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1990

Appendix L40  
(Final Product)

## The City of Williamsburg

### CHESAPEAKE BAY PRESERVATION PROGRAM

*Prepared for:*

*The City of Williamsburg, Virginia*

*Prepared by:*

*The Williamsburg Planning Department*

*December, 1990*

Support for this project was furnished in part by the Virginia Council on the Environment and Grant Number NA89AA-D-CZ134 from the Coastal Zone Management Program of the National Oceanic and Atmospheric Administration.

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# The City of Williamsburg

## PROGRAM DESCRIPTION

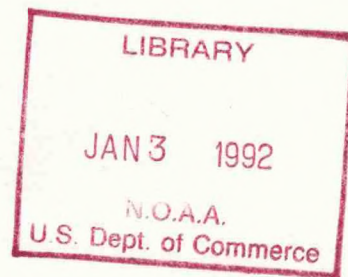
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CITY OF WILLIAMSBURG  
CHESAPEAKE BAY PRESERVATION PROGRAM

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FUNDING

Support for this project was furnished in part by the Virginia Council on the Environment and Grant Number NA89AA-D-CZ134 from the Coastal Zone Management Program of the National Oceanic and Atmospheric Administration.

PURPOSE OF PROJECT

The purpose of this project was to develop the major ordinances necessary to implement Virginia's Chesapeake Bay Preservation Act. These implementing ordinances are designed to protect and improve the water quality of the Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effect of human activity upon these areas in accordance with the Chesapeake Bay Preservation Act. The ordinances, to be adopted by the City of Williamsburg, will establish the criteria by which the City shall determine the geographical extent of the Chesapeake Bay Preservation Areas within the City as well as how land in the Areas shall be preserved. These implementing ordinances also promulgate performance guidelines for use by the City in granting, denying or modifying requests to subdivide, use and develop land in the Chesapeake Bay Preservation Areas.

In addition to the Bay related planning policies and land use guidelines in the adopted 1989 Williamsburg Comprehensive Plan, the implementing documentation for the Bay regulations will be incorporated into three City ordinance elements:

- (1) "Chesapeake Bay Preservation," Article VIII of the City's Zoning Ordinance.
- (2) "Site Plans," Article VII of the City's Zoning Ordinance.
- (3) "Subdivisions," Chapter 16 of the City Code.

These regulations are proposed for adoption by the City Council, and are designed to be integrated into the City's growth management program, which includes the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, Wetlands Ordinance, and Erosion and Sediment Control Ordinance.

## PRESERVATION GOALS AND OBJECTIVES

This project is intended to encourage and promote the following:

- (1) Protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation of growth of all aquatic life, including game fish, which might be reasonably expected to inhabit them;
- (2) Safeguarding the clean water of the Commonwealth from pollution;
- (3) Prevention of any increase in pollution;
- (4) Reduction of existing pollution; and
- (5) Promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth and the City.

## COMPONENTS OF THE CITY'S PROGRAM

Based on the requirements of the Chesapeake Bay Preservation Act, the City is required to adopt a comprehensive set of plans, ordinances and performance criteria containing the following elements:

- A. A map delineating Chesapeake Bay Preservation Areas.
- B. Performance criteria applying in Chesapeake Bay Preservation Areas that employ the requirements of Part IV of the Act.
- C. A comprehensive plan or revision that incorporates the protection of Chesapeake Bay Preservation Areas and of the quality of state waters.
- D. A zoning ordinance or revisions thereto that (i) incorporate measures to protect the quality of state waters in Chesapeake Bay Preservation Areas and (ii) assures that all subdivisions in Chesapeake Bay Preservation Areas comply with the criteria set forth in Part IV of the Act.
- E. A subdivision ordinance or revision that (i) incorporates measures to protect the quality of state waters in Chesapeake Bay Preservation Areas, and (ii) assures that all subdivisions in Chesapeake Bay Preservation Areas comply with the criteria set forth in Part IV of the Act.
- F. An erosion and sediment control ordinance or revision that requires compliance with Part IV of the Act.



- G. A plan of development process prior to the issuance of a building permit to assure that use and development of land in Chesapeake Bay Preservation Areas is accomplished in a manner that protects the quality of state waters.

To meet the deadlines imposed by the Chesapeake Bay Preservation Act, the City adopted several of these program elements on September 13, 1990. These elements were the Chesapeake Bay Preservation Area map, amendment of the Zoning Ordinance to incorporate an article entitled "Chesapeake Bay Preservation", and minor amendments to the site plan, erosion and sediment control, and subdivision ordinances. The City's Comprehensive Plan, adopted in 1989, already meets the criteria contained in the Act.

The implementing ordinances funded by this grant are designed to build upon and improve the ordinances adopted in September, 1990. The City is now in the final stages of drafting its new Zoning Ordinance, the first major revision since 1966. Included in this ordinance, expected to be adopted by the end of this year, is a new and more sophisticated site plan section (Article VII), and a slightly revised Chesapeake Bay Preservation section (Article VIII). These two separate articles have been designed to work closely with each other. A new subdivision ordinance (Chapter 16 of the City Code) has also been developed, and this will provide more up to date provisions for the subdivision of land than our current ordinance, and will also be designed to work closely with the Chesapeake Bay Preservation section of the Zoning Ordinance.

#### CHESAPEAKE BAY PRESERVATION

The Chesapeake Bay Preservation provisions of this program will be contained in Article VIII of the City's new Zoning Ordinance, and represents a minor revision of our present adopted Chesapeake Bay Preservation regulations. This relates closely with, and is an integral part of, the site plan and subdivision ordinances. This article establishes the Chesapeake Bay Preservation Areas (Resource Protection Areas and Resource Management Areas), and spells out in detail performance criteria for development in these areas. Performance standards are provided for development and redevelopment, stormwater management, buffer areas and water quality impact assessment

#### SITE PLANS

The site plan provisions of this program will be contained in Article VII of the City's new Zoning Ordinance, and represents a comprehensive revision of the City's existing site plan regulations. The site plan regulations are also designed to be implemented in concert with regulations and standards pertaining to the Chesapeake Bay Preservation Act.

These regulations require site plans for all development in the Resource Protection and Resource Management Areas; establish comprehensive development standards which incorporate by reference the performance criteria of Article VIII, Chesapeake Bay Preservation; and incorporate by reference the stormwater



management criteria of Article VIII, Chesapeake Bay Preservation. In addition to these measures, comprehensive landscaping requirements are made part of the site plan process. This will significantly enhance the City's present landscape regulations, which will act to further protect water quality.

### SUBDIVISIONS

The subdivision regulations will be placed in Chapter 16 of the new City Code, and represent a comprehensive revision of the City's existing subdivision regulations. The subdivision ordinances is also designed to be implemented in concert with the City's regulations and standards pertaining to the Chesapeake Bay Preservation Act.

The new subdivision ordinance requires subdivision design in Chesapeake Bay Preservation Areas to comply with Article VIII of the Zoning Ordinance, Chesapeake Bay Preservation, thereby ensuring the integrity of the Chesapeake Bay Preservation Areas. The performance criteria of Article VIII of the Zoning Ordinance are incorporated by reference, and meet the requirements of the State Act. New sections have been added for stormwater management and landscaping, which, along with the new site plan regulations, will enhance the City's ability to protect the quality of state waters.

### PROGRAM DEVELOPMENT

The program funded by this grant was developed by the Williamsburg Planning Department in cooperation with its consultant, The Cox Company of Charlottesville, Virginia. The first phase of the program resulted in a document entitled "Growth Management & Land Use Ordinances," dated January, 1990, and prepared by The Cox Company. This first draft has been substantially revised and refined over the past year, particularly as the City worked to meet the State deadlines for the first year program implementation of the Chesapeake Bay Preservation Act. The final drafts contained in this document reflect the work of the Williamsburg Planning Department and associated City staff, The Cox Company and The Williamsburg Planning Commission.

*Reed T. Nester*

Reed T. Nester, Planning Director  
City of Williamsburg

# The City of Williamsburg

## CHESAPEAKE BAY PRESERVATION

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*The City of Williamsburg, Virginia*

*Prepared by:*

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*December, 1990*

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CITY OF WILLIAMSBURG  
CHAPTER 21. ZONING

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ARTICLE VIII  
CHESAPEAKE BAY PRESERVATION

Sec. 21-816. Statement of intent

(a) These regulations are designed to protect and improve the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effects of human activity upon these areas. The regulations are intended to encourage and promote: (1) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (2) safeguarding the clean water of the Commonwealth from pollution; (3) prevention of any increase in pollution; (4) reduction of existing pollution; and (5) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth and the City.

(b) This article, in conjunction with Article VII, Site Plans; other applicable sections of this Chapter, Chapter 16, Subdivisions; Chapter 7, Article II, Erosion and Sedimentation Control; Chapter 7, Article III, Wetlands, is intended to address management practices for "environmental land units" as identified by the Comprehensive Plan and which comprise one or more of the following physical attributes: steep slopes, hydric and highly permeable soils, highly erodible soils, vulnerable ground cover, rare ecological areas, aquifer recharge areas, wetlands, stream valleys, floodplains, established drainageways, other lowlands with sensitive environmental characteristics, and public rights-of-way and easements.

(c) This article is also intended to support the goals of the Chesapeake Bay Preservation Act and the City's Comprehensive Plan by encouraging both the preservation of environmentally sensitive areas and the development of planning sub-areas (most developable areas), both as identified on the Future Land Use Map of the Comprehensive Plan.

Sec. 21-817. Areas of applicability

(a) The Chesapeake Bay Preservation Areas are delineated on the Chesapeake Bay Preservation Area Map as Resource Protection Areas (RPAs) and Resource Management Areas (RMAs); these designations show the general location of RPAs and RMAs and should be consulted by persons contemplating development.

(b) The Resource Protection Area includes:

- (1) Tidal wetlands.

- (2) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams.
- (3) Tidal shores.
- (4) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections (1) through (3) above, and along both sides of any tributary stream.
- (5) Other sensitive lands at or near the shoreline that provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff.

(c) The Resource Management Area (RMA) includes all City land situated within five hundred (500) feet of the landward boundary of a Resource Protection Area (RPA). If only a portion of a lot or parcel is in an RMA, than only that portion shall be subject to the RMA regulations. The Resource Management Area includes:

- (1) Floodplains.
- (2) Highly erodible soils, including steep slopes.
- (3) Highly permeable soils.
- (4) Nontidal wetlands.
- (5) Other land types that, if improperly used or developed, have a potential for causing significant water quality degradation.

#### Sec. 21-818. Permitted uses

(a) Resource Protection Areas. Uses permitted in the Resource Protection Areas are limited to: (1) new water-dependent development; (2) expansion of existing water dependent development; or (3) redevelopment. All non-water-dependent components of the above shall be located outside of RPAs. Access, utilities or other land disturbance necessary to serve water-dependent facilities shall be held to a minimum with a single point of access where possible, and with the lowest practicable number of points of access where a single point is not reasonably possible. All points of access shall be approved by the Zoning Administrator.

(b) Resource Management Areas. Uses permitted in the Resource Management Areas shall be those permitted in the underlying zoning district.

#### Sec. 21-819. Lot size

Lot size shall be subject to the requirements of the underlying zoning districts, provided that any lot shall have sufficient area outside the RPA to accommodate an intended development.



## Sec. 21-820. Required conditions

(a) All development and redevelopment shall be subject to Article VII, Site Plans; Chapter 7, Article II, Erosion and Sedimentation Control; Chapter 16, Subdivisions; and Chapter 7, Article III, Wetlands.

(b) A water quality impact assessment, in accordance with Sec. 21-821(e), shall be required for any proposed development or redevelopment within an RPA or RMA. The Zoning Administrator may waive this requirement within an RMA when it is apparent without further study that the unique characteristics of the site (such as the topography, soils, groundcover, location of wetlands and tidal shores) will prevent the proposed development from causing a degradation of water quality.

## Sec. 21-821. Performance Standards

(a) Purpose and intent. Performance standards for the development of land in Chesapeake Bay Preservation Areas are designed to establish the means to reduce areas of land disturbance, minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. The standards are also intended to prevent a net increase in nonpoint source pollution from new development and to achieve a 10% reduction in nonpoint source pollution from redevelopment.

### (b) General standards.

- (1) No more land shall be disturbed than is necessary to provide for the desired use or development.
- (2) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development allowed by the underlying zoning regulations.
- (3) Where the best management practices utilized require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by the City through a maintenance agreement with the owner or developer or some other mechanism that achieves an equivalent assurance of performance.
- (4) Land development shall minimize impervious cover consistent with the use or development allowed.

### (c) Stormwater management standards for Chesapeake Bay Preservation Areas.

- (1) For any development proposal, except as exempted below, the post-development nonpoint source pollution load shall not exceed the pre-development load based upon the calculated average land cover conditions.



- a. The construction of one-family and two-family dwellings on lots that were recorded prior to September 20, 1990 shall be exempt from this requirement, provided that said lots are served by public streets and utilities that were constructed prior to September 20, 1990.
- (2) The following stormwater management options shall be considered to comply with this subsection:
- a. Incorporation on the site of Best Management Practices that achieve the required control;
  - b. Compliance with a locally adopted regional stormwater management program incorporating pro-rata share payments pursuant to the authority provided in Section 15.1-466(j) of the Code of Virginia that results in achievement of equivalent water quality protection;
  - c. Compliance with a state or locally implemented program of stormwater discharge permits pursuant to Section 402(p) of the federal Clean Water Act, as set forth in 40 C.F.R. Parts 122, 123, 124, and 504, dated December 7, 1988.

Other stormwater management techniques meeting the requirements of this Article may also be approved.

- (3) Redevelopment of any site not currently served by water quality Best Management Practices shall achieve at least a ten percent (10%) reduction of nonpoint source pollution in runoff compared to the existing runoff load from the site. Post-development runoff from any site to be redeveloped that is currently served by water quality Best Management Practices shall not exceed the existing load of nonpoint source pollution in surface runoff.
- a. For a redevelopment site that is completely impervious as currently developed, restoring a minimum of twenty percent (20%) of the site to vegetated open space shall be considered to comply with this subsection.
- (4) For the purposes of the calculation required by Secs. 21-821(c)(1) and (3):
- a. Nonpoint source pollution load shall be calculated on the basis of phosphorous loading.
  - b. The pre-development nonpoint source pollution load based on the calculated average land cover conditions shall be deemed to be a total phosphorous loading of 0.45 pounds/acre/year and an equivalent impervious cover of 16

percent (16%) unless and until individual watersheds are designated within the City and the average total phosphorous loading and equivalent impervious cover for each individual watershed are determined.

- c. Any other generally accepted engineering practices or methods which meet the requirements of the Chesapeake Bay Preservation Act, and which are acceptable to the City Manager, may be substituted for the standards contained in Sec. 21-821(c)(4)b. above.
- (5) Any maintenance, alteration, use or improvement to an existing structure which does not degrade the quality of surface water discharge is exempt from the requirements of this subsection.
- (d) Buffer area requirements for Resource Protection Areas.
  - (1) To minimize the adverse effects of human activities on the other components of the Resource Protection Areas, state waters and aquatic life, a minimum one hundred (100) foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.
  - (2) The buffer area shall be located adjacent to and landward of other Resource Protection Area components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the Resource Protection Area.
  - (3) The one hundred (100) foot buffer shall be deemed to achieve a seventy-five percent (75%) reduction of sediments and a forty percent (40%) reduction of nutrients.
  - (4) A combination of a buffer area not less than fifty (50) feet in width and appropriate Best Management Practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the one hundred (100) foot buffer area may be employed in lieu of the one hundred (100) foot buffer provided that the environmental impact of such combination is documented to the satisfaction of the City Manager in the required water quality impact assessment required by Section 21-821(e).
  - (5) The following additional performance criteria shall apply:
    - a. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and Best Management Practices, as follows:



1. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
  2. Any path shall be constructed and surfaced so as to effectively control erosion.
  3. Dead, diseased or dying trees or shrubbery may be removed at the discretion of the landowner.
  4. For wetlands and shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline, subject to the issuance of any required permits.
- b. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, modifications to the width of the buffer area may be allowed by the Zoning Administrator in accordance with the following criteria:
1. Modifications to the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
  2. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection.
  3. In no case shall the reduced portion of the buffer area be less than fifty (50) feet in width.
- (e) Water quality impact assessment.

- (1) Purpose. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within Resource Protection Areas and other environmentally sensitive lands; ensure that, where development does take place within Resource Protection Areas and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of Resource Protection Areas and other sensitive lands; to protect individuals from investing funds for



improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and specify mitigation which will address water quality protection.

- (2) When required. A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, is required for:
  - a. Any proposed development or redevelopment within a Resource Protection Area, including any buffer area modification or reduction as provided for in Sec. 21-821(d)(5)b. Buffer area modifications for construction of one-family and two-family dwellings on lots that were recorded prior to September 20, 1990 shall be exempt from this requirement, provided that said lots are served by public streets and utilities that were constructed prior to September 20, 1990.
  - b. Any proposed development or redevelopment within an RMA. The Zoning Administrator may waive this requirement when it is apparent that the unique characteristics of the site (such as the topography, soils, groundcover, location of wetlands and tidal shores) will prevent the proposed development from causing a degradation of water quality.
- (3) The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:
  - a. Location of the components of the RPA, including the one hundred (100) foot RPA buffer.
  - b. Location of the RMA boundaries.
  - c. Location and nature of any proposed encroachments into the RPA buffer area including type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
  - d. Type and location of proposed stormwater management facilities and best management practices necessary to comply with performance standards for stormwater management contained in Sec.21-821(c).
  - e. Calculation of pre- and post-development pollutant loading in accordance with Section 21-821(c).
  - f. Identification and status of any required wetlands permits from federal, state or local agencies.

- g. An erosion and sediment control plan in accordance with Chapter 7, Article II, Erosion and Sedimentation Control.
  - h. A narrative describing the site; the impacts of the proposed development on topography, soils, hydrology and geology; and the measures taken to mitigate nonpoint source pollution.
- (4) The Zoning Administrator may request review of the water quality impact statement by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by CBLAD will be considered by the Planning Commission provided that such comments are provided by CBLAD within thirty (30) days of the request.

**Sec. 21-822. Interpretation of Chesapeake Bay Protection Area boundaries**

**(a) Delineation by applicant**

The Chesapeake Bay Preservation Area map shall be used as a guide to the general location of the RPAs and RMAs. The site-specific boundaries of the Resource Protection Areas (RPAs) and the Resource Management Areas (RMAs) shall be determined by the applicant through the performance of an environmental site assessment. The environmental site assessment shall be prepared by a qualified person acting within the limits of their professional expertise and license, and shall include the following:

- (1) Location of the following features: tidal shores; tidal wetlands; nontidal wetlands; floodplains; highly erodible soils (including steep slopes); and highly permeable soils.
- (2) A narrative statement explaining the rationale for the boundary delineation.

**(b) Delineation by the Zoning Administrator.**

The Zoning Administrator, when requested by an applicant for a plot plan in accordance with Section 30-7(b), may waive the requirement for an environmental site assessment and perform the delineation. The City Manager may use remote sensing, hydrology, soils, plant species and other data, and consult other appropriate resources as needed to perform the delineation.

**(c) Where conflicts arise over delineation**

Where the applicant has provided a site-specific delineation of the RPA and/or RMA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA and/or RMA boundaries, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with Article VII, Site Plans, and Chapter



16, Subdivisions. In the event the adjusted boundary delineation is contested by the applicant, the applicant may petition the Board of Zoning Appeals, in accordance with Article II, Division 5, to determine the boundary delineation.

**Sec. 21-823. Nonconforming use waivers or modifications**

(a) The Zoning Administrator may waive or modify the requirements herein for buildings or structures on legal nonconforming lots or parcels to provide for remodeling and alterations or additions to such nonconforming buildings or structures provided that:

- (1) There will be no increase in nonpoint source pollution load; and
- (2) Any development or land disturbance exceeding an area of 2,500 square feet complies Chapter 7, Article II, Erosion and Sedimentation Control.

**Sec. 30-824. Exemptions**

(a) Utilities, railroads and public roads

1. Construction, installation and maintenance of electric, water, sewage, gas and telephone transmission lines, railroads, and public roads and their appurtenant structures in compliance with the Erosion and Sedimentation Control Law (Section 10.1-560 et seq. of the Code of Virginia) or in compliance with an erosion and sedimentation control plan approved by the Virginia Soil and Water Conservation Board will be deemed to comply with these regulations.
2. Construction, installation and maintenance of water, sewer and gas distribution lines, and their appurtenant structures, shall be exempt from this article provided that:
  - a. To the degree possible, the location of such utilities and facilities should be outside RPAs;
  - b. No more land shall be disturbed than is necessary to provide the desired utility installation;
  - c. All such construction, installation and maintenance of such utilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
  - d. Any land disturbance exceeding an area of 2,500 square feet complies with Chapter 7, Article II, Erosion and Sedimentation Control.



(b) Resource Protection Areas.

The following land disturbances in Resource Protection Areas are exempt from the requirements of this article: (a) water wells; (b) passive recreation facilities such as boardwalks, trails and pathways; and (c) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

- (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
- (2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
- (3) The intended use or activity does not conflict with nearby planned or approved uses;
- (4) Any land disturbance exceeding an area of 2,500 square feet shall comply with Chapter 7, Article II, Erosion and Sedimentation Control.

**Sec. 21-825. Construction of local public streets in Resource Protection Areas**

(a) The Planning Commission may allow a local public street to be constructed within a Resource Protection Area if it finds:

- (1) There is no other practical location, consistent with good street and subdivision design practices, for the local public street;
- (2) No more land is proposed to be disturbed than is necessary to provide for the proposed local public street;
- (3) The construction of the proposed local public street is in compliance with all applicable state and federal requirements and permits and is designed and constructed in a manner that protects water quality.

- (b) The Planning Commission, in approving a local public street located in a Resource Protection Area, may impose reasonable and appropriate conditions to prevent the proposed local public street from causing a degradation of water quality.

**Sec. 21-826. Exceptions**

(a) A request for a special exception to the requirements of this article shall be made in writing to the Board of Zoning Appeals, in accordance with Article II, Division 5. The application shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection and Resource Management Areas through the performance of a water quality impact assessment which complies with Section 21-821(e).

(b) The Board of Zoning Appeals shall review the request for a special exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if it finds:

- (1) Granting the special exception will not confer upon the applicant any special privileges that are denied by this article to other property owners;
- (2) The request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
- (3) The special exception request is the minimum necessary to afford relief;
- (4) The special exception request will be consistent with the purpose and intent of this article, and not injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; and
- (5) Reasonable and appropriate conditions are imposed which will prevent the special exception request from causing a degradation of water quality.

Sec. 21-827---21-850. Reserved

[Chapter 21:Art 8:2]



# The City of Williamsburg

## SITE PLANS

*Prepared for:*

*The City of Williamsburg, Virginia*

*Prepared by:*

*The Williamsburg Planning Department*

*December, 1990*

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**CITY OF WILLIAMSBURG  
CHAPTER 21. ZONING**

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ARTICLE VII  
SITE PLANS

Sec. 21-776. Statement of intent

(a) Purpose. The site plan regulations are intended to facilitate the utilization of the most advantageous techniques in the development of land in the City of Williamsburg. These regulations are also designed to promote high standards and innovations in the layout, design and landscaping of new and existing developments to ensure that land is used in a manner which is efficient and harmonious with the community and the environment.

(b) Relationship to the Comprehensive Plan. The Williamsburg Comprehensive Plan provides a framework within which public and private decisions can promote the most beneficial arrangement of land uses and related public services. There is mutual responsibility between the City and the developer to use land in an orderly manner in accordance with the intent of the Plan, which provides for a balanced development policy to accommodate and direct future growth in order to preserve and enhance the character of the community. All departments of the City shall employ, and all other public agencies impacted by this article are encouraged to employ, the standards and recommendations of the Williamsburg Comprehensive Plan in review of site plans.

(c) Relationship to architectural review. Article IX, ARCHITECTURAL REVIEW, establishes Architectural Preservation and Corridor Protection Districts to preserve, protect, enhance and maintain the historic character, cultural significance and architectural excellence of the City of Williamsburg. The Corridor Protection Districts, in particular, are intended to ensure that the major existing and planned routes of tourist access are developed and maintained in a manner that is harmonious and compatible with the Architectural Preservation District, which includes the Colonial Williamsburg Historic Area. The application of architectural review regulations, in conjunction with those for site plan review, is intended to ensure that new structures and uses will protect and enhance the character of the Architectural Review districts.

(d) Relationship to Chesapeake Bay Preservation Act. This Article shall be implemented in concert with City regulations and standards pertaining to the Chesapeake Bay Preservation Act [Chapter 21, Section 10.1-2100 et seq., of Title 10.1 of the Code of Virginia (1950) as amended] and, more specifically, with Article VIII, CHESAPEAKE BAY PRESERVATION. Performance criteria for the implementation of the Act have been incorporated into Article VIII.

(e) Exceptions to approval. Nothing in this Article shall require the approval of any development, use or plan, or any feature thereof, which shall be found by the Planning Commission to constitute a danger to the public health, safety or general welfare; which shall be determined to be a departure from, or violation of, sound engineering design or standards; or which is in conflict with the Comprehensive Plan or the Chesapeake Bay Preservation Act.

Sec. 21-777. In general

(a) Minor site plan administration. The Zoning Administrator, or his designee, shall review and approve or disapprove minor site plans. However, minor site plans may, at the discretion of the Zoning Administrator, be referred to Planning Commission for a final decision.

(b) Site plan administration.

- (1) Planning Commission shall review and approve or disapprove site plans. In the performance of its duties, Planning Commission shall request and consider the review and comments of City staff, and may consult with other public agencies, if it deems necessary.
- (2) Planning Commission shall act through the Zoning Administrator in the administration of this Article. The Zoning Administrator shall be responsible for the receipt and processing of site plan applications, and shall establish such administrative procedures as shall be necessary for the proper administration of this Article. These administrative procedures shall be approved by the Planning Commission.
- (3) Approval of site plans.
  - a. A decision to approve, approve with conditions or disapprove the site plan shall be made by the Planning Commission.
  - b. When denying a site plan, the Planning Commission shall state specific reasons for the denial.
  - c. Approval of a site plan shall expire one (1) year after the date of approval unless a building permit has been obtained for construction; or, if a building permit has been issued and construction has not commenced, upon the expiration of the building permit.

(c) Right of entry. All City officials responsible for the supervision and enforcement of this Article shall have the right to enter upon any property subject to the provisions of these minor site plan and site plan regulations at all reasonable times during the period of construction for the purpose of determining compliance with this Article. It shall be the responsibility of the developer to notify the Zoning Administrator when each stage of the development is ready for inspection for compliance with the approved site plan.



(d) Coordination with architectural review. When minor site plan or site plan approval is requested for property located within the Architectural Preservation or Corridor Protection Districts, and requiring approval by the Architectural Review Board (Article IX), the review of the minor site plan or site plan and the architectural drawings shall be conducted concurrently. Review of the minor site plan or site plan shall not commence until the required architectural review application has been properly prepared and submitted for approval.

#### Sec. 21-778. Preliminary site plan conference

(a) Purpose. The preliminary site plan conference is an opportunity for a developer or owner of property to informally present conceptual plans to the City staff and/or the Planning Commission. This conference allows the applicant to understand and anticipate site-related issues, site plan requirements and design issues prior to the submittal of final plans. This conference is required prior to the submission of the final site plan for review.

(b) Intent. The preliminary site plan conference is intended to examine the following:

- (1) Location, use, design, scope, type, density, physical characteristics and phasing of proposed development.
- (2) The impact of the proposed development on adjacent property.
- (3) Coordination of the proposed development with the Williamsburg Comprehensive Plan, any adopted master facilities plans, the capital improvements program, and plans for the development of neighboring properties.
- (4) Coordination of transportation improvements with other existing and planned streets within the general area of the proposed development and otherwise conforming to the provisions of the transportation section of the Comprehensive Plan.
- (5) Coordination of the proposed development with applicable ordinances, design guidelines and development criteria; and particularly those contained in Article IX, ARCHITECTURAL REVIEW, and Article VIII, CHESAPEAKE BAY PRESERVATION.

(c) Preliminary site plan conference requirements. Prior to the conference, the applicant should provide a preliminary site plan package including sketches, exhibits or other materials addressing the proposed development. The following items shall be considered:

- (1) Placement of buildings, parking, driveways and walkways, utilities, stormwater management facilities and other essential site items.
- (2) Impact of traffic and proposed transportation improvements.

- (3) Phasing of proposed development, and the master plan for the property when only a portion of the property is proposed to be developed.
  - (4) Compatibility of the proposed project with the Williamsburg Comprehensive Plan and the Architectural Review Districts (Article IX, ARCHITECTURAL REVIEW).
  - (5) Impact of the proposed project on the Resource Protection and Resource Management Districts (Article VIII, CHESAPEAKE BAY PRESERVATION).
  - (6) Impact of the proposed project on adjacent land uses.
- (d) Identification of site plan issues.
- (1) The Zoning Administrator, City staff and/or the Planning Commission shall, during the review of the preliminary site plan, identify those comprehensive planning issues, site planning considerations, regulations and other provisions which are found to be applicable to the proposal under review.
  - (2) In the event that any issues remain unresolved following the preliminary site plan conference, the applicant may be required to submit additional information, sketches, and exhibits prior to the submittal of the final site plan.

(e) Waiver of preliminary site plan review. The Zoning Administrator may waive the requirements for the preliminary site plan review conference if it is determined that the site-related and design issues are of a nature that can be satisfactorily resolved during the regular review process.

#### Sec. 21-779. Minor site plans

(a) Uses requiring minor site plan approval. Minor site plan approval is required for the construction or expansion of the following, provided that if there is construction or clearing and grading in a Resource Protection Area, a site plan in accordance with Section 21-780 shall be required:

- (1) Single family detached dwellings.
- (2) Duplexes.
- (3) Additions to single family detached or duplex dwellings exceeding two hundred and fifty (250) square feet in footprint area.
- (4) Residential accessory buildings exceeding two hundred and fifty (250) square feet in footprint area.



- (5) Enlargement of a building otherwise requiring a site plan, but which does not result in any changes in parking lots except as allowed in subsection f. below; provided that the enlargement does not exceed twenty five percent (25%) of the gross floor area of the existing building, or one thousand (1000) square feet, whichever is the least.
- (6) Parking areas in conjunction with the renting of a bedroom or bedrooms in a single family detached dwelling, as regulated by Section 21-605.
- (7) Enlargement of a parking lot that does not increase the number of parking spaces by more than ten (10) spaces, and which does not require changes to vehicular access from a public street.
- (8) Changing the parking layout of existing parking lots without increasing the area used for parking, provided that no changes to vehicular access from a public street are proposed.
- (9) Restoration and/or reconstruction of buildings constructed prior to the year 1800, based on documented historical and/or archaeological evidence, and located in the Colonial Williamsburg Historic Area CW.

(b) Minor site plan submittal requirements.

- (1) Minor site plans shall be drawn to scale, and prepared by an engineer, architect, land surveyor or landscape architect licensed to practice in accordance with Section 54-17.1 of the Code of Virginia (1950), as amended. No person shall prepare or certify design elements of minor site plans which are outside the limits of their professional expertise and license.
- (2) Minor site plans shall include the following information:
  - a. The boundaries of the lot by bearings and distances, and a north arrow.
  - b. The area of the lot.
  - c. The location of the edge of pavement or curb line along the frontage of the property.
  - d. Size, location and use of existing buildings.
  - e. Location of the proposed improvements (including buildings, driveways and parking areas) and distances from all property lines.
  - f. The dimension, height and use of the proposed improvements.
  - g. Limits of clearing and grading.

h. Landscape plan.

1. For single family and duplex dwellings, a landscape plan showing the location of any existing and proposed trees located in a Resource Protection Area (RPA). All existing trees on the site of twelve (12) inches or greater diameter at breast height (DBH) shall be shown, but where there are groups of trees, such groups may be outlined at the canopy line. Trees that must be removed to accommodate the proposed development shall be clearly shown on the plan. Measures for the protection of existing trees during clearing, grading, and all phases of construction shall also be shown.
  2. For all other uses requiring a minor site plan, a landscape plan in accordance with Section 21-784 shall be submitted.
- i. Erosion and sedimentation control measures in accordance with Chapter 7, Article II, EROSION AND SEDIMENTATION CONTROL.
- j. Location of Resource Protection Areas (RPAs), as specified by Article VIII, CHESAPEAKE BAY PRESERVATION, and measures to be taken for the protection of the RPAs during clearing, grading, and all phases of construction.
- k. Location of any proposed buffer area, with any plant material to be added to establish or supplement the buffer area.
- l. Evidence of the issuance of any required wetlands permits, in accordance with Chapter 7, Article III, WETLANDS.
- m. Existing topography and proposed grading, with contour intervals of two (2) feet or less, when deemed necessary by the Zoning Administrator.

(c) Foundation survey. No work on a new building or addition that is required to have a minor site plan shall be approved to proceed above the foundation or slab until the Zoning Administrator has received a survey prepared by a certified land surveyor licensed to practice in accordance with Section 54-17.1 of the Code of Virginia (1950) as amended, showing that the foundation or slab, as constructed, is located in accordance with the approved minor site plan and any other applicable ordinances.



(d) Waivers. The minor site plan and/or foundation survey requirements may be waived or modified if it is determined by the Zoning Administrator that sufficient evidence has been provided to show that the proposal meets all zoning requirements, all regulations and standards pertaining to the Chesapeake Bay Preservation Act and, more specifically, meets all applicable requirements of Article VIII, CHESAPEAKE BAY PRESERVATION

#### Sec. 21-780. Site plans

Uses requiring site plan approval. Site plan approval is required for the construction or expansion of the following:

- (1) Multi-family dwellings.
- (2) Townhouses.
- (3) Churches; schools, colleges and universities; and public buildings or institutions.
- (4) All special use permit uses.
- (5) All permitted uses in the LBR, B-1, B-2, B-3, I, MS, WM, PDR and PDD Districts, except for those uses requiring a minor site plan [Section 21-779].
- (6) Parking lots, other than an expansion allowed as a minor site plan [Section 21-779(a)(7)].
- (7) All special exception uses in the Colonial Williamsburg Historic Area CW, except for those uses requiring a minor site plan [Section 21-779(a)(9)].
- (8) Water dependent development located in a Resource Protection Area.

#### Sec. 21-781. Information required on site plans

(a) Certification. Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, land surveyor or landscape architect licensed to practice in accordance with Section 54-17.1 of the Code of Virginia (1950) as amended. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license.

(b) Scale. Site plans shall be prepared to an engineer's scale appropriate to the lot size and intensity of use, and acceptable to the Zoning Administrator. Sheet size shall be 24" by 36"; however, the Zoning Administrator may approve different sheet sizes in advance of plan submission.



(c) Site plan title sheet. The site plan title sheet shall contain the following information:

- (1) Title block
  - a. Project name
  - b. Name, address and telephone number of the firm and/or individual preparing the site plan.
  - c. Scale of site plan
  - d. Date of preparation of site plan; and dates and descriptions of all revisions.
  - e. Description of the purpose of the site plan.
  - f. The firm's file number for the site plan.
- (2) Location of tract by an insert map at a scale of not more than 1"=2000' showing landmarks sufficient to clearly identify the location of the property.
- (3) A general information section indicating the number of sheets comprising the site plan, and an index showing the locations of the various sheets.
- (4) Rezoning proffers, special use permit conditions and waivers or variances granted shall be indicated.
- (5) The zoning of the parcel.
- (6) Total site acreage.
- (7) A blank space four (4) inches by six (6) inches shall be reserved for the use of the City on the lower right hand corner of the title sheet.

(d) General information required.

- (1) Seal and signature, on each sheet, by the Virginia registered professional engineer, land surveyor, landscape architect or architect responsible for its preparation. One copy of the plan set shall be submitted with original signatures on each sheet.
- (2) The owners, present zoning and current use of all abutting or contiguous parcels.
- (3) The boundaries of the property by bearings and distances.

- (4) Existing topography with a maximum contour interval of two (2) feet; except that where existing ground is on a slope of less than two percent (2%), either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart. Topographic mapping shall identify all significant vegetation, natural features, rock outcroppings, existing cultural features, and shall be supplemented with full verification and location of all underground structures, utilities and public improvements located on or impacting the development of the property.
  - (5) North arrow.
  - (6) All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest one hundredth of a foot.
  - (7) Geometric location data for all public rights-of-way, common areas, utility centerlines and easements, structures and lot lines.
  - (8) A development phasing plan if the proposed project is to be constructed in two or more phases.
  - (9) If the site plan is shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.
  - (10) Building restriction lines and required setbacks.
- (e) Existing features.
- (1) The location, height, floor area and use of all existing buildings and structures, and their distance from all property lines and from each other.
  - (2) All existing streets, utilities, easements and watercourses, and their names and widths.
  - (3) Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on a "Landscape Plan" (see Section 21-784). Water features shall include ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas.



- (4) Gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the site plan scale:

- a. Slopes less than 10%
- b. Slopes from 10% but less than 20%
- c. Slopes from 20% but less than 30%
- d. Slopes 30% or greater
- e. 100-year Floodplains
- f. Wetlands
- g. Existing water features (bodies of water, drainage channels, streams, etc.)
- h. Above ground electric transmission line easements.
- i. Resource Protection and Resource Management Areas as specified by Article XXII, CHESAPEAKE BAY PRESERVATION.

These areas shall also be graphically identified on the site plan.

(f) Proposed improvements.

- (1) The location and use of all proposed buildings and structures and their distance from all property lines and from each other.
- (2) Proposed building(s) height and square footage.
- (3) Proposed streets, utilities and easements, their names and widths.
- (4) Written schedule or data as necessary to demonstrate that the site can accommodate the proposed use, including: acreage occupied by each use; number of floors, height; floor area ratio for office, commercial and industrial uses; lot coverage (amount of impervious cover); acreage occupied by open space; number of dwelling units by type and size; and net residential density. A development sequencing plan shall be presented with any project which is to be constructed in two (2) or more phases.
- (5) Sufficient information to show that the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties which may include schematic plans for storm water management, utilities and transportation improvements.
- (6) Proposed finished grading by contours to be supplemented by finished spot elevations and sectional design information.
- (7) Locations, computations of percent and acreage of all open spaces; identification of areas for, and improvements to, all recreational facilities, including percent and acreage.
- (8) Location and method of garbage and refuse collection

(9) Location and type of all proposed signage.

(10) Location and design of any retaining walls.

(g) Landscape requirements. A landscape plan, in accordance with Section 21-784 "Required landscaping", shall be provided.

(h) Erosion and sedimentation control. Provisions for the adequate control of erosion and sedimentation, as required by Chapter \_\_, EROSION AND SEDIMENTATION CONTROL, shall be indicated on the site plan. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.

(i) Streets and Parking.

(1) Location of all off-street parking and loading spaces, handicapped parking spaces, driveways, existing and proposed vehicular access for the site, entrance types, sidewalks and walkways, size and angle of parking bays and width of aisles [as required by Article V, PARKING, Section 21-703], and a specific schedule showing the number of parking spaces provided and the number required by Article V, PARKING, Section 21-707.

(2) Typical proposed roadway and parking area pavement cross sections, and design support calculations.

(3) Location of proposed street signs.

(4) Plans and profiles for all street improvements in public rights-of-way, including centerline elevations computed to the nearest one hundredth (.01) of a foot at fifty (50) horizontal station intervals and at other locations of geometric importance.

(5) Existing and proposed curb, gutter and sidewalks along all streets contiguous to the project.

(6) Site distances, both horizontal and vertical, at all proposed entrances.

(7) Entrance grades (in percent) noted.

(j) Drainage.

(1) Plans in accordance with adopted storm water management standards for the City.

(2) Plans of contributing drainage areas and the computed limits of the 100-year flood plain, with drainageway cross-sections and water surface elevations plotted on a profile of the pre- and post-development condition, when required by the Director of Public Works.



- (3) Plans and profiles detailing the provisions for the adequate disposition of stormwater in accordance with the City's design and construction standards, indicating:
    - (a) The location, size, type and grade of ditches;
    - (b) Catch basins and inlets;
    - (c) Pipes and connections to existing drainage systems;
    - (d) Verification of receiving line or channel adequacy;
    - (e) Best Management Practices (BMP) water quality facilities;
    - (f) On-site storm water retention where deemed appropriate and necessary by the Director of Public Works.
  - (4) Calculations for drainage and storm water management.
  - (5) Floodplain studies when required by the Director of Public Works.
  - (6) 100-year floodplain limits.
  - (7) Drainage divides and areas.
  - (8) 2-, 10- and 100-year elevations shown for stormwater management ponds.
- (k) Utilities.
- (1) Plans in accordance with any adopted water and sewerage facilities plan for the City.
  - (2) Plans and profiles for all existing and proposed public utilities, including elevations computed to the nearest one hundredth of a foot at fifty (50) horizontal station intervals and at other locations of geometric importance.
  - (3) Location of all sanitary sewer lines and water lines verifying supply and receiving line adequacy, and showing all pipe sizes, types and grades.
  - (4) Location of all existing and proposed fire hydrants; and calculations verifying adequacy of fire flow when required by the Director of Public Works and Utilities or the Fire Chief.
  - (5) The design, location, height, illumination intensity in footcandles, and luminaire type of all exterior lighting fixtures. The direction of illumination and methods to eliminate glare onto the adjoining properties must also be shown.

(l) Additional information. Any additional information deemed necessary by the Planning Director to render a decision on the proposal.

Sec. 21-782. General performance standards

(a) No more land shall be disturbed than is reasonably necessary to provide for the desired use or development. All site plans shall clearly designate land areas to be disturbed.

(b) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the proposed use and development.

(c) Best Management Practices shall be applied to all land disturbing activities regulated by this Article.

(d) Land development proposals shall be designed to minimize impervious cover consistent with the particular use proposed.

(e) No new construction shall be placed on slopes in excess of thirty percent (30%).

Sec. 21-783. Required improvements

The following improvements shall be required for all site plans:

(1) Streets and utilities.

- a. There shall be construction of and/or fee dedication for the widening or relocation of existing streets, and the construction of new streets, where the need for such street improvements are substantially generated by the proposed development.
- b. Easements or rights-of-way shall be dedicated for all publicly maintained utilities. The easement/right-of-way widths shall meet the appropriate City standards.

(2) Curb, gutter and sidewalks.

- a. Curb and gutter shall be required along existing and proposed public streets in all areas designated for such improvements by the City, and shall be constructed to meet the appropriate City standards.
- b. Sidewalks shall be required along existing or proposed public streets in all areas designated for such improvements by the City, and shall be constructed to meet the appropriate City standards.



Sec. 21-784. Required landscaping

(a) Purpose. The purpose of this section is to establish general standards and processes by which the City's landscape architecture and urban design objectives will be implemented. These regulations are designed to: (a) preserve and enhance the aesthetic character of the community; (b) conserve and protect sensitive environmental resources; (c) enhance erosion and sediment control practices through the use of plant materials and ground cover; and (d) improve the physical relationship between adjacent properties via sensitive landscaping and buffering.

(b) General standards. The following general standards shall apply to the planning, design, installation and maintenance of all landscape, screening and related site development practices required by this section:

- (1) Landscape design plans for any site development activity shall be guided by the "Urban Design Performance Guidelines" as established in Chapter XII of the Comprehensive Plan.
- (2) Landscape design plans shall seek to maximize the preservation of existing trees and minimize the disruption of established landscape materials by employing preservation and protection criteria such as those provided in the Virginia Erosion and Sediment Control Manual and the State's Urban Best Management Practices Handbook.
- (3) The quality and type of all new plant materials installed on a site shall be in accord with the specifications of the American Association of Nurserymen, provided that the transplanting of trees and shrubs may be done in accordance with accepted horticultural and silvicultural practices. The planting and placement of trees shall be done in accord with the standardized landscape specifications of the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects.
- (4) Landscape plans shall be certified by a professional landscape architect licensed to practice in the State of Virginia, or certification shall be provided by a registered design professional that the landscape plan was prepared by an affiliated landscape architecture designer duly qualified to perform such work.
- (5) The landscaping, screening and buffering standards established by these landscape requirements provide minimum guidelines for landscape design for residential, institutional, commercial and industrial properties.

(c) Site landscaping and tree preservation standards.

- (1) The applicant shall make every effort to protect existing trees in the design and development of projects requiring minor site plan and site plan approval.

- (2) The minor site plan or site plan shall include the planting and/or replacement of trees on the site to the extent that, at a maturity of ten (10) years, minimum tree canopies or tree covers will be provided in accord with the following standards:
    - a. Business, commercial and industrial development: Ten percent (10%) of the total site area shall be covered in tree canopy.
    - b. Residential development (greater than 10 dwelling units/acre): Fifteen percent (15%) of the total site area shall be covered in tree canopy.
    - c. Residential development (10 dwelling units/acre and less): Twenty percent (20%) of the total site area shall be covered in tree canopy.
  - (3) Existing trees which are to be preserved may be included to meet all or part of the tree canopy requirements, provided that these trees are identified on the landscape plan. Adequate measures shall be taken to protect these trees during construction, and the protection measures shall be indicated on the site plan.
  - (4) All landscape materials shall conform with the following minimum size and height standards: (a) Deciduous shade trees - 10' height; (b) Ornamental trees - 6' height; (c) Coniferous trees - 10' height; (d) Shrubs - 1.5' height or spread. The Planning Commission may modify the stipulated sizes based on specific site conditions and design requirements.
- (d) Parking lot landscaping.
- (1) All parking lots of sixteen (16) or more spaces shall contain within the interior of the parking lot not less than one (1) tree for every eight (8) parking spaces or fraction thereof. Such trees shall be reasonably dispersed throughout the interior of the parking lot in accordance with good landscape and urban design practices, and may be used to meet the tree canopy cover requirements of Section 21-784(c)(2).
  - (2) Parking lots and interior driveways shall be separated from a public street right-of-way by a landscape strip fifteen (15) feet in width (not including sidewalk). However, this requirement shall not apply to driveways shared by adjoining properties. At least one tree for each forty (40) feet of frontage shall be planted in the landscape strip. Shrubs and other ground covers shall be provided within the landscape strip to establish a low level visual buffer between the parking lot and the public street. The landscape design for such shrubs and other ground covers shall also serve to direct and control pedestrian access into parking lots.



- (3) Parking lots shall be separated from interior property lines by a landscape strip ten (10) feet in width. A minimum of one (1) tree for each forty (40) feet of contiguous property line shall be planted in this landscape strip. Shrubs and other ground covers shall be provided within the landscaping strip to establish a low level visual buffer between the parking lot and adjoining properties.
- (4) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubs and other live planting material shall be used to complement the tree plantings.
- (5) The landscaping shall be reasonably dispersed throughout the parking lot, with interior dimensions of any planting area (i.e. interior parking median) sufficient to protect and maintain all landscaping materials.
- (6) Methods of parking lot landscape material irrigation shall be described.

(e) Transitional screening and buffer strips.

- (1) Transitional screening and buffer strips shall be provided when required by the regulations for the individual zoning districts. When required, evergreen trees, deciduous trees, shrubs and other ground covers shall be employed for screening purposes. One deciduous tree shall be planted for each forty (40) feet of contiguous property line. In addition, two (2) off-set rows of evergreen trees shall be planted with each row planted ten (10) feet on center or as otherwise approved by the Planning Commission upon review of the landscape design component of the site plan.
- (2) Transitional screening requirements may be modified by the Planning Commission in cases where it can be clearly demonstrated by the applicant that either (1) the alternative landscape design minimizes any adverse impact through a combination of architectural and landscaping techniques, or (2) where the topography of the property is such that the required screening would not be effective and other methods of screening provide an equivalent buffer area.

(f) Maintenance.

- (1) The property owner shall be responsible for the continued maintenance, repair and replacement of all landscaping materials, buffers and screening required by the provisions of this chapter.

- (2) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
- (3) A failure to adequately maintain landscape improvements in a healthy state and to keep such improvements free of litter, refuse and debris shall be deemed a violation of this chapter.

(g) Landscape plan requirements.

- (1) The landscape plan shall be indicated on the site plan. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.
- (2) The landscape plan shall include:
  - a. Canopy dimensions, location, size, description and botanical name of all existing trees on the site of twelve (12) inches or greater diameter at breast height (DBH). Where there are groups of trees, such groups may be outlined at the canopy line. The location of other existing landscape materials, ground covers and planting beds shall also be shown.
  - b. Canopy dimensions, location, size, description and the botanical name of proposed trees, landscape materials, ground covers and planting beds.
  - c. Delineation of all existing landscape materials proposed to be removed during the site development process, including the classification and location of any diseased trees which should be removed during site development.
  - d. Delineation of all existing landscape materials to be retained during the site development process as well as appropriate landscape protection measures to be implemented during the site construction process.
  - e. Planting specifications and construction details, including a schedule of recommended planting times for trees, plant materials and ground covers.
  - f. Limits of grading and site disturbing activities.
  - g. Delineation of required setbacks.
  - h. Acreage and location of proposed landscape and buffer areas, tabulated and computed by accurate planimetric methods at the site plan scale.
  - i. Location of total site tree canopy cover at ten (10) year maturity, tabulated and computed by accurate planimetric methods at the site plan scale.



- j. Certification of the landscape plan by a professional landscape architect certified to practice in the State of Virginia, or certification by a registered design professional that the landscape plan was prepared by an affiliated landscape architecture designer duly qualified to perform such work.

#### Sec. 21-785. Design standards for site plans

The Zoning Administrator, in conjunction with City staff, shall prepare appropriate detailed design standards for site improvements. These design standards shall be approved by the Planning Commission.

#### Sec. 21-786. Construction and bonding

(a) Prerequisites for site improvement activities. No site improvement activities may occur, or building permit be issued, unless all of the following requirements are met:

- (1) Approval of site plan.
- (2) Approval of architectural plans by the Architectural Review Board, if required.
- (3) Approval of erosion and sediment control plan and surety.
- (4) Approval of clearing and grading plan and issuance of a land disturbing permit.
- (5) Installation of adequate erosion and sediment control measures in accordance with the approved plans.

(b) Improvement costs. All improvements required by this Article shall be installed at the cost of the developer.

(c) Performance bonding. In order to obtain a guarantee of performance to assure timely completion and competent construction of public improvements within existing or proposed public rights-of-way or easements, the applicant may be required by the Director of Public Works and Utilities to post a bond or other acceptable surety under the provisions contained in this Article.

- (1) Erosion and sediment control improvements shall be separately bonded prior to issuance of any construction permit.
- (2) The bond shall be of an amount equal to the estimated developed cost of the required physical improvements, and shall be an irrevocable bond agreement between the applicant and the City.

- (3) Forms of guarantees shall be limited to the following:
  - a. Corporate surety bond from an insurance corporation licensed in Virginia which automatically renews itself until released by the City, and which is in a form acceptable to the City Attorney.
  - b. Cash escrow.
  - c. Letter of credit from an insured lending institution which is in a form acceptable to the City Attorney.
- (4) The bond shall be released only upon the City's determination that all improvements have been satisfactorily completed, the receipt of certified as-built plans acceptable to the Director of Public Works and Utilities, and the recordation of any required easement plats.

#### Sec. 21-787. Foundation survey

(a) No work on a new building or addition that is required to have a site plan shall be approved to proceed above the foundation or slab until the Zoning Administrator has received a survey prepared by a certified land surveyor licensed to practice in accordance with Section 54-17.1 of the Code of Virginia (1950) as amended, showing that the foundation or slab, as constructed, is located in accordance with the approved site plan and other applicable ordinances.

(b) The foundation survey requirements may be waived or modified if it is determined by the Zoning Administrator that sufficient evidence has been provided to show that the proposal meets all zoning requirements.

#### Sec. 21-788. Waivers and revisions

(a) Waivers. The Planning Commission may waive a site plan requirement in particular cases upon a finding that:

- (1) Because of unusual size, topography, or shape of the property, location of the property, or any other unusual conditions, strict application of the site plan requirements would result in significant degradation of the site or adjacent properties; and
- (2) The granting of the waiver is not detrimental to the public health, safety or welfare, orderly development of the area, sound engineering practice, or to properties located within the project impact area.



(b) Revisions.

- (1) No change, revision, addition or deletion shall be made on any site plan or on any accompanying data sheet where approval has been endorsed on the plan or sheet unless authorization for such change is granted in writing by the Zoning Administrator.
- (2) Minor revisions. Minor revisions to a site plan may be approved by the Zoning Administrator, without submission to the Planning Commission. Revisions shall be considered minor if they:
  - a. Are substantially in compliance with the approved site plan together with all conditions imposed by the Planning Commission.
  - b. Will not change the general character of the approved site plan.
  - c. Will not reduce any required buffer areas.
  - d. Will not result in any substantial change of major external access points.
  - e. Will have no adverse impact on public facilities or properties located within the immediate project area.
- (3) Major revisions. Major revisions to a site plan shall be filed and processed in the same manner as the original site plan.

(c) Filing of request for waivers or revisions.

- (1) A developer requesting a waiver or revision pursuant to this section shall file with the Zoning Administrator a written request which shall state reasons and justifications for such request together with such alternatives as may be proposed by the developer.
- (2) No such request shall be considered by the Planning Commission without receiving a written recommendation from the Zoning Administrator, who may recommend approval, approval with conditions, or denial.
- (3) A recommendation of approval or approval with conditions shall be accompanied by a statement from the Zoning Administrator as to the public purpose served by such recommendation, particularly in regard to the purpose and intent of the site plan regulations, the Zoning Ordinance, and the Comprehensive Plan.

Sec. 21-789. Appeals

(a) Appeal of the Zoning Administrator's decision concerning minor site plans and site plans. Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in writing within thirty (30) days. The appeal shall be reviewed by the Planning Commission at a regularly scheduled meeting, and the Planning Commission may approve, modify or deny the decision upon review of facts and findings.

(b) Appeal of Planning Commission decision. Any person aggrieved by a decision of the Planning Commission may present to the Circuit Court of the City a petition specifying the grounds on which aggrieved within thirty (30) days after the rendering of the decision by the Planning Commission. The proceedings before the Circuit Court shall be in accordance with applicable state law.

Secs. 21-789---21-815. Reserved



# **The City of Williamsburg**

## **SUBDIVISIONS**

*Prepared for:*

*The City of Williamsburg, Virginia*

*Prepared by:*

*The Williamsburg Planning Department*

*December, 1990*

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**CITY OF WILLIAMSBURG  
CHAPTER 16. SUBDIVISIONS**

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## CHAPTER 16 SUBDIVISIONS

### ARTICLE I IN GENERAL

#### Sec. 16-1. Purpose and intent

(a) Purpose. This chapter is intended (1) to guide and facilitate the orderly, beneficial growth of the City; (2) to assure the orderly subdivision of land and its development; (3) to insure that the growth of the community is consonant with the efficient and economical use of public funds; to insure that residential areas are provided with healthy surroundings for family life; (4) to improve and protect the public health, safety, and welfare of the citizens of the City; (5) to clearly establish the procedure which must be followed in order to subdivide land in the City; (6) to insure that the subdivision process includes appropriate and applicable reviews; and (7) to accomplish the objectives of Section 15.1-465 of the Code of Virginia (1950), as amended.

(b) Relationship to the Comprehensive Plan. The Williamsburg Comprehensive Plan provides a framework within which public and private decisions can promote the most beneficial arrangement of land uses and related public services. There is mutual responsibility between the City and the developer to subdivide land in an orderly manner in accordance with the intent of the Plan, which provides for a balanced development policy to accommodate and direct future growth in order to preserve and enhance the character of the community. All departments of the City shall employ, and all other public agencies impacted by this chapter are encouraged to employ, the standards and recommendations of the Williamsburg Comprehensive Plan in the review of subdivisions.

(c) Relationship to Chesapeake Bay Preservation Act. These subdivision regulations shall be implemented in concert with City regulations and standards pertaining to the Chesapeake Bay Preservation Act [Chapter 21, Section 10.1-2100 et seq., of Title 10.1 of the Code of Virginia (1950) as amended] and more specifically, with Chapter 21, ZONING, Article VIII, CHESAPEAKE BAY PRESERVATION. Performance criteria for the implementation of the Act have been incorporated into Chapter 21, Article VIII.

## Sec. 16-2. Definitions

For the purpose of this chapter, certain words and terms are defined as follows:

- (1) Words used in the present tense include the future tense; words used in the singular include the plural number; and words in the plural include the singular number; unless the obvious construction of the wording indicates otherwise.
- (2) The word "shall" is mandatory; "may" is permissive.
- (3) Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
- (4) The word "used" shall include the words "arranged, designed, or intended to be used".
- (5) The word "occupied" shall include the words "arranged, designed, or intended to be occupied".
- (6) The word "State" shall mean the Commonwealth of Virginia.
- (7) The word "City" shall mean the City of Williamsburg, Virginia.
- (8) The word "person" shall include the words "firm", "association", "organization", "partnership", "trust", "company", or "corporation" as well as "individual".

**Alley:** A secondary thoroughfare less than thirty (30) feet in width dedicated for the public use of vehicles and pedestrians, affording access to abutting property.

**Best Management Practices:** A practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

**Buffer area:** An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

**Chesapeake Bay Preservation Area (or CBPA):** Any land designated by the City of Williamsburg pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. The Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area, and is defined by Chapter 21, ZONING, Article VIII, CHESAPEAKE BAY PRESERVATION.



**Comprehensive Plan:** The Comprehensive Plan adopted by the Williamsburg City Council, and amendments thereto.

**Cul-de-sac:** The turnaround at the end of a dead end street.

**Frontage:** The width of the front of a lot measured along the street from one side lot line to the other.

**Highly erodible soils:** Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula  $RKLS/T$ , as defined by the "Food Security Act (F.S.A.) Manual" of August, 1988 in the "Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope, length and steepness; and T is the soil loss tolerance.

**Highly permeable soils:** Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service.

**Lot:** A parcel of land occupied or to be occupied by one (1) main building or group of main buildings and accessory buildings and uses, together with such yards and open space required by this chapter.

**Lot, corner:** A lot fronting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

**Lot, depth of:** The average horizontal distance between the front and rear lot lines.

**Lot, double frontage:** An interior lot having frontage on two (2) streets.

**Lot, interior:** Any lot other than a corner lot.

**Lot, reverse frontage:** A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

**Lot, width of:** The horizontal distance between side lot lines at the required front yard setback, or at a front yard setback shown on an approved subdivision plat.

**Lot of record:** A lot, a plat, or description of which has been recorded in the Circuit Court Clerk's office.



**Open space:** That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space may include, but need not be limited to, lawns, decorative planting, flower beds, sidewalks/walkways, fountains, active and passive recreation areas, playgrounds, swimming pools, wooded areas, and water courses. Open space shall not include driveways, parking lots, other vehicular surfaces or any area occupied by a building.

**Parking space, off-street:** A space provided for the parking of a motor vehicle which is not located on a public right-of-way, and which includes any necessary area for ingress and egress.

**Plat:** A plan or map of a tract or parcel of land meeting the requirements of this chapter which is to be or has been subdivided. As a verb, the term is synonymous with subdivide.

**Resource Management Area (or RMA):** That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area.

**Resource Protection Area (or RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

**Street:** A public or private thoroughfare which affords the principal means of access to abutting property.

**Street line:** A dividing line between a lot, tract or parcel of land and a contiguous public or private street.

**Subdivision:** The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for the purpose, whether immediate or future, of transfer of ownership.

**Substantial alteration:** Expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2500 square feet in the Resource Management Area only.

**Tidal shore (or shore):** Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

**Tributary stream:** Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

**Wetlands:** Tidal and nontidal wetlands.

**Wetlands, nontidal:** Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil

conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

**Wetlands, tidal:** Vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia.

**Yard:** An open space at grade between a building and a lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided by this chapter. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and the building shall be used. If a building is constructed across a lot line or lines, the lots that the building is located on shall be considered as one (1) lot for the purpose of measuring the required front, rear and side yards.

**Yard, front:** A yard extending across the full width of the lot and located between the street line and the main building.

**Yard, rear:** A yard extending across the full width of the lot and located between the rear lot line and the main building.

**Yard, side:** A yard extending from the front yard to the rear yard and located between the side lot line and the main building.

**Zoning Ordinance:** The Zoning Ordinance adopted by the Williamsburg City Council, and amendments thereto.

Secs. 16-3---16-10. Reserved.



## ARTICLE II ADMINISTRATION

### Sec. 16-11. Administration and enforcement

(a) The provisions of this chapter shall be administered and enforced by an officer to be known as the Subdivision Administrator, who shall be appointed by the City Manager. The Subdivision Administrator shall have all necessary authority on behalf of the City to administer and enforce the provisions of this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter, the bringing of legal action to insure compliance with this chapter, including injunction, abatement, or other appropriate action or proceeding.

(b) The Subdivision Administrator may call for opinions or decisions, either verbal or written, from other departments or agencies in considering details of any submitted plat.

(c) The Subdivision Administrator shall be responsible for the receipt and processing of subdivision applications, and shall establish such administrative procedures as shall be necessary for the proper administration of this Chapter. These administrative procedures shall be approved by the Planning Commission.

### Sec. 16-12. Violation and penalty

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a Class 3 misdemeanor and, upon conviction thereof, shall be subject to a fine as provided by this Code. Each day which such violation continues shall constitute, in the discretion of the court, a separate offense.

### Sec. 16-13. Variances

The Planning Commission may approve variances from the provisions of this chapter when, in the opinion of the Planning Commission, topography or other special or unusual conditions necessitate such variation. No variance shall be approved unless it is found that strict adherence to the general regulations would result in substantial injustice or hardship.

### Sec. 16-14. Amendments

The Planning Commission may on its own initiative or on request of the City Council prepare and recommend amendments to this ordinance. No amendments shall be adopted without public hearings being held by Planning Commission and by City Council. Notice of the public hearings shall be given as required by the Code of Virginia, Sec. 15.1-431.

### Secs. 16-15---16-25 Reserved

ARTICLE III  
PREPARATION AND RECORDATION OF SUBDIVISION PLATS

Sec. 16-26.     Platting required

Any owner or developer of any tract of land situated within the corporate limits of the City of Williamsburg who subdivides the same shall have recorded in the office of the Clerk of the Circuit Court a plat of the subdivision. No such subdivision plat shall be recorded unless it has been approved in accordance with this chapter. No lot shall be sold in any such subdivision, nor shall any building permit be granted, until a final plat for the subdivision has been approved and recorded.

Sec. 16-27.     Draw and certify

Every subdivision plat intended for recording shall be prepared by a surveyor or engineer duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plats within an inset block or by means of a dotted line upon the plat.

Sec. 16-28.     Owner's statement

Every subdivision plat intended for recording, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, the following statement: "The platting or dedication of (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees," if any. This shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds and when thus executed and approved as specified in this chapter, shall be filed and recorded in the office of the Clerk of Circuit Court and indexed under the names of the landowners signing such statement and under the name of the subdivision.

Sec. 16-29.     No one exempt

No person shall subdivide any tract of land that is located within the corporate limits of the City of Williamsburg except in conformity with the provisions of this chapter.

Sec. 16-30.     Private contracts

This chapter bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement, or restriction implied herein to any City official. When this chapter calls for more restrictive standards than are required by private contracts, the provisions of this chapter shall control.



Sec. 16-31. Changes

No change, erasure or revision shall be made on preliminary or final plat, nor on accompanying data sheets after the approval of the Subdivision Administrator has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Subdivision Administrator.

Sec. 16-32. Fees

There shall be a charge for the examination of every plat reviewed. At the time of filing the plat, the subdivider shall pay to the City of Williamsburg the following:

Minor subdivisions or boundary line adjustments -- \$25.00

Subdivisions -- \$150.00 plus \$10.00 per lot

Secs. 16-33---16-45. Reserved

ARTICLE IV  
MINOR SUBDIVISIONS/BOUNDARY LINE ADJUSTMENTS

Sec. 16-46. Minor subdivisions

A subdivision shall be considered a minor subdivision if:

- (1) The proposal is to divide a parcel of land into not more than three (3) lots fronting on an existing public street and not involving a new public street or the extension of any existing public street or public utilities, and the existing facilities will adequately accommodate the subdivision; and
- (2) The proposal meets all requirements of Chapter 21, Zoning.
- (3) Any proposal which results in the creation of a lot or lots which, based upon the zoning classification of the property, could be further subdivided into a total of more than three (3) lots, shall not be considered to be a minor subdivision.

Sec. 16-47. Boundary line adjustments

(a) A boundary line adjustment shall be a resubdivision of a part of two (2) or more adjacent lots, and where no additional lots are created. Typically, a boundary line adjustment is a minor realignment of a single line between two platted lots.

(b) The lots reconfigured by the boundary line adjustment shall meet all requirements of Chapter 21, Zoning. Boundary line adjustments involving one (1) or more nonconforming lots shall not be permitted where the result of such adjustment would increase the degree of nonconformity.

Sec. 16-48. Information required on minor subdivision/boundary line adjustment plats

The following information shall be shown on the minor subdivision or boundary line adjustment plat:

- (1) Title block indicating: subdivision name; name and address of surveying or engineering firm; scale of plat; date of preparation of plat; seal and signature (on each sheet) by a Virginia registered land surveyor or professional engineer.
- (2) Surveyor's or engineer's certificate in accordance with Sec. 16-27.
- (3) Owner's certificate, properly notarized, in accordance with Sec. 16-28.
- (4) Location map when required by the Subdivision Administrator.



- (5) North arrow and designation of north orientation used for the survey.
- (6) Street names and utility easements.
- (7) Boundary survey with an error of closure within the limit of one (1) foot in ten thousand (10,000) feet related to the state grid north, and showing the location of all permanent reference monuments and their type and material. The survey may be related to the United States Coast and Geodetic Survey, state grid north, if the coordinates of two adjacent corners of the subdivision are shown.
- (8) Approval block indicating either "MINOR SUBDIVISION PLAT" or "BOUNDARY LINE ADJUSTMENT", and a space for the signature and date of signature of the Subdivision Administrator.

**Sec. 16-49. Minor subdivision/boundary line adjustment approvals**

If the Subdivision Administrator finds that the proposed minor subdivision or boundary line adjustment meets all the requirements set forth above and elsewhere in this chapter, final subdivision approval shall be granted. However, minor subdivisions and boundary line adjustments may, at the discretion of the Zoning Administrator, be referred to the Planning Commission for a final decision.

**Secs. 16-50---16-60. Reserved**

ARTICLE V  
SKETCH PLAT/PRELIMINARY SUBDIVISION REVIEW

Sec. 16-51. Purpose

The preliminary subdivision review process is an opportunity for the subdivider to present conceptual subdivision plans for review and approval prior to the submittal of the required preliminary plat. This review allows the subdivider to understand and anticipate subdivision design related issues and requirements prior to the submittal of detailed preliminary subdivision plats and the expenditure of substantial funds on engineering design. This review also allows the City staff, Planning Commission, City Council and citizens to comment on the subdivision design in its preliminary stages. Because of the importance of this preliminary review, it is made a requirement for all subdivision plats.

Sec. 16-52. Intent

The sketch plat/preliminary subdivision review is intended to examine the following:

- (1) The location, design, scope, type, density, physical characteristics and phasing of the proposed subdivision.
- (2) The impact of the proposed subdivision on adjacent property.
- (3) Compatibility of the proposed subdivision with the Comprehensive Plan, adopted master facilities plans, the capital improvements program, and plans for the development of neighboring properties.
- (4) Compatibility of proposed streets and transportation improvements with other existing and planned streets within the general area of the proposed development, and with the transportation section of the Comprehensive Plan.
- (5) Compatibility of the proposed subdivision with applicable ordinances, design guidelines and development criteria; and particularly those contained in the zoning district in which the subdivision is located, and the Chesapeake Bay Preservation requirements of the Zoning Ordinance (Chapter 21, Article VIII).

Sec. 16-53. When to be filed

The sketch plat of a proposed subdivision shall be filed prior to the preparation of the preliminary and/or final plats. Following the completion of the City staff review, the proposal shall be transmitted to the Planning Commission.



Sec. 16-54. Development of portion of tract

If the subdivider proposes to develop only a portion of the tract, a sketch plat for the entire tract shall be required to be approved by the City Council prior to submittal of the preliminary plat for the portion of the tract to be developed.

Sec. 16-55. Information required on sketch plats

Sketch plats shall be prepared by an engineer, land surveyor, landscape architect, architect, city planner, land planner or others having training or experience in subdivision planning or design. The sketch plat of the proposed subdivision, at a scale of not less than two hundred (200) feet to the inch, shall contain the following information:

- (1) Vicinity map at a scale of not less than 1 inch = 2000 feet.
- (2) The boundaries of the property by bearings and distances, the area of the property, and a north arrow.
- (3) The names, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property.
- (4) The location, dimensions and approximate grades of all proposed streets.
- (5) The topography of the property with a maximum contour interval of five (5) feet. In cases of unusual topography, the Subdivision Administrator may require a contour interval of two (2) feet over all or a portion of the property.
- (6) Conceptual plans for water and sewer facilities, including preliminary profiles when required by the Director of Public Works and Utilities.
- (7) The location, area, and percentage of total land area of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) specified by Chapter 21, Article VIII, Chesapeake Bay Preservation.
- (8) The location of any required or proposed buffer areas.
- (9) The approximate limits of clearing and grading for the construction of all streets, utilities and stormwater management facilities.
- (10) Conceptual plans for stormwater management, including preliminary calculations for pre- and post-development nonpoint source pollution.

- (11) A phasing plan if the subdivision is proposed to be developed in phases.
- (12) For cluster subdivisions, the gross acreages, and percentage of total land area, of the following physical land units, tabulated and computed by accurate planimetric methods at the sketch plat scale:
  - a. Slopes less than 10%
  - b. Slopes from 10% but less than 20%
  - c. Slopes from 20% but less than 30%
  - d. Slopes 30% or more
  - e. 100-year floodplains
  - f. Wetlands
  - g. Existing water features (bodies of water, drainage channels, streams, etc.)
  - h. Above ground electric transmission line easements

These areas shall also be graphically identified on the sketch plat.

- (13) Number of lots proposed, lot areas and widths, and average lot area.
- (14) Total site area; and areas and percentage of total site area used for lots, streets and other areas to be dedicated or reserved.
- (15) When deemed necessary by the Planning Director or the Planning Commission, the following information shall be provided:
  - a. A traffic impact analysis, showing the effect of traffic generated by the proposed subdivision on surrounding streets and neighborhoods.
  - b. A public utility analysis, showing the effect of the proposed subdivision on public water, sewer and/or storm drainage facilities.
- (16) Such other reasonable information that the Subdivision Administrator deems necessary.

#### Sec. 16-56. Planning Commission action and public hearing

(a) The Planning Commission shall review the sketch plat, and, following the review, recommend to City Council the approval, approval with conditions, or disapproval of the sketch plat, based upon the standards contained in this chapter. Before taking action, the Planning Commission shall hold at least one (1) public hearing, after public notice as required by the Code of Virginia, Sec. 15.1-431.



(b) In addition to the notices required, there shall be posted upon the affected parcel or parcels, clearly visible from a public street, a sign containing the heading PUBLIC NOTICE prominently displayed in bold print. Such sign shall state the subdivision case number, and the telephone number of the Planning Department. Such notice shall be posted at least fourteen (14) days prior to the Planning Commission public hearing but failure to constantly maintain such sign on the property until the date of the Planning Commission public hearing shall not invalidate any resulting approval. An affidavit by the Subdivision Administrator or his agent stating that the sign was properly posted shall be prima facie evidence that the posting requirement was complied with.

(c) The Planning Commission shall act on the sketch plat within sixty (60) days after the date of the first Planning Commission meeting at which the sketch plat is considered, unless this requirement is waived by mutual consent between the subdivider and the Subdivision Administrator.

#### **Sec. 16-57. City Council action; approval or disapproval**

(a) The City Council shall review the sketch plat following receipt of the Planning Commission's recommendation and, following the review, shall approve, approve with conditions, or disapprove the sketch plat, based on the standards contained in this chapter.

(b) Approval of a sketch plat shall expire twelve (12) months after the date of approval by City Council unless a preliminary plat has been filed with the Subdivision Administrator. The Subdivision Administrator, upon written request by the subdivider, may grant one (1) twelve (12) month extension of the sketch plat approval.

#### **Sec. 16-58. Preliminary plat submittal following approval of sketch plan**

Following the approval of the preliminary plat, the subdivider may submit the preliminary plat for approval in accordance with Article VI, PRELIMINARY PLATS. The preliminary plat shall be substantially in accord with the approved sketch plan.

#### **Sec. 16-59. Waiver of sketch plan/preliminary subdivision review**

The Subdivision Administrator may waive the requirements for the sketch plan/preliminary subdivision review if it is determined that the subdivision design issues are of a nature that can be satisfactorily resolved during the regular review process. If the preliminary subdivision review is waived, the public hearing required in Sec. 16-56 shall be held by Planning Commission prior to the approval of the preliminary plat.

#### **Secs. 16-60---16-70. Reserved**

ARTICLE VI  
PRELIMINARY PLATS

Sec. 16-71. When to be filed

The preliminary plat of a proposed subdivision shall be filed following the approval of the sketch plat by City Council. This plat shall be in compliance with the provisions of this chapter and in substantial accord with the sketch plat approved by City Council under the provisions of Article V.

Sec. 16-72. Information required on preliminary plats

(a) Certification. Preliminary plats or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, land surveyor or landscape architect licensed to practice in accordance with the Code of Virginia, Sec. 54-17.1. No person shall prepare or certify design elements of preliminary plats which are outside the limits of their professional expertise or license.

(b) Scale. Preliminary plats shall be prepared at a scale of not less than fifty (50) feet to the inch, and acceptable to the Subdivision Administrator. Sheet size shall be 24" by 36"; however, the Subdivision Administrator may approve different sheet sizes in advance of plat submission.

(c) Preliminary plat title sheet. The preliminary plat title sheet shall contain the following information:

- (1) Title block
  - (a) Subdivision name.
  - (b) Name, address and telephone number of the firm and/or individual preparing the site plan.
  - (c) Scale.
  - (d) Date of preparation; and dates and descriptions of all revisions.
  - (e) The firm's file number for the site plan.
- (2) Name and address of the record owner of the land to be subdivided, and of the subdivider if different from the record owner.
- (3) Location of tract by an inset map at a scale of not more than 1" = 2000' showing landmarks sufficient to clearly identify the location of the property.
- (4) A general information section indicating the number of sheets comprising the preliminary plat, and an index showing the locations of the various sheets.
- (5) Proposed use of property.



- (6) Rezoning proffers, special use permit conditions and waivers or variances granted shall be indicated.
- (7) The zoning of the parcel.
- (8) Total site area; and areas and percentage of total site area used for lots, streets and other areas to be dedicated or reserved.
- (9) A blank space four (4) inches by six (6) inches shall be reserved for the use of the City on the lower right hand corner of the title sheet.

(d) General information required.

- (1) Seal and signature, on each sheet, by the Virginia registered professional engineer, land surveyor, landscape architect or architect responsible for its preparation. One (1) copy of the plan set shall be submitted with original signatures on each sheet.
- (2) Sources of data used in preparing the preliminary plat including, but not limited to, plats of record and the deed book and page number citation of the last instrument in the chain of title whereby the parcel to be subdivided was created.
- (3) The owners, present zoning and current use of all abutting or contiguous parcels, and the names of adjoining subdivisions.
- (4) The boundaries of the property by bearings and distances. When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines, with source of title shown.
- (5) North arrow.
- (6) All linear dimensions shown on the preliminary plat shall be in feet to the nearest one hundredth (0.01) of a foot. All angular measurements shall be expressed by bearings or angles to the nearest ten (10) seconds. All curves shall be defined by their radius, central angle, tangent, distances, tangent bearing and arc lengths.
- (7) A development phasing plan if the proposed subdivision is to be constructed in two (2) or more phases.
- (8) If the preliminary plat is shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.

(e) Existing features.

- (1) The location and use of all existing buildings and structures.
- (2) Existing topography with a maximum contour interval of two (2) feet.
- (3) Existing natural land features, trees, water features (including ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas).
- (4) All existing streets, utilities, stormwater management facilities, watercourses, and their names and widths.
- (5) All easements, including deed book references.
- (6) Location and gross acreages of Resource Protection and Resource Management Areas as specified by Chapter 21, Zoning, Article VIII, CHESAPEAKE BAY PRESERVATION.
- (7) For cluster subdivisions, the gross acreages of the following physical land units shall be tabulated and computed by accurate planimetric methods at the site plan scale:
  - a. Slopes less than 10%
  - b. Slopes from 10% but less than 20%
  - c. Slopes from 20% but less than 30%
  - d. Slopes 30% or greater
  - e. 100-year floodplains
  - f. Wetlands
  - g. Existing water features (bodies of water, drainage channels, streams, etc.)
  - h. Above ground electric transmission line easements.

(f) Proposed improvements.

- (1) Proposed lots: locations, numbers, dimensions, areas and required yard areas.
- (2) Proposed streets: locations, names, widths, centerlines, cross sections and profiles. Profiles shall include centerline elevations computed to the nearest one hundredth (0.01) of a foot at fifty (50) horizontal station intervals and at other locations of geometric importance.
- (3) Proposed sidewalks, walkways and/or bikepaths: locations, widths and cross sections.



- (4) Provisions for water supply and sewage disposal indicating:
  - a. Plans and profiles for all existing and proposed public utilities, including elevations computed to the nearest one hundredth (0.01) of a foot at fifty (50) horizontal station intervals and at other locations of geometric importance.
  - b. Location of all sanitary sewer lines and water lines verifying supply and receiving line adequacy, and showing all pipe sizes, types and grades.
  - c. Location of all existing and proposed fire hydrants; and calculations verifying adequacy of fire flow when required by the Director of Public Works and Utilities or the Fire Chief.
  - d. Location of necessary easements.
- (5) Provisions for the adequate disposition of natural water and stormwater in accordance with adopted storm water management standards for the City, including:
  - a. Plans of contributing drainage areas and the computed limits of the 100-year flood plain, with drainageway cross-sections and water surface elevations plotted on a profile of the pre- and post-development condition, when required by the Director of Public Works and Utilities.
  - b. Plans and profiles detailing the provisions for the adequate disposition of stormwater in accordance with the City's design and construction standards, indicating: (1) the location, size, type and grade of ditches; (2) catch basins and inlets; (3) pipes and connections to existing drainage systems; (4) verification of receiving line or channel adequacy; (5) Best Management Practices (BMP) water quality facilities; and (6) on-site storm water retention where deemed appropriate and necessary by the Director of Public Works.
  - c. Calculations for drainage and storm water management.
  - d. Floodplain studies when required by the Director of Public Works and Utilities.
  - e. Drainage divides and areas.
  - f. 2-, 10- and 100-year elevations for stormwater management ponds.
- (6) Provisions for adequate control of erosion and sedimentation, as required by Chapter 7, Article II, EROSION AND SEDIMENTATION CONTROL. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.
- (7) Proposed landscaping.
- (8) Location and method of street lighting.

(9) Location and type of all proposed signage, including street name and traffic signs.

(10) Locations of all parcels of land intended to be dedicated or reserved for public use or to be reserved for the common use of property owners in the subdivision, with the purpose, condition or limitations of such dedication or reservation indicated.

(g) Additional information. Any additional information deemed necessary by the Subdivision Administrator to render a decision on the proposal.

#### Sec. 16-73. Preliminary plat approval

(a) The Planning Commission shall review the preliminary plat and, following the review, approve, approve with conditions, or disapprove the preliminary plat based upon the standards contained in this chapter. The Commission shall not approve the final plat unless it finds that it is in substantial accord with the sketch plat approved by City Council.

(b) A decision to approve, approve with conditions, or disapprove the preliminary plat shall be made within sixty (60) days after the date of the first Planning Commission meeting at which the preliminary plat is discussed, unless waived by mutual consent between the subdivider and the Subdivision Administrator.

#### Sec. 16-74. Sale of property not approved

No property shall be transferred or sold, nor shall any building permits be issued, on the basis of an approved preliminary plat.

#### Sec. 16-75. Time limit for submittal of final plat

The final plat shall be submitted not more than twelve (12) months after approval of the preliminary plat by Planning Commission. Failure to do so shall render the preliminary plat null and void. The Planning Commission may, upon written request by the subdivider, grant one (1) twelve month extension of the preliminary plat approval.

#### Secs. 16-76---16-90. Reserved



ARTICLE VII  
FINAL PLATS

Sec. 16-91. When to be filed

The final plat of a proposed subdivision shall be filed following the approval of the preliminary plat by Planning Commission. This plat shall be in compliance with the provisions of this chapter and in substantial accord with the preliminary plat approved by Planning Commission under the provisions of Article VI.

Sec. 16-92. Submittal requirements

(a) Certification. Final plats shall be certified by a land surveyor or engineer licensed to practice in accordance with the Code of Virginia, Sec. 54-17.1.

(b) Scale. Final plats shall be prepared at a scale of one inch equals one hundred feet (1"=100'), unless otherwise authorized by the Subdivision Administrator. A reduced copy of the final plat, at a scale of one inch equals two hundred feet (1"=200') shall also be provided.

(c) Preparation standards. Final plats shall be clearly and legibly drawn in dark black ink upon .004 mil or thicker polyester based drafting film having a sheet size of eighteen inches by twenty-four inches (18"x24"). All signatures shall be in black or dark blue permanent ink. Margins shall be at least one-fourth inch (1/4") on all sides.

(d) Number of copies required. Two (2) reproducible copies of the final plat, at both required scales, shall be submitted to the Subdivision Administrator. Both copies shall be complete and include the following:

- (1) All required signatures and notarizations, except for that of the Subdivision Administrator, shall have been affixed to each copy.
- (2) Copies of all deeds, covenants, agreements, easements, bonds or other certificates or instruments required by the Subdivision Administrator or which are intended for recordation with the Final Plan, complete with all required seals, shall be submitted.
- (3) Recordation fees in an amount sufficient to cover the recordation costs of the Final Plat and the other submitted instruments shall be submitted.

(e) Final plat title sheet. The final plat title sheet shall contain the following information:

- (1) Title block
    - (a) Subdivision name.
    - (b) Name, address and telephone number of the firm and/or individual preparing the site plan.
    - (c) Scale.
    - (d) Date of preparation; and dates and descriptions of all revisions.
    - (e) The firm's file number for the site plan.
  - (2) Name and address of the record owner of the land to be subdivided, and of the subdivider if different from the record owner.
  - (3) Location of tract by an inset map at a scale of not more than 1" = 2000' showing landmarks sufficient to clearly identify the location of the property.
  - (4) A general information section indicating the number of sheets comprising the preliminary plat, and an index showing the locations of the various sheets.
  - (5) Rezoning proffers, special use permit conditions and waivers or variances granted shall be indicated.
  - (6) The zoning of the parcel.
  - (7) Total site area; and areas and percentage of total site area used for lots, streets and other areas to be dedicated or reserved.
  - (8) Surveyor's certificate in accordance with Sec. 16-27.
  - (9) Owner's consent statement, properly notarized, in accordance with Sec. 16-28.
  - (10) A blank space four (4) inches by six (6) inches shall be reserved for the use of the City on the lower right hand corner of the title sheet.
- (f) General information required.
- (1) Seal and signature, on each sheet, by the Virginia registered land surveyor or engineer responsible for its preparation. One (1) copy of the final plat set shall be submitted with original signatures on each sheet.
  - (2) Sources of data used in preparing the preliminary plat including, but not limited to, plats of record and the deed book and page number citation of the last instrument in the chain of title whereby the parcel to be subdivided was created.



- (3) The owners of all abutting or contiguous parcels and the names of adjoining subdivisions.
  - (4) The boundaries of the property by bearings and distances. When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines, with source of title shown.
  - (5) North arrow.
  - (6) All linear dimensions shown on the preliminary plat shall be in feet to the nearest one hundredth (0.01) of a foot. All angular measurements shall be expressed by bearings or angles to the nearest ten (10) seconds. All curves shall be defined by their radius, central angle, tangent, distances, tangent bearing and arc lengths.
  - (7) If the final plat is shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- (g) Existing features.
- (1) The location and use of all existing buildings and structures.
  - (2) Location of water features (including ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas).
  - (3) The exact locations and widths of all existing streets, utilities, stormwater management facilities, and watercourses.
  - (4) The exact locations and widths of all easements, including deed book references.
  - (5) Location and gross acreages of Resource Protection and Resource Management Areas as specified by Chapter 21, Zoning, Article VIII, CHESAPEAKE BAY PRESERVATION.
  - (6) Location and material of all existing permanent reference markers.
- (h) Proposed improvements.
- (1) Proposed lots: locations, numbers, dimensions with bearings and distances, areas and required front, side and rear yard setbacks. All curve data shall be shown in a complete curve table. Lots shall be numbered in numerical order and blocks lettered in alphabetical order.
  - (2) Proposed streets: locations, names, widths, centerlines. Rights-of-way shall be dimensioned with bearings and distances. All curve data shall be shown in a complete curve table.

- (3) Locations, names, width of proposed easements. Easements shall be dimensioned with bearings and distances. All curve data shall be shown in a complete curve table.
- (4) Locations of all parcels of land intended to be dedicated or reserved for public use or to be reserved for the common use of property owners in the subdivision, with the purpose, condition or limitations of such dedication or reservation indicated.

(i) Additional information. Any additional information deemed necessary by the Subdivision Administrator to render a decision on the proposal.

#### Sec. 16-93. Final plat approval

(a) The Subdivision Administrator shall review the final plat and, if the final plat is in compliance with the provisions of this chapter and is in substantial accord with the preliminary plat approved by the Planning Commission, shall approve the final plat for recordation.

(b) A decision to approve or disapprove the final plat shall be made within sixty (60) days of the submittal of the final plat to the Subdivision Administrator unless this requirement is waived by mutual consent between the subdivider and the Subdivision Administrator.

Secs. 16-94---16-120. Reserved



ARTICLE VIII  
REQUIRED IMPROVEMENTS

Sec. 16-121. In general.

The subdivider shall install the following improvements in accordance with the minimum requirements and regulations set forth in this article. These improvements shall be installed at the cost of the subdivider and in compliance with the requirements of any or all plans and plats approved by the City.

Sec. 16-122. Streets and sidewalks.

(a) Construction and right-of-way dedication, as required for streets, service drives, driveway entrances or other access connections, which will permit vehicular travel within the subdivision and to and from adjacent properties.

(b) Construction of, and/or fee dedication for, the widening of existing streets, the construction of existing streets on new alignments and the construction of proposed streets, all as indicated in the Comprehensive Plan and where the need for such streets are substantially generated by the proposed subdivision.

(c) Construction of sidewalks or pedestrian walkways on one (1) or both sides of streets, irrespective of the width of lots, where they are necessary to protect the safety of pedestrians. Whenever possible, connection shall be made to existing walkways in adjacent developments or subdivisions.

Sec. 16-123. Utilities.

(a) Construction of all utilities necessary to serve the proposed subdivision. All utilities provided by the developer shall be installed underground in accordance with adopted City standards, provided, however, that:

- (1) Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution.
- (2) Meters, service connections and similar equipment normally attached to the outside wall of the premises the serve may be so installed.

(b) Dedication of easements or rights-of-ways for all utilities and facilities within subdivisions which are intended to be publicly maintained. Such easement or right-of-way shall be clearly defined on the plat or plan for the purposes intended.

(c) Installation of an adequate drainage system for the disposition of stormwater runoff in accordance with City design and construction standards and compatible with any adopted stormwater management facilities plan for the watershed.

Sec. 16-124. Erosion and sedimentation control.

Installation of adequate temporary and permanent erosion and sediment control measures in accordance with Chapter 7, Article II, EROSION AND SEDIMENTATION CONTROL.

Secs. 16-125---16-135. Reserved.



ARTICLE IX  
DESIGN STANDARDS

Sec. 16-136. In general.

(a) The quality of design of a community is dependent on the quality of design of the individual subdivisions that are included in it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the City of Williamsburg. Therefore, the design of each subdivision shall be prepared in accordance with the principles and recommendations established by the Comprehensive Plan for land use, circulation, community facilities and public services, and in accordance with the following general principles:

- (1) The size of lots and blocks and other areas for residential, commercial, industrial and public uses shall be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities.
- (2) The arrangements of lots and blocks and the street system shall be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees shall, whenever possible and consistent with the provisions of this Chapter, be preserved. Permanent greenbelts shall be provided along major street as recommended by the Comprehensive Plan. Any system of sidewalks and roadways and lot layout shall be designed to take advantage of the visual qualities of the area.

(b) In furtherance of the purposes of this chapter, the following minimum design standards contained in this article, as applicable, shall be required and provided for in the design of all subdivisions.

Sec. 16-137. Streets.

(a) Street location and alignment.

- (1) All street and highway construction standards and geometric design standards shall be in accord with applicable City designs and construction standards, and those of the Virginia Department of Transportation.
- (2) All subdivisions must have direct access to public streets. Such developments are to be designed so that lots will not have direct access to any arterial street unless the physiography, shape or size of the tract would preclude other methods of providing access.

- (3) The arrangement of streets in new subdivisions shall provide for the planned continuation of existing streets in adjoining areas, and must not be such as to cause unnecessary hardship to owners of adjoining property which is available for future subdivision.
- (4) Subdivision streets shall be provided and designed to give access to adjoining acreage in conformance with the Comprehensive Plan.
- (5) Where traffic generated from a subdivision exceeds two thousand (2,000) vehicles per day, such subdivision shall provide connectors to any existing public street at two locations. Where only one connection is physically achievable, the connecting portion of the entrance roadway must be a four-lane divided standard extending into the development for a length of not less than two hundred fifty (250) feet. No internal vehicular connection shall be permitted to this four-lane divided entrance section into the development.
- (6) "Half-street" sections (streets of less than the full right-of-way required) or "partial street" sections along the property line of land proposed for subdivision shall not be permitted. When a new subdivision abuts one side of an existing or platted street, the subdivider shall dedicate at least half the right-of-way necessary to make such street comply with the minimum width fixed for the same by this chapter.
- (7) Streets in predominantly residential subdivisions shall be designed to discourage through traffic.
- (8) Buffer or reserve strips limiting access from existing or planned through streets shall be prohibited.

(b) Service drives. Whenever a proposed subdivision contains or is adjacent to a minor or major arterial street, as defined by the Comprehensive Plan, sufficient land may be required to be reserved so as to provide for subsequent construction of service drives or service streets approximately parallel to such right-of-way. Except where impractical by reason of topographic hardship, the area between the drive and the major highway shall be sufficient to provide for scenic planting and screening. The dimension of the area between the service drive and a major highway and the points of access between the same shall be determined after due consideration of traffic safety requirements.

(c) Street approach angle. Streets shall intersect at right angles (90 degrees) unless approved by the City for specific reasons of contour, terrain or matching or existing patterns.



(d) Cul-de-sacs.

- (1) Cul-de-sacs shall not be longer than one thousand (1000) feet. Where the topography, property configuration or other physical constraints are such that a cul-de-sac of greater length is required for the effective and efficient development of the property, the City may authorize cul-de-sacs which exceed one thousand (1000) feet in length.
- (2) All cul-de-sacs must be terminated by a turnaround having a right-of-way radius of fifty (50) feet.

(e) Street grades.

- (1) The grades of streets shall not exceed eight percent (8%) unless approved by the City.
- (2) A minimum street grade of 0.5% shall be required.
- (3) Where roadside ditches are permitted, and where engineering analysis of street ditches indicate the potential for erosive conditions, said ditches shall be paved and/or grouted rip-rap, with catch basins installed, where required, under the current standards of the City of Williamsburg. Studies shall be provided detailing soils characteristics, slope analysis, street gradients and other factors relevant to the establishment of man-made ditches.

(f) Street extensions. Proposed streets which will extend an existing street shall be improved in like manner as the existing street. Type of improvement and construction materials shall be in accord with the current standards of the City of Williamsburg.

(g) Street specifications. Specifications for improvement of existing and proposed streets shall be in accordance with City of Williamsburg design standards and criteria.

(h) Street signs and names. At each street intersection, within or adjacent to the proposed subdivision, one street identification sign of a design approved by the City shall be installed by, and at the expense of, the subdivider. The City Council shall have the authority of assign and/or approve all new subdivision street names.

(i) Alleys.

- (1) Alleys should be avoided whenever possible.
- (2) Privately maintained and properly documented alley easements may be permitted, provided there is acceptable documentation ensuring the maintenance and upkeep of the alley easement. No alley easement shall be less than fifteen (15) feet wide.



(3) Dead end alleys shall not be permitted.

(j) Street width. The right-of-way width for all public streets shall conform to the widths designated by the transportation element of the Comprehensive Plan. The right-of-way width for public streets shall not be less than fifty (50) feet, and pavement width shall not be less than thirty (30) feet.

(k) Entrances. Each entrance onto any public street for vehicular traffic to and from such subdivision shall be constructed in accordance with the design standards of the City of Williamsburg.

(l) Classifications.

- (1) The classification of proposed streets shall be determined by an estimate of the anticipated vehicular traffic volume as currently prescribed, or as revised, by the Virginia Department of Transportation, and shall apply to streets proposed by the subdivider and to all streets shown on the transportation element of the Comprehensive Plan.
- (2) Subdividers shall be required to reserve right-of-way for minor and major arterials where applicable and depicted on an Official Map.
- (3) Subdividers shall be required to construct appurtenant service drives and access points.
- (4) Subdividers shall be required to dedicate and construct all public streets directly serving the proposed subdivision.
- (5) All construction shall conform to the standards of the City, or, in the event no City standards exist, the standards of the Virginia Department of Transportation. Unless otherwise shown, all material and construction technique specifications shall be in accordance with the requirements of the Virginia Department of Transportation in effect at the time of the plan and specification approval.

(m) Private streets.

- (1) Single family detached subdivisions. Private streets for single family detached subdivisions are discouraged, and shall not be approved unless they are necessary due to the unique physical characteristics of the property.
- (2) Townhouses and multi-family subdivisions. Townhouses and multi-family developments must have access to public streets. This access may be via private streets.

- (3) Requirements for private streets. When access is provided by private streets, the following shall apply:
- a. All lot owners granted perpetual right of access to the public street.
  - b. No private streets shall carry in excess of one thousand (1000) vehicles per day.
  - c. The final plat shall not each private street as "privately owned and privately maintained by the lot owners." The final plat shall also provide an adequate easement for ingress, egress, maintenance of utilities, and for public agencies including Police, Fire and Utility Departments to allow them to carry out their duties.
  - d. All permitted private streets shall carry an approved street name.
  - e. No parking spaces shall be permitted to have direct access to private street carrying in excess of six hundred (600) vehicles per day.
- (4) Design standards.
- a. Geometric design requirements for private streets shall conform to the current standards of the City of Williamsburg for public streets.
  - b. A cul-de-sac or appropriate turnaround must be provided at the end of all private streets. If a turnaround is provided, it shall be designed to allow for the safe movement of emergency vehicles, service trucks and school busses. Otherwise, travelways must interconnect to provide for adequate emergency vehicular access within the same development.
  - c. Pavement for private streets shall meet City of Williamsburg standards for public streets.
- (5) Maintenance.
- a. A nonprofit organization shall be established and given the responsibility for the ownership and perpetual maintenance of private streets. All documents pertaining to the organization shall be submitted for City approval.
    - 1. The subdivider must establish the organization prior to the recordation of the subdivision plat.



2. Membership in the organization shall be mandatory for all property owners, present or future, within the subdivision.
  3. The organization shall provide for the maintenance, administration and operation of all private streets.
- b. The Final Plat for subdivisions being served by private streets shall contain the following statement in a highlighted box on each sheet containing private streets: "The streets serving this subdivision are private and are not eligible for acceptance into the City/State System. Maintenance of these streets, including snow removal, is not the responsibility of the City of Williamsburg."

#### Sec. 16-139. Blocks.

(a) Block length. No block shall be longer than one thousand two hundred (1,200) feet between cross streets. Blocks over one thousand feet in length shall have a crosswalk at least ten feet in width near the center of the block.

(b) Block width. The width of a block shall be sufficient to allow two (2) tiers of lots, except where fronting on primary streets. A single tier of lots may be approved where physiography or Comprehensive Plan recommendations so dictate.

(c) Block orientation. Where a proposed subdivision adjoins an arterial street or a major collector street, the City may require either service streets or driveways parallel to such arterial or collector street, or reverse frontage lots, in order to facilitate safe ingress to or egress from the subdivision.

(d) Nonconforming blocks. Any proposed blocks of irregular shape or not conforming to the dimensions required by this Article may be accepted upon special approval by the City.

#### Sec. 16-140. Lots.

(a) Relationship to street. Each lot shall abut on a street dedicated by the subdivision plat or deed of dedication, an existing public street, or an approved private street.

(b) Arrangement and design generally. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Unusually shaped or elongated lots established primarily for the purpose of providing minimum lot size requirements when such area would be unusable for normal purposes shall not be permitted.



(c) Size. The minimum lot size and dimensions shall be in accordance with Chapter 21, ZONING, and the requirements for the Zoning District in which the proposed subdivision is located.

(d) Side lines. Side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street or lot layout.

(e) Corner lots. Corner lots shall have extra width sufficient for maintenance of the required front yard on both streets upon which the corner lot abuts. Corner lots at intersections shall be rounded with a minimum twenty-five (25) foot radius.

(f) Out parcels. The design of a subdivision shall preclude the existence of any remnant or out-parcel of land below minimum lot size unless such remnant or out-parcel of land is intended for a specific accessory use for the subdivision and as otherwise approved by the City. Otherwise, out-parcels shall be added to adjacent lots or common open space rather than remain as unbuildable or peculiarly shaped parcels.

(g) Pipestem lots. No pipestem lots shall be permitted.

(h) Double frontage and reverse frontage lots. Double frontage or reverse frontage lots shall be permitted where essential to provide separation of residential development from streets, to overcome disadvantages of topography, or where exceptional subdivision design permits.

(i) Monuments and corners.

- (1) Permanent reference monuments shall be placed at all boundary points, points of curvature, points of tangency, points of compound curves, reverse curves, and at other points along all dedicated rights-of-way deemed of geometric significance.
- (2) Permanent monuments shall be solid metal pins, or a material approved by the Subdivision Administrator, of not less than five-eighths (5/8) inch in diameter and thirty (30) inches long and shall be set to approved finish grades.
- (3) All lot corners shall be marked with solid metal pins, or a material approved by the Subdivision Administrator, of not less than five-eighths (5/8) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, the solid metal monument shall be set and secured in a hole drilled at least six (6) inches deep in the rock.
- (4) Upon completion of all streets and other improvements in the subdivision, all monuments and pins required shall be clearly visible for inspection and use prior to the final acceptance of the subdivision.

Sec. 16-141. Easements.

Easements shall meet the following minimum requirements, unless otherwise accepted or required by the Director of Public Works and Utilities. The width of an easement containing a combination of utilities shall be the maximum of the overlay of the combined easements.

- (1) Sanitary sewer -- twenty (20) feet.
- (2) Water mains -- fifteen (15) feet, twenty (20) feet if lines are in excess of five (5) feet in width.
- (3) Storm sewer -- twenty (20) feet.
- (4) Underground telephone, television cable, gas or electric -- ten (10) feet unless otherwise stipulated by the applicable utility agency.
- (5) Stormwater drainage -- twenty (20) feet, except that easement of sufficient width shall be provided, at the discretion of the Director of Public Works and Utilities, for sufficient surface drainage construction and the provision of adequate access for maintenance purposes.

Sec. 16-142. Storm drainage.

(a) The goal of the City policy for stormwater management is to limit the rate of stormwater runoff from a developed area to that which existed before development occurs, unless discharged into an adequate natural or manmade receiving channel, pipe or storm sewer system. When property is located in a Chesapeake Bay Preservation Area, pollutant discharges shall comply with Article X, CHESAPEAKE BAY PRESERVATION. The policies for attaining this goal are more specifically addressed in the Comprehensive Plan. In general, on-site stormwater management structures shall be constructed in concert with construction activities. In watersheds where any stormwater management facilities plan has adopted off-site watershed management measures, a pro-rata monetary contribution towards such comprehensive drainage improvements may be substituted for on-site stormwater management, if approved by the Director of Public Works and Utilities.

(b) The basic design criteria for stormwater management facilities employs the 10-year frequency, two hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods. Emergency spillways shall be designed to pass the 100-year frequency, two hour storm. Hydrographs, spillway design, embankment design and flow computations shall be submitted with the site plan.

(c) Dedicated easements shall be provided for stormwater management facilities.

(d) Fencing of stormwater management facilities which retain or detain runoff may be required.



(e) Design criteria.

- (1) In general, adequate drainage must have the hydraulic characteristics to accommodate the expected flow of stormwaters from a given watershed, or portion thereof, for a specified duration and intensity of rainfall.
- (2) Adequate drainage should be designed to:
  - a. Account for both off-site and on-site stormwaters;
  - b. Honor natural drainage divides;
  - c. Convey said stormwater to a stream, water channel, natural drainageway or existing facility;
  - d. Discharge said stormwater into the drainageway at natural elevations or by discharging the stormwater into an existing facility of sufficient capacity to receive same; and
  - e. Not to result in increases of flow which would cause adverse impact to the downstream landowner.
- (3) Drainage structures should be constructed in such a manner that they can be maintained at reasonable cost. To facilitate design, construction and maintenance, said drainage structures must meet or conform to City standards.
- (4) Determination of the size and capacity of an adequate drainage system shall take into account the planned development in the watershed or affected portions thereof. The design should not adversely affect adjacent or neighboring properties.
- (5) Properties and waterways downstream from new subdivisions shall be protected from erosion due to increases in the volume, velocity and peak flow rate of stormwater runoff. To satisfy these requirements, the following criteria, as a minimum, shall apply:
  - a. Concentrated stormwater runoff leaving a development site must be discharged directly into a well-defined natural or man-made off-site receiving channel or pipe. If there is no well defined off-site receiving channel or pipe, one must be constructed to convey stormwater to the nearest adequate channel. Newly constructed channels shall be designed as adequate channels.
  - b. An adequate channel shall be defined as a natural or man-made channel or pipe which is capable of conveying the runoff from a 10-year, 6-hour storm without overtopping its banks or eroding, after development of the subdivision. A receiving channel may also be considered adequate at any point where the total contributing drainage area is at least one hundred (100) times greater than the drainage area of the development site in question; or, if it can be shown that the peak rate of



runoff from the site generated by storms to the 10-year, 6-hour storm will not be increased after development.

- c. Runoff rate and channel adequacy must be verified with engineering calculations on standard design forms acceptable to the Director of Public Works and Utilities.
- (6) If an existing off-site receiving channel is not an adequate channel, the applicant must choose one of the following options:
- a. Obtain permission from downstream property owners to improve the receiving channel to an adequate condition. Such drainage improvements shall extend downstream until an adequate channel section is reached.
  - b. Develop a site design that will not cause the predevelopment peak runoff rate from storms up to the 10-year, 6-hour storm to increase. Such a design may be accomplished by enhancing the infiltration capability of the site or by providing on-site stormwater detention measures. The estimation of predevelopment and postdevelopment peak runoff rates must be verified by engineering calculations.
  - c. Provide a combination of channel improvement, stormwater detention or other measures which are satisfactory to the Director of Public Works and Utilities to prevent downstream channel erosion.
  - d. All channel improvements or modifications must comply with all applicable laws and regulations.
  - e. Increased volumes of unconcentrated sheet flows which will cause erosion or sedimentation of adjacent property must be diverted to a stable outlet or detention facility.

#### Sec. 16-143. Water supply.

(a) All subdivisions of land in the City shall be approved for connection to the City water system.

(b) The design and construction standards of the City shall be followed for all water systems, unless specific deviations are approved by the Director of Public Works and Utilities.

(c) Subject to the adoption of a comprehensive water facilities plan, a subdivider shall be required to pay a pro-rata share of the cost of providing reasonable and necessary water facilities which may be outside the property limits of the land owned or controlled by the subdivider, but necessitated or required, at least in part, by the subdivision of such land. Payment shall be in accordance with the intent and provisions of the Code of Virginia, Section

15.1-466(j), the Comprehensive Plan, any adopted comprehensive water facilities plan, and this Chapter.

(d) The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and Utilities.

(e) As-built drawings, prepared by a surveyor or engineer duly authorized by the State of Virginia to prepare same, shall be submitted to the City as a condition precedent to the acceptance of the water system. As-built drawings shall be prepared as mylar reproducibles.

(g) Final approval of the water system shall not be given until all construction is complete and the as-built plan is submitted to and approved by the Director of Public Works and Utilities.

#### Sec. 16-144. Sanitary sewer.

(a) Every subdivision shall be provided with a complete sanitary sewer system connected to a public sanitary sewer main, and shall include a lateral connection for each lot, except as allowed by Sec. 16-145.

(b) The design and construction standards of the City shall be followed for all sanitary sewer systems, unless specific deviations are approved by the Director of Public Works and Utilities.

(c) Subject to the adoption of a comprehensive sewerage facilities plan, a subdivider shall be required to pay a pro-rata share of the cost of providing reasonable and necessary sewerage facilities which may be outside the property limits of the land owned or controlled by the subdivider, but necessitated or required, at least in part, by the subdivision of such land. Payment shall be in accordance with the intent and provisions of the Code of Virginia, Section 15.1-466(j), the Comprehensive Plan, any adopted comprehensive sewerage facilities plan, and this Chapter.

(d) The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and Utilities.

(e) An acceptance test shall be required for all sanitary sewer lines. All acceptance tests shall be conducted by the contractor in the presence of the Director of Public Works and Utilities or his representative.

(f) As-built drawings, prepared by a surveyor or engineer duly authorized by the State of Virginia to prepare same, shall be submitted to the City as a condition precedent to the acceptance of the sanitary sewer facilities. As-built drawings shall be prepared as mylar reproducibles.

(g) Final approval of the sanitary sewer facilities shall not be given until all construction is complete and the as-built plan is submitted to and approved by the Director of Public Works and Utilities.



Sec. 16-145. Private on-site sewage treatment systems

(a) No subdivision of more than five (5) lots shall be approved where individual private on-site sewage treatment systems are to be used.

(b) When a public sanitary sewer is not accessible, and where it is unreasonable or financially impractical for the City to extend such public sanitary sewer lines, in the opinion of the Director of Public Works and Utilities, individual private on-site sewage treatment systems may be approved for subdivisions of up to five (5) lots.

(c) No such subdivision shall be improved until the Williamsburg Health Department has approved the proposed on-site sewage treatment systems.

(d) On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit and located in the Chesapeake Bay Preservation Area shall:

- (1) Have pump-out accomplished for all such systems at least once every five (5) years.
- (2) For new construction, provide a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site. Building shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an on-site sewage treatment system which operates under a permit issued by the State Water Control Board. All sewage disposal site records shall be administered to provide adequate notice and enforcement.

Sec. 16-146. Fire protection.

(a) The installation of adequate fire hydrants by the subdivider at locations approved by the Fire Chief shall be required as necessary to provide adequate fire protection.

(b) Fire hydrants shall be installed in the public right-of-way, at the cost of the subdivider.

(c) In situations where fire hydrants are not located in the public rights-of-way, the subdivider shall dedicate or obtain all necessary easements to adequately service the fire hydrants. The location of such easements shall be approved by the Fire Chief, and the easements shall be dedicated to the City.

Sec. 16-147. Required landscaping.

(a) Purpose. The purpose of this section is to establish general standards and processes by which the City's landscape architecture and urban design objectives will be implemented. These regulations are designed to: (a) preserve and enhance the aesthetic character of the community; (b) conserve and protect sensitive environmental resources; (c) enhance erosion



and sediment control practices through the use of plant materials and ground cover; and (d) improve the physical relationship between adjacent properties via sensitive landscaping and buffering.

(b) General standards. The following general standards shall apply to the planning, design, installation and maintenance of all landscape, screening and related site development practices required by this section:

- (1) Landscape design plans for any site development activity shall be guided by the "Urban Design Performance Guidelines" as established in Chapter XII of the Comprehensive Plan.
- (2) Landscape design plans shall seek to maximize the preservation of existing trees and minimize the disruption of established landscape materials by employing preservation and protection criteria such as those provided in the Virginia Erosion and Sediment Control Manual and the State's Urban Best Management Practices Handbook. The removal of trees or the clearing and grading of land by the subdivider shall be generally permitted only to accommodate the construction and installation of those improvements required by this chapter. The limits of clearing and grading shall be clearly shown on the preliminary plat.
- (3) The quality and type of all new plant materials installed on a site shall be in accord with the specifications of the American Association of Nurserymen, provided that the transplanting of trees and shrubs may be done in accordance with accepted horticultural and silvicultural practices. The planting and placement of trees shall be done in accord with the standardized landscape specifications of the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects.
- (4) Landscape plans shall be certified by a professional landscape architect licensed to practice in the State of Virginia, or certification shall be provided by a registered design professional that the landscape plan was prepared by an affiliated landscape architecture designer duly qualified to perform such work.
- (5) The landscaping standards established by these landscape requirements provide minimum guidelines for landscape design for residential, institutional, commercial and industrial properties.

(c) Subdivision landscaping and tree preservation standards.

- (1) The applicant shall make every effort to protect existing trees in the design and development of subdivisions.

- (2) The subdivision landscape plan shall provide for the placement of street trees within or contiguous to the public right-of-way. A minimum of one (1) street tree for each forty (40) feet of right-of-way length shall be provided.
  - (3) All landscape materials shall conform with the following minimum size and height standards: (a) Deciduous shade trees - 10' height; (b) Ornamental trees - 6' height; (c) Coniferous trees - 10' height. The Planning Commission may modify the stipulated sizes based on specific site conditions and design requirements.
  - (4) The subdivider's landscape architect shall consult with the Subdivision Administrator during the sketch plat and preliminary plat phases to determine the most appropriate species of street trees for use in a given subdivision.
- (d) Maintenance.
- (1) The property owner shall be responsible for the continued maintenance, repair and replacement of all trees required by the provisions of this chapter.
  - (2) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
  - (3) A failure to adequately maintain landscape improvements in a healthy state and to keep such improvements free of litter, refuse and debris shall be deemed a violation of this chapter.
- (e) Subdivision landscape plan requirements.
- (1) A subdivision landscape plan shall be submitted with all preliminary plats. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.
  - (2) The subdivision landscape plan shall include:
    - a. Canopy dimensions, location, size, description and the botanical name of proposed trees, landscape materials, ground covers and planting beds.
    - b. Delineation of all existing landscape materials proposed to be removed during the site development process, including the classification and location of any diseased trees which should be removed during site development.
    - c. Delineation of all existing landscape materials to be retained during the site development process as well as appropriate landscape protection measures to be implemented during the site construction process.



- d. Planting specifications and construction details, including a schedule of recommended planting times for trees, plant materials and ground covers.
- e. Limits of grading and site disturbing activities.
- f. Delineation of required setbacks.

**Sec. 16-148. Provision for parks, schools, open space, etc.**

In the subdividing of land, consideration shall be given to suitable sites for parks, schools, open space and other areas of public use as described in the Comprehensive Plan. Such areas should be located and indicated on the sketch plat and preliminary plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for or required by the City for such use. The provision shall not be construed to preclude the dedication of property for public use not included in the Comprehensive Plan, provided such property is acceptable to the City for such dedication and maintenance.

**Sec. 16-149. Preservation of natural features and cultural resources.**

The natural terrain and features of the land, including heritage, memorial, significant and specimen trees, natural watercourses and other scenic areas and other features and resources worthy of preservation located within the area encompassed by any proposed subdivision shall be preserved and protected during the development process to the extent possible while enabling reasonable development of the property.

**Sec. 16-150. General Standards.**

All other design criteria and construction standards shall be in accordance with the City of Williamsburg design and construction standards. Where standards and criteria are not provided or are found not applicable, the Director of Public Works and Utilities and/or the Subdivision Administrator shall provide the governing standards or shall rule upon those standards proposed by the subdivider.

**Secs. 16-151---16-160. Reserved.**

ARTICLE X  
CHESAPEAKE BAY PRESERVATION.

Sec. 16-161. Areas of applicability

(a) The Chesapeake Bay Preservation Areas are delineated on the Chesapeake Bay Preservation Area Map as Resource Protection Areas (RPAs) and Resource Management Areas (RMAs); these designations show the general location of RPAs and RMAs and should be consulted by persons contemplating development.

(b) The Resource Protection Area includes:

- (1) Tidal wetlands.
- (2) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams.
- (3) Tidal shores.
- (4) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections (1) through (3) above, and along both sides of any tributary stream.
- (5) Other sensitive lands at or near the shoreline that provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff.

(c) The Resource Management Area (RMA) includes all City land situated within five hundred (500) feet of the landward boundary of a Resource Protection Area (RPA). If only a portion of a lot or parcel is in an RMA, then only that portion shall be subject to the RMA regulations. The Resource Management Area includes:

- (1) Floodplains.
- (2) Highly erodible soils, including steep slopes.
- (3) Highly permeable soils.
- (4) Nontidal wetlands.
- (5) Other land types that, if improperly used or developed, have a potential for causing significant water quality degradation.

Sec. 16-162. Regulations to apply.

Subdivisions located wholly or partially in Chesapeake Bay Preservation Areas shall comply with the provisions of Chapter 21, ZONING, Article VIII, CHESAPEAKE BAY PRESERVATION. These regulations are designed to protect and improve the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse



effects of human activity upon these areas. The regulations are intended to encourage and promote: (1) protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (2) safeguarding the clean water of the Commonwealth from pollution; (3) prevention of any increase in pollution; (4) reduction of existing pollution; and (5) promotion of water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the Commonwealth and the City.

Secs. 16-163---16-170. Reserved

ARTICLE IX  
CONSTRUCTION AND BONDING

Sec. 16-171. Prerequisites for construction activities.

No site improvement or construction activities may occur unless all of the following requirements are met:

- (1) Approval of preliminary plat.
- (2) Approval of erosion and sediment control plan and surety.
- (3) Approval of clearing and grading plan and issuance of a land disturbing permit.
- (4) Installation of adequate erosion and sediment control measures in accordance with the approved plans.

Sec. 16-172. Improvement costs.

All improvements required by this Chapter shall be installed at the cost of the developer.

Sec. 16-173. Performance bonding in lieu of completion.

(a) When the subdivider wishes to record the Final Plat, but the required physical improvements as shown on the approved Preliminary and/or Final Plat have not been made, in whole or in part, the subdivider may enter into a subdivision agreement with the City and post a bond or other acceptable surety to assure timely completion and competent construction of said improvements, subject to the following:

- (1) Erosion and sediment control improvements shall be separately bonded prior to issuance of any construction permit.
- (2) The bond shall be of an amount equal to the estimated developed cost of the required physical improvements, and shall be an irrevocable bond agreement between the applicant and the City.
- (3) Forms of guarantees shall be limited to the following:
  - a. Corporate surety bond from an insurance corporation licensed in Virginia which automatically renews itself until released by the City, and which is in a form acceptable to the City Attorney.
  - b. Cash escrow.
  - c. Letter of credit from an insured lending institution which is in a form acceptable to the City Attorney.



- (4) The bond shall be released only upon the City's determination that all improvements have been satisfactorily completed, the receipt of certified as-built plans prepared by a duly licensed surveyor or engineer and acceptable to the Director of Public Works and Utilities.

[Chapter 16:Ord:1]