

SECTION 6

APPROVAL OF PLATS - PROCEDURE

SECTION 6-1. PRE-APPLICATION STUDIES.

Prior to filing a preliminary plat, subdividers are invited to discuss their ideas and development problems with the Administrator and/or Planning Commission, provided any sketches or questions to be placed before the Commission are received not less than ten (10) days prior to a regular monthly meeting.

SECTION 6-2. DEVELOPMENT OF PART OF TRACT.

If the subdivider has a tract of land and desires to develop only a section of it, he shall submit to the Administrator with the preliminary plat for the first section a copy of the master overall plan. Said overall plan shall be drawn to a scale of not less than two hundred (200) feet to the inch and shall show the following:

- 6-2-1.1 The names, location and dimensions of all streets entering the property adjacent to the property, or terminating at the boundary of the property;
- 6-2-1.2 The location and dimensions of all proposed streets;
- 6-2-1.3 The topography of the tract with a maximum contour interval of five (5) feet;
- 6-2-1.4 The proposed water, sewer, and drainage facilities; and
- 6-2-1.5 Such other reasonable information that the Administrator deems advisable.
- 6-2-2 The proposed master or overall plat shall be reviewed by the Planning Commission in accordance with the procedure outlined for preliminary plats in Section 6-3-2 of this Ordinance.

SECTION 6-3. PRELIMINARY PLATS.

- 6-3-1 **APPLICATION FOR PRELIMINARY PLAT APPROVAL:** Whenever any subdivision or re-subdivision of land is proposed, the subdivider shall submit the necessary copies of a preliminary plat, and the necessary fee as required by Section 4-8 of this Ordinance to the Planning Commission in accordance with this Section. (2-9-88 Case# TA-87-15 Ord. No. 010-88).

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- 6-3-1.1 No preliminary subdivision plat for a major subdivision shall be reviewed by the Commission until a public hearing has been held by the Commission on such preliminary plat. The public hearing shall be held after public notice has been carried out, in the manner prescribed by Section 15.1-431 of the Code of Virginia, 1950, as amended except advertisement in a local paper shall not be required and written notice shall be mailed by the applicant via first class mail at least ten days prior to the public hearing to all property owners within 300 feet of the property affected. (2-9-88, Case #TA-87-15, Ord. No. 010-88)(11-10-92, Case #SA-92-01, Ord. No. 019-92)
- 6-3-1.2 **NOTIFICATION SIGNS:** The subdivider shall place one or more signs, provided by the Administrator, on the property so as to be visible from each existing, developed street on which the property fronts. The subdivider shall place one sign on the property, and additional signs, as required by the Administrator, if the frontage on existing, developed streets exceeds, 1,000 feet, or if the property fronts on more than one such street. The subdivider shall submit a \$50.00 refundable deposit per sign and be responsible for the placement of such sign(s) at least two weeks prior to the public hearing. The sign(s) shall be mounted so as to remain legible until the date of the public hearing. The applicant shall return the sign(s) within ten (10) business days after the close of the public hearing. If the sign is not returned within ten (10) business days, the deposit shall be forfeited. (3-14-06, Case SA-05-01, Ord. No. 10-2006)
- 6-3-2 **PLANNING COMMISSION ACTION ON PRELIMINARY PLATS:**
- 6-3-2.1 The Planning Commission shall give careful study to the preliminary plat, taking into consideration the requirements of the community and the best use of the land to be subdivided, together with its prospective character, whether residential, commercial, or industrial. Attention shall be given to street widths, arrangement, and circulation; surface drainage and sanitation; lot sizes and arrangement and to such neighborhood and community requirements as those of parks, school and playground sites; and main thoroughfare widths and locations. Prior to action, the property proposed for subdivision shall be viewed in the field by the Commission or its authorized representative. Following review of the preliminary plat layout and discussion with the subdivider or his authorized agent, the Commission shall, within sixty (60) days, communicate in writing with the subdivider, stating specific changes that are required in the preliminary plat layout. If, for any reason, the preliminary subdivision plat is disapproved, the reasons for such disapproval shall be given in writing. The appropriate city official shall advise the subdivider as to the character and extent of any improvements that will be required as a prerequisite to approval of the subdivision plat.

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- 6-3-2.2 The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the Administrator a final subdivision plat in accordance with this Ordinance. Failure to do so shall make preliminary approval null and void. The Administrator may, on written request by the subdivider, grant an extension on this time limit.

- 6-3-3 **PRELIMINARY PLAT REQUIREMENTS:** The subdivider shall present to the Administrator at the time of application ten (10) copies of the preliminary plat and shall include the following information: (09-12-95, Case #SA-95-02, Ord. No. 039-95)
 - 6-3-3.1 Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, grid north point and scale. The survey shall be to the State Coordinate System if the subdivision creates two or more lots and is within one-half mile of a triangulation or transverse station established in conformity with standards adopted by the United States Coast and Geodetic Survey; if creating fewer than two lots or beyond one-half mile, then to a known or permanent monument. All elevations shall be based on USC and GS data.(11-10-92, Case #SA-92-01, Ord. No. 019-92)
 - 6-3-3.2 Location of proposed subdivision by an inset map at a scale of not less than one (1) inch equal one (1) mile showing adjoining road, their name and number, towns, subdivisions and other landmarks.
 - 6-3-3.3 The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one part in twenty-five hundred, total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings and cemeteries within the boundaries of the tract, names of owners and/or subdivisions and their property lines within the boundaries of the tract or adjoining such boundaries with legal references.
 - 6-3-3.4 All existing platted and proposed streets, their names, number and width; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.
 - 6-3-3.5 The proposed drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined natural drainage area.
 - 6-3-3.6 Profiles or contour maps showing proposed grades for streets, utilities, drainage, and/or utilities easements.

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- 6-3-3.7 A cross section showing the proposed street construction, depth and type of base, type of surface, etc.,; and a cross section of all proposed drainage channels and sewer pipe bedding and backfill.
- 6-3-3.8 Proposed connections with existing sanitary sewers and existing water lines.
- 6-3-3.9 All parcels of land to be dedicated for public use and the condition of such dedication.
- 6-3-3.10 A copy of all proposed protective covenants and deed restrictions shall accompany the preliminary plat.

SECTION 6-4. FINAL PLATS.

- 6-4-1 **APPLICATION FOR FINAL PLAT APPROVAL:** The subdivider, within six (6) months after preliminary plat approval by the Planning Commission, shall apply in writing to the Commission for approval of the final subdivision plat.
- 6-4-2 **PLANNING COMMISSION ACTION ON FINAL PLATS:** If the final plats conforms substantially to the preliminary plat, the Administrator shall submit same to the Planning Commission for their consideration and approval. The Planning Commission shall then submit the plat to the City Council for their approval.
- 6-4-3 **COUNCIL ACTION ON FINAL PLATS:** Approval by the Council shall be written on the face of the plat and signed by the City Manager. The subdivider shall record the plat within ninety (90) days after final approval of Council.
- 6-4-4 **ALTERATION OF FINAL PLAT:** It shall be unlawful for anyone to alter a final subdivision plat after the City Manager has affixed his or her signature thereto, without approval as per Section 6-7 of this Ordinance, and any plat so altered without said approval shall be null and void. (11-15-88 SA-88-02; and 045-88).
- 6-4-5 **FINAL PLAT REQUIREMENTS:** The subdivider shall present to the Administrator at the time of application one original plat having a size of eight and one-half (8 1/2) inches by fourteen (14) inches, with ten (10) copies, and any other exhibits deemed necessary by the Administrator. In addition to the requirements of the preliminary plat the final plat shall include the following: (09-12-95, Case #SA-95-02, Ord. No. 039-95)
- 6-4-5.1 A blank oblong space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.

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- 6-4-5.2 Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- 6-4-5.3 A statement of the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.
- 6-4-5.4 When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dash lines, and identification of the respective tracts shall be placed on the plat.
- 6-4-5.5 Profiles showing the proposed grades for the streets and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith; and showing the proposed layout of utility lines; and drainage and utility easements.
- 6-4-5.6 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, number and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- 6-4-5.7 Distances and bearings must balance and close with an accuracy of not less than one in ten thousand. The survey shall be oriented to the State Coordinated System if within one-half mile of a triangulation or traverse station established in conformity with standards adopted by the United States Coast and Geodetic Survey; if beyond to a known or permanent monument. Two adjacent reference points shall show State Plane Coordinates and be located by concrete monuments not less than five hundred (500) feet apart.
- 6-4-5.8 The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius arc, tangent, chord, and chord bearings.

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- 6-4-5.9 Deed of Dedication and any agreements covering the construction, use and maintenance of shared facilities including interparcel connectors, service drives and access easements shall accompany plat. (10-12-93, Case SA-93-01, Ord. No 035-93)

SECTION 6-5. MINOR SUBDIVISIONS.

- 6-5-1 The Administrator may certify a subdivision or re-subdivision as a "minor subdivision" if he finds that:
- 6-5-1.1 The proposal is to divide a parcel of land into not more than three (3) lots fronting up an existing street and not involving a new street or the extension of any existing street, street facilities, or utilities; and existing facilities will adequately accommodate the modification; and
- 6-5-1.2 The proposal will not create a violation of any of the provisions of the Zoning Ordinance; and
- 6-5-2 If the Administrator finds that the proposed subdivision or re-subdivision meets all the requirements as set forth above and elsewhere in this chapter, he shall certify the proposed plat as a "minor subdivision", and by affixing a notation to that effect and his signature thereto, grant final subdivision approval. At each regular Planning Commission meeting, the Administrator shall make a written report of all minor subdivision so classified, certified, and approved for filing.
- 6-5-3 No subdivision of a parcel of land may be approved pursuant to this section within one year after the date of recordation of a minor subdivision plat for such parcel or part thereof. (8-9-88, Case #SA-88-01, Ord. No. 029-88).

SECTION 6-6. RECORDATION.

Unless the subdivider shall record his approved final subdivision plat in the office of the Clerk of Circuit Court for the City of Winchester within ninety (90) days after final approval, said final plat approval shall be null and void. The subdivider or his agent shall, in writing, inform the Administrator of the date on which said final subdivision plat was filed and note the deed book and page number thereof.

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SECTION 6-7. REVISIONS TO APPROVED SUBDIVISIONS. (NEW SECTION 11-15-88 CASE# SA-88-02 ORD. NO. 45-88)

6-7-1 **APPLICATION FOR REVISION TO AN APPROVED SUBDIVISION:**
Whenever any revision to a previously approved subdivision is requested, the applicant shall submit a completed subdivision revision application with ten (10) copies of all affected plats and additional sheets clearly identifying the nature of the alterations proposed.

Revisions to a previously approved major subdivision shall include the same information required in Section 6-4-5 of this Ordinance.

6-7-2 **ACTION ON SUBDIVISION REVISIONS:** Minor subdivision revisions shall be certified and approved by the Administrator if the revisions conform to the provisions of the Zoning Ordinance and this Ordinance. Revisions to previously approved and recorded major subdivisions shall be reviewed by the Administrator to determine whether the proposed revisions conform substantially to the most recent final plat approval on record. If the Administrator determines that the proposed revisions are acceptable and substantially conform to the most recent approved and recorded plat, then he or she shall sign the plans certifying approval thereof. If the Administrator determines that the revisions do not conform substantially to the most recently approved and recorded plat, he or she shall forward the request to the Planning Commission for its consideration and action at the next regular meeting.

All approved revisions to previously approved and recorded subdivisions shall be subject to the provisions of Section 6-6 of this Ordinance pertaining to Recordation of Plats. (11-15-88 Case # SA-88-02 Ord. No. 045-88)

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