subdivider's 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 a form determined acceptable by the administrator and in an amount calculated by the administrator to secure the required improvements in a skilled 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.

(Ord. of 8-18-1977, § 11.13; Ord. No. 2025-0505-2, § 1, 5-5-2025)

Sec. 52-189. 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.

(Ord. of 8-18-1977, § 11.14)