



TOWN OF APPOMATTOX TOWN COUNCIL ACTION FORM

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Amend Town Code to remove certain minimum lot size requirements for lots served by public water and/or public sewer.

ISSUE: This amend of the Town Code is to remove certain minimum lot size requirements for lots served by public water and/or public sewer systems to avoid potential conflict with similar provisions in other portions of the Town Code.

RECOMMENDATION: Striking the lot requirement language contained in the Town Code under Chapter 28 "Subdivisions" under Article V. Required Improvements, Division 1. Generally, Sec. 28-211. Water facilities generally.

TIMING:

BACKGROUND:

ENCLOSED DOCUMENTS: Chapter 28 Subdivisions, Article V. Required Improvements, Division I. Generally, Sec. 28-211 Water facilities generally, with proposed language to be struck from the Town Code.

STAFF/SPONSOR: Robert Fowler, Community Development and Zoning Director

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Timothy W. Garrett
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jack Hensley
<input type="checkbox"/>	<input type="checkbox"/>	Councilor James Boyce, Sr.
<input type="checkbox"/>	<input type="checkbox"/>	Councilor McKinley Cardwell

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Danielle Ulmer
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Mary Lou Spiggle
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Richard Conner (If required)

- (6) *Separate ownership.* Where the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Such deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and they both shall be recorded together.
- (7) *Business or industrial uses.* Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

(Code 2003, § 171-30)

Sec. 28-185. Blocks.

Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following general requirements:

- (1) *Length.* Generally, the maximum length of blocks shall be 1,200 feet and the minimum length of blocks upon which lots have frontage shall be 500 feet.
- (2) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
- (3) *Orientation.* Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

(Code 2003, § 171-31)

Secs. 28-186-28-208. Reserved.

ARTICLE V. REQUIRED IMPROVEMENTS

DIVISION I. GENERALLY

Sec. 28-209. Requirements.

All required improvements shall be installed by the subdivider at the cost of the subdivider. In cases where specifications have been established either by the state department of transportation for streets, curbs, etc., or by local ordinances and codes, such specifications shall be

followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the requirements of this chapter.

(Code 2003, § 171-32)

Statelaw reference-Release of performance guarantee, Code of Virginia, § 15.2-2241 et seq.

Sec. 28-210. Streets.

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality. The streets shall meet the minimum requirements of the state department of transportation's policy, unless they are less restrictive than this chapter.

- (1) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60 degrees, unless approved by the agent upon recommendation of the highway engineer.
- (2) *Service drives.* Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
- (3) *Approach angle.* Major streets shall approach major or minor streets at an angle of not less than 80 degrees, unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.
- (4) *Minimum widths.* The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan, or, if not shown on such plan, shall be

a minimum of 50 feet. Local service drives or other minor streets which cannot be extended in the future shall be not less than 50 feet in width; alleys, if permitted, shall not be less than 20 feet nor more than 28 feet in width.

- (5) *Construction requirements.* In cases where state department of transportation specifications are lacking or less restrictive than the requirements of this chapter, this chapter shall prevail. The grades of streets submitted on subdivision plats shall be approved by the agent upon recommendation of the highway engineer prior to final action by the agent. Wherever feasible, street grades shall not exceed ten percent.
- (6) *Culs-de-sac.* Generally, minor terminal streets (culs-de-sac) designed to have one end permanently closed shall be no longer than 400 feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter.
- (7) *Alleys.* Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.
- (8) *Private streets and reserve strips.* There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.
- (9) *Names.* Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names, irrespective of the use of the suffix (street, avenue, boulevard, drive, way, place, lane or court). Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the council.
- (10) *Identification signs.* Street identification signs of a design approved by the agent shall be installed at all intersections.

(Code 2003, § 171-33)

State law reference-Grading streets, Code of Virginia, title 15.2, ch. 20.

Sec. 28-211. Water facilities generally.

Where public water is available, the service shall be extended to all lots within a subdivision, including fire hydrants, by the subdivider in accordance with the design standards and specifications for water, construction and improvements in the town and meeting the approval of the agent. Every subdivision containing 25 or more lots to which public water cannot or will not be provided shall be supplied by the subdivider with a complete central water supply and distribution system to serve each and every lot ~~containing less than 20,000 square feet per lot.~~

(Code 2003, § 171-34)

Sec. 28-212. Sewerage facilities generally.

Where public sewerage facilities are available, the service shall be extended to all lots within a subdivision and septic tanks will not be permitted. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for sewerage construction and improvements, in accordance with state health department specifications and meeting the approval of the agent, provided the average prevailing lot size is less than 20,000 square feet. In the case of a subdivision in which the size of lots are 20,000 square feet or more in area, an individual sewage disposal system for each lot may be provided by the subdivider, subject to the approval by the health officer.

(Code 2003, § 171-35)

Sec. 28-213. Private water and/or sewerage facilities.

Nothing in this chapter shall prevent the installation of privately owned water and/or sewerage facilities in areas where public water and/or sewerage facilities are not available; provided, however, that such installations must meet all the requirements of the state water control board, the state health department and any other state or local regulation having authority over such installation.

(Code 2003, § 171-36)

State law reference-State water control board, Code of Virginia, § 62.1-44.7 et seq.

Sec. 28-214. Storm drainage.

The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.

(Code 2003, § 171-37)

State law reference-Local stormwater management program, Code of Virginia, §§ 10.1-603.3, 15.2-2114.

Sec. 28-215. Fire protection.

The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary public water is available. The agent shall consult with the proper authority before approving such location.

(Code 2003, § 171-38)

Sec. 28-216. Easements.

The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision when required by the agent.

(Code 2003, § 171-39)

Sec. 28-217. Submission of plans.

Two blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer and shall be submitted to the agent for approval or disapproval within 45 days. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. If no action is taken in 45 days, such subdivision shall be deemed approved.

(Code 2003, § 171-40)

Secs. 28-218---28-242. Reserved.

DMSION 2. MONUMENTS

Sec. 28-243. Installation and inspection requirements.

As required by this chapter, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the council.

(Code 2003, § 171-41)

Sec. 28-244. Concrete.

Concrete monuments four inches in diameter or square and three feet long, with a flat top, shall be placed at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at appropriate points as determined by the subdivision administrator along the rear lot lines, but in no instance shall there be less than three monuments in any given site distance. The top of the monument shall have an appropriate mark to properly identify the location and shall be set flush with finished grade.

(Code 2003, § 171-42)

Sec. 28-245. Iron pipe.

All lot corners other than those specified in section 28-244 shall be marked with iron pipe less than three-fourths of an inch in diameter and 24 inches long and driven so as to be flush with

the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half-inch in diameter, the top of which shall be flush with the finished grade line.

(Code 2003, § 171-43)

Secs. 28-246-28-268. Reserved.

ARTICLE VI. ROAD SPECIFICATIONS

Sec. 28-269. Compliance with state requirements; additional standards and specifications required.

The intent of the council is to require the necessary street and highway construction requirements needed to make all subdivision roads eligible for acceptance into the secondary road system of the state department of transportation. Before approval of the roads in any final subdivision plat shall be given, the highway resident engineer for the county shall submit in writing that all requirements and specifications of the state department of transportation for acceptance into the secondary road system have been met. This approval does not indicate, however, that such roads will be immediately accepted into the secondary road system of the state department of transportation. The roads must render a public service, that is, from a standpoint of occupied dwellings and continuing traffic service to the same. After the effective date of the ordinance from which this chapter was originally derived, all subdivisions shall incorporate the following requirements, standards and specifications:

- (1) Right-of-way width shall be not less than 50 feet.
- (2) Roadway graded to 30 feet exclusive of side ditches.
- (3) The following requirements concerning drainage shall apply:
 - a. Drainage structures including culverts approved by the state department of transportation shall be provided.
 - b. Drainage easements within subdivisions and easements for drainage outlets leaving subdivisions are to be shown on recorded plat of subdivision.
- (4) Aggregate base for pavement shall be a minimum of 20 feet in width and five inches in depth and shall be of satisfactory stabilizing material meeting the requirements of the current state department of transportation specifications.
- (5) Pavement shall be a minimum width of 20 feet consisting of a prime and double seal treatment of bituminous material and aggregate. The rates of application and the material shall meet the requirements of the current state department of transportation specifications.