

SUBDIVISION ORDINANCE
TOWN OF ROCKY MOUNT, VIRGINIA

January 9, 1995
Revised: October 14, 2002
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IN THE COUNCIL OF THE TOWN OF ROCKY MOUNT

AN ORDINANCE of the Town of Rocky Mount amending Appendix B of the Code of the Town of Rocky Mount, Virginia (2002), and providing for the regulation of the subdivision of property into lots, streets, alleys and other public areas, and to provide for the development, certification and approval of plats of subdivisions in the Town of Rocky Mount.

WHEREAS, the Town Council of the Town of Rocky Mount is required to adopt regulations to assure the orderly subdivision of land for development, to provide for the harmonious and ordered growth of the Town and for the coordination of streets in subdivisions and developments of land with the existing or planned streets, and rights-of-way for distribution of population and related growth which will create conditions favorable to health, safety, convenience and prosperity of all town residents.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Rocky Mount that Appendix B of the Code of the Town of Rocky Mount, Virginia (2002), be amended and the following regulations are adopted for the subdivision of land in the Town of Rocky Mount.

This ordinance shall be in full force and effect upon its passage.

Adopted this 14th day of October, 2002.

Ayes: J. Greer, A. Cook, S. Angle, R. Seale, C. Santrock, and S. Tuning

Nays: None

Amended on the 12th day of March, 2007.

Ayes: J. Greer, J. Lester, P. Dillon, S. Angle, R. Seale, S. Tuning, and S. Agee

Nays: None

APPROVED:

/s/ Steven C. Angle
Mayor

ATTEST:

/s/ Patricia H. Keatts
Clerk

Approved as to form:

/s/ John T. Boitnott
Town Attorney

ARTICLE I - GENERAL PROVISIONS

1-1 Title.

This ordinance shall be known and may be cited as the "Subdivision and Development Ordinance of the Town of Rocky Mount, Virginia," or simply as the "Subdivision Ordinance."

1-2 Purpose.

The purpose of this ordinance is to establish procedures and regulations for the subdivision of land within the corporate limits of the Town of Rocky Mount, Virginia, and to accomplish the objectives listed below:

- (A) To achieve the orderly development of land through reasonable standards of design and procedures for subdivision and re-subdivision of land, and insure proper legal description and marketing of subdivided land.
- (B) To protect and provide for the public health, safety and general welfare.
- (C) To guide future growth and development in accordance with the policies of the comprehensive plan, applicable zoning regulations and other adopted policy documents of the town.
- (D) To provide for the orderly extension of water and sewer, streets, sidewalks and bikeways, stormwater facilities, and other public facility services in a safe, adequate and efficient manner.
- (E) To secure adequate provision of street lighting, fire and police protection, recreation and educational facilities, and similar municipal services.
- (F) To coordinate proposed public facilities and streets in new subdivisions with existing public services in a manner that minimizes adverse effects on adjacent or nearby neighborhoods.
- (G) To reduce and prevent air, soil, noise, water pollution, and flooding, and to insure appropriate development with regard to natural resources and features, and open space which will contribute to the beauty of the community and value of the land.
- (H) To promote economic, social and environmental stability of the community and to protect the character of Rocky Mount through the encouragement of beneficial and balanced urban development patterns.

1-3 Authority.

Authority for the Town of Rocky Mount to prepare and adopt this ordinance is contained in Title 15.2, Chapter 22, Article 6 of the Code of Virginia, (1950), as amended. The Planning Commission of the Town of Rocky Mount is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including sketch, preliminary and final plats. The Planning Commission delegates the authority to review and approve, conditionally approve, and disapprove applications for minor subdivisions and final plats to the subdivision agent.

1-4 Definitions.

For the purposes of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words in the present tense include the future, words in the singular include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise. The word "lot" shall include the word "parcel", the word shall is mandatory and not directory, the word "approve" shall be considered to be followed by the words "or disapprove", any reference to this ordinance includes all ordinances amending or supplementing the same, all distances and areas refer to measurement in a horizontal plane.

Agent: The representative of the Town Council of the Town of Rocky Mount approved and appointed to serve as the agent of the Council in reviewing and approving subdivision plats. The Town of Rocky Mount Planning Commission or its duly authorized representative who has been appointed to serve as the agent of the Planning Commission in approving subdivision plats.

Aggrieved Person: A person or group of people with an immediate, pecuniary, and substantial interest in a subdivision as opposed to a remote or indirect interest. The subdivider may be an aggrieved person. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Alley: A permanent service way providing a secondary means of access to abutting properties. For the purpose of this ordinance, an alley may also be used as a utility corridor unless otherwise provided by a Subdivision Restrictive Covenant. Alleys are private rights-of-way and are not publicly held or dedicated as parts of new plats.

Bikeway: Any facility that provides for bicycle travel and may be one (1) of the two (2) following types:

- (1) **Bike trail:** A completely separate right-of-way designed for the exclusive use of bicycles. Cross flows by pedestrians and motorists are minimized.
- (2) **Bike lane:** A restricted right-of-way integrated with a vehicular roadway and designed for the exclusive use of bicycles. Through travel by motor vehicles is not permitted, but cross flows may be allowed.

Building Setback: The minimum distance, as provided in the Rocky Mount Zoning & Development Ordinance, that a building must setback from the front line or front boundary line or side lot line or side boundary line.

Circuit Court: The Circuit Court of Franklin County, Virginia.

Commission: The Planning Commission of the Town of Rocky Mount, Virginia.

Comprehensive Plan: The plan for development of the Town with accompanying maps, plats, charts, and descriptive matter adoptive by the governing body in accordance with the Code of Virginia, (1950), as amended.

Condominium: Real property, and any incidents thereto or interest therein, having condominium instruments recorded pursuant to the provisions of the Code of Virginia, (1950), as amended. A condominium shall have the undivided interest in the common elements vested in the unit owners.

County: Franklin County, Virginia.

Cul-de-Sac: A street with only one outlet having an appropriate turnaround for safe and convenient reverse of traffic movement.

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

Easement: A right expressed in a recorded writing, given by the owner of land to another party for specific limited use of that land.

Engineer: An individual licensed by the Commonwealth of Virginia as a professional engineer.

Family, Immediate: Any person who is a natural or legally defined offspring, spouse, sibling, parent, grandparent or grandchild.

Family Subdivision: A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner with only one such division allowed per family member.

Final Plat: The map of a subdivision submitted to the agent for final approval and subsequently to be recorded in the Clerk's Office of the Circuit Court of Franklin County.

Flood: An overflow of water onto land not normally covered by water that results in significant adverse effects in the vicinity.

Flood, One-Hundred Year: A flood that, on the average, is likely to occur once every one hundred (100) years, that has a one (1) percent chance of occurring each year, although the flood may occur in any year.

Floodplain: An area, usually relatively flat or low laying, which adjoins a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to unusual and rapid accumulation or runoff of surface waters from any source.

Floodway: The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of one hundred (100) year magnitude.

Governing Body: The Town Council of the Town of Rocky Mount, Virginia.

Health Official: The health director or sanitarian of Franklin County, Virginia.

Highway Engineer: The resident engineer employed by the Virginia Department of Transportation with transportation and highways responsibilities for Franklin County, Virginia.

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

Lot: A numbered and recorded portion of a subdivision, created in conformance with the provisions of this ordinance, and intended for the transfer of ownership.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection. The shortest side of a corner lot fronting upon a street shall be considered the front of the lot. The longest side fronting upon a street shall be considered the side lot.

Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Interior: A lot other than a corner lot.

Lot, Width of: The mean horizontal distance between the side lot lines.

Lot of Record: A lot that has been recorded in the Clerk's Office of the Circuit Court of Franklin County.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

Physical Improvements: Any structure such as drainage structures, central water systems, central sewage systems, bridges, etc., and such other improvements as the agent may designate.

Plat: A map or plan of a tract or parcel of land, which is to be, or which has been subdivided. Includes the terms "map," "plan," "plat," "replat," or "replot." When used as a verb, "plat" is synonymous with "subdivide."

Preliminary Plat: The plat or layout of a proposed subdivision submitted to the agent for their approval prior to preparation of the final plan.

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

Resubdivision: A change in a map or an approved or existing subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line.

Right-of-Way: A legally established area or strip on which an irrevocable public right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Street: A right-of-way improved for vehicular and pedestrian traffic, whether called a street, highway, thoroughfare, toll road, parkway, road, avenue, boulevard, lane, place, or other designation.

Street, Arterial, Major: A thoroughfare which carries the major portion of traffic entering and leaving the urban, suburban, and rural areas such as between the commercial districts and outlying residential areas, between major inner town communities or between major suburban centers.

Street, Arterial, Minor: A thoroughfare that connects with and augments the major arterial street system and provides service for traffic of moderate trip length at a somewhat lower level of service.

Street, Collector, Major: A street, or system of streets, that distributes traffic from the arterial through the area to the ultimate destination that may be a local or minor collector street. The major collector street also collects traffic from local and minor collector streets in the neighborhood and channels such traffic into the arterial systems.

Street, Collector, Minor: The principal entrance streets of a residential development and the principal circulating streets within a development.

Street, Local: A street of limited continuity used primarily for access to abutting properties and serving the local needs of a neighborhood.

Street or Alley, Public Use of: The unrestricted use of a specified area or right-of-way for ingress and egress to two or more properties. Unless otherwise provided or regulated, a public street or alley may be used for the convenient transport of utility services.

Street, Service Drive: A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

Street, Width: The total width of the strip of land dedicated or reserved for the public travel, including roadway, curbs, gutters, sidewalks, and plating strips. That area for travel between opposite lots.

Subdivider: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing or requiring by law to commence proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision: The division of a lot, tract, or parcel of land into two (2) or more lots or other subdivision of land, for the purpose, whether immediate or future, of transfer of ownership, or building development, including all changes in street or lot lines, and including any parcel previously separated by the then owner of such tract for such purpose subsequent to the adoption of these regulations, provided, that the division of land in parcels of one acre or more that such division does not involve any new public street, extension of an existing public streets, or easement of access or road shall not be considered a subdivision when such division does not offer an opportunity to obstruct natural drainage or a planned major highway or to adversely affect any part of an adopted plan, or in any way violate the intent of the zoning regulations of the Town, and provided further, that

divisions of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

Subdivision, Agricultural: Agricultural zoned land where divisions of parcels are at least 20 acres in size and have direct access to a public road.

Subdivision, Major: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions, cumulative or individually, with six (6) or more lots or involving the creation of one or more new streets to access the lots or the extension of any public water, public sewer, or existing streets to serve new lots.

Subdivision, Minor: A subdivision containing, individually or cumulatively, not more than five (5) lots nor involving the creation of one or more streets to access the lots nor involving the extension of any public water, public sewer, or existing streets to serve new lots.

Surveyor: A person licensed by the Commonwealth of Virginia as a Certified Land Surveyor.

Town house: Single-family dwelling units separated by common party walls designed to meet the fire protection requirements as set forth in the Virginia Uniform Statewide Building Code, as amended, in a series of including three (3) or more units. Each unit shall be served by an individual exterior entrance door and shall be designed to be individually owned along with the parcel of land that it occupies.

VDOT: Virginia Department of Transportation.

1-5 Jurisdiction and applicability of chapter.

- (A) This ordinance shall constitute the comprehensive regulations governing all subdivision of land located within the corporate limits of the town. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the agent in accordance with this chapter.
- (B) The provisions of this chapter shall not apply to any subdivision for which a currently effective preliminary plat was approved on or before the effective date of this chapter. These plats or subdivisions shall be reviewed and acted on under applicable prior subdivision ordinances.
- (C) No existing subdivision shall be modified except by approval in accordance with this and other applicable ordinances of the town.
- (D) This ordinance shall govern residential and nonresidential subdivisions.

1-6 Adoption, amendment and recordation of this ordinance.

- (A) The Planning Commission shall prepare and recommend the subdivision ordinance and transmit it to the Town Council. The Town Council shall approve and adopt a subdivision ordinance only after notice has been published, and a public hearing held, in accordance with the Virginia Code § 15.2-2204.
- (B) The Planning Commission, on its own initiative may, or at the request of the Town Council shall prepare and recommend amendments to the subdivision ordinance. The procedure for amendments shall be as for the preparation, recommendation, approval and adoption of the original ordinance, provided that no amendment shall be adopted by the Town Council without a reference of the proposed amendment to the Planning Commission for recommendation, nor until 60 days after such reference, if no recommendation is made by the Commission.
- (C) When the subdivision ordinance has been adopted or amended, a certified copy of the ordinance and any and all amendments thereto shall be filed in the office of the Town Clerk, and in the Clerk's Office of the Circuit Court of Franklin County.

1-7 Interpretation and separability.

- (A) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
 - (1) Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rules or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards shall apply.
 - (2) Private Provisions. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction,

the requirements of these regulations shall govern. The Town does not enforce private provisions, restrictions, or covenants.

- (B) If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its entirety to the part, provisions, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Town Council of the Town of Rocky Mount hereby declares that it would have enacted the remainder of these regulations even without any such part, provisions, or application that is judged to be invalid.

1-8 Relationship to zoning ordinance.

The zoning ordinance and zoning map shall control the type and intensity of use of all property within the town. Particular reference is made to the minimum lot sizes and setback requirements, use restrictions and overlay district.

1-9 No one exempt.

No person shall subdivide any tract of land that is located within the Town of Rocky Mount or environs as defined in Title 15.2, Chapter 22, Article 6, Code of Virginia (1950), as amended except in conformity with the provisions of this ordinance.

ARTICLE II - ADMINISTRATION

2-1 Agent.

- (A) The Planning Commission is appointed to be the Town Council's agent to administer and enforce this ordinance. The Planning Commission may delegate this authority to the subdivision agent. The agent's approval, disapproval, shall constitute approval or disapproval as through it were given by the governing body.
- (B) The agent shall exercise authority to review, approve, and disapprove the final plats for the subdivision of land within the corporate limits of the Town of Rocky Mount.
- (C) The agent shall exercise authority to review, approve, and disapprove minor subdivisions of land within the corporate limits of the Town of Rocky Mount.
- (D) All departments, officials and public employees of the Town who are vested with the duty of authority to issue permits or approvals under this ordinance shall adhere and conform to the provisions of this ordinance. Any such approvals or permits issued in conflict with the provisions of this chapter shall be null and void.

2-2 To consult.

In the performance of duties, the agent shall call for opinions or decisions, either verbal or written, from the Planning Commission in considering details of any submitted plat. The agent may consult with the resident engineer and the health department on issues related to transportation and public health. The agent may also consult with any public, private, or regional organization having special skills that might from time to time be needed to assure that the public's interest is served as related to development.

2-3 Additional authority.

In addition to the regulations contained herein for the platting of the subdivision, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance.

2-4 Enforcement, violations and penalties.

(A) Enforcement

- (1) No person shall subdivide any tract of land that is located within the jurisdiction of the Town except in conformity with the provisions of this ordinance and any other applicable town ordinance.
- (2) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this subdivision ordinance and of general law.
- (3) No such plat of any subdivision shall be recorded unless or until it shall have been submitted to and approved by the subdivision agent.
- (4) No person shall sell or transfer any land of a subdivision before the plat has been approved and recorded as provided herein unless such subdivision was lawfully created prior to the adoption of this ordinance or any predecessor subdivision ordinance, provided, however, that nothing herein shall be construed as preventing the passage of title of property which has not been legally subdivided.
- (5) The agent and town attorney may take legal action as may be necessary to enforce the provisions of this ordinance, including suit for injunction, for abatement or restraining order or other appropriate proceeding.
- (6) The Zoning Administrator shall not approve a site plan nor issue a building permit for a lot that was created in violation of this ordinance.

(B) Violations

Any person who violates any of these regulations shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or sold, such fine shall be pursuant to §15.2-2254 of the Code of Virginia, (1950), as amended. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this ordinance, within a time period established by the court. Failure to remove or abate a violation within the specified time period shall constitute a separate offense, punishable by a fine of not more than \$500.00, and any such failure during any succeeding ten (10) day period shall constitute a separate offense for each ten (10) day period, punishable by a fine of not more than \$500.00.

(C) Civil Enforcement

Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building structure of premises. These remedies may be used in lieu of the penalties described above.

2-5 Fees.

There shall be a charge for the examination and approval of every plat reviewed by the subdivision agent. At the time of application, the subdivider shall pay a fee in accordance with the current fee schedule as set by resolution of Town Council.

2-6 Mutual responsibility.

There is a mutual responsibility between the Town of Rocky Mount and the subdivider to subdivide and develop land in an orderly manner in accordance with the comprehensive plan, zoning ordinance, and the requirements and standards of this ordinance.

2-7 Waivers. (Amended 03/12/2007)

(A) Waivers authorized.

In cases of unusual situations or where strict adherence to the general regulations in this ordinance would result in substantial injustice or hardship, the Town Council may waive any of the provisions of the ordinance, under the terms, procedures, and conditions established in this section. No waiver shall be granted which is illegal or which would prejudice the health and safety of citizens of the town.

(B) Procedure.

Each request for a waiver from the terms of this ordinance shall be submitted to the agent. The request shall be made in writing by the subdivider, stating specifically the provision from which the waiver is requested and the grounds for the waiver. The request shall be accompanied by an application fee. The amount of the fee shall be set from time to time by resolution of the Town Council. Where possible, the subdivider should submit the request with the preliminary plat submission. The request shall be accompanied by any plats, drawings, and engineering documents required by the agent to understand and act on the waiver. The request shall be referred to the planning commission for

its review and recommendation. The final determination on the waiver shall be made by the Town Council after the following procedure is completed.

- (1) The written request for waiver shall be submitted to the planning commission by the zoning administrator.
- (2) Notice shall be given of the required public hearing according to the requirements of Virginia Code § 15.2-2204. Adjacent property owners (front, back and side) and the applicant shall be notified in writing as to the request and public hearing date.
- (3) A public hearing shall be held by the planning commission. If requested, the agent may make a report and recommendation to the planning commission on the request. Other parties may appear in person and present their views.
- (4) The commission shall make a recommendation to Town Council on the request after the public hearing is held.
- (5) The Town Council shall then hold its own public hearing according to the requirements of Virginia Code § 15.2-2204. After reviewing the request, the Town Council shall approve or disapprove the request for a waiver by resolution. A waiver may be made subject to conditions as the Town Council deems necessary to carry out the intent of this ordinance.
- (6) The Town Council shall also make a determination that the waiver does not:
 1. Affect adversely the health or safety of persons living or working in the neighborhood of the proposed subdivision;
 2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; or
 3. Be in conflict with the purpose of the comprehensive plan of the Town of Rocky Mount.

(C) Decision final.

The decision of the Town Council is final. When a request for a waiver is denied, no application may be made for the same request in less than one (1) year from the date of denial by the Town Council.

ARTICLE III - PROCEDURAL REQUIREMENTS

3-1 Platting Required.

- (A) Any owner or developer of any tract of land situated within the Town of Rocky Mount or environs who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the Clerk's Office of the Circuit Court of Franklin County.
- (B) No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.

3-2 Family Subdivisions.

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to the express requirements contained in the Code of Virginia, (1950), as amended, and the following provisions:

- (A) The grantee is an immediate family member of the owner or owner(s).
 - (B) No previous transfer under this provision has been granted to the grantee within the Town.
 - (C) The grantee is at least eighteen (18) years of age and able to hold real estate under the laws of Virginia.
 - (D) The purpose of the transfer is to provide for the housing needs of the grantee.
 - (E) The transfer is not for the purpose of circumvention of the subdivision ordinance.
 - (F) The grantor and grantee shall sign an affidavit duly acknowledged before some officer authorized to take acknowledgements and deeds that certifies compliance with subsections A through E above.
- (A) When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat or in the deed.

- (B) No lot created by the family division may be transferred, except by devise, descent or operation of law, to a person other than a member of the immediate family of the subdivider, for a period of three (3) years, except for the purposes of securing any purchase money and/or construction loan, including bona fide refinancing. Such restriction shall be noted in the deed of transfer of the property.
- (C) In the event that Town Council determines circumvention has occurred, the family subdivision approval shall be considered void and the Town may take appropriate action to require compliance with all other applicable subdivision and zoning requirements or may initiate action to vacate said lot. No zoning permit shall be issued for such lot(s).
- (D) The corners of all lots created shall be marked with general property monuments.
- (E) A family subdivision plat shall be submitted to the agent for approval and shall conform to the requirements of this ordinance. In addition, a statement that the land hereby being subdivided is in accordance with the provisions of the family subdivision section of the Town of Rocky Mount Subdivision Ordinance.
- (F) The approval or disapproval shall occur within ten (10) working days unless the application is (a) incomplete or (b) subject to review by other agencies (i.e. VDOT, VDH, etc.).
- (G) The approved family subdivision plat shall be recorded in the Clerk's Office of the Circuit Court of Franklin County within six (6) months.
- (H) Prior to the issuance of a building permit on a family subdivision lot not having frontage on a state road, the property owner shall sign and record in the land records an agreement, which shall be reflected in the chain of title for that lot, stating that the property owner understands that:
 - (1) The easement of right-of-way serving the lot is private and the road or drive within it shall be maintained by the benefited property owner(s).
 - (2) The road or drive is ineligible for admission into the state secondary road system for maintenance unless it is brought into conformance with the requirements of this subdivision ordinance at no cost to the Town or state.
 - (3) Until the road is accepted into the secondary road system, state maintenance will not be provided, and mail service and school bus service may not be available to the property.

3-3 Minor Subdivisions.

Minor subdivisions shall be subject to the following:

- (A) Minor subdivisions, which do not include family subdivisions, are subject to administrative review only. The subdivision agent or his designee shall approve or disapprove a minor subdivision plat in accordance with the provisions of this section.
- (B) The applicant for minor subdivision plat approval may have to submit information to the subdivision agent for a determination of whether the approval process authorized by this section can and should be utilized.
- (C) Applicants for minor subdivision approval shall submit to the agent a copy of a plat conforming to the requirements set forth in Article V of this ordinance.
- (D) The subdivision agent shall take expeditious action on an application for minor subdivision plat approval. The applicant, or for good cause, the subdivision agent may at any time refer the application to the major subdivision approval process. Good cause shall include, but not be limited to, any of the following factors: the site includes topographical, geological, or other physical features which merit special consideration, or the site contains sensitive wildlife habitat for endangered or threatened species, or the site contains or is adjacent to significant archaeological, architectural, or historic sites or resources which merit protection.
- (E) Approval or disapproval shall occur within ten (10) working days unless the application is (a) referred to the major subdivision approval process or (b) the application is not complete or (c) subject to review by other agencies (i.e. VDOT, VDH, etc.).
- (F) Not more than five (5) lots may be created out of one (1) tract or parcel using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.
- (G) If the subdivision is disapproved, the agent shall furnish the applicant with a written statement of the reasons for disapproval.
- (H) Approval of any plat is contingent upon the plat being recorded within six (6) months after the plat is signed by the subdivision agent or his designee.

3-4 Major Subdivisions.

Major subdivision shall be subject to the following:

- (A) Major subdivisions are subject to review by the Planning Commission for preliminary plat approval. The Planning Commission shall approve or disapprove a preliminary major subdivision plat in accordance with the provisions of Article IV of this ordinance.
- (B) Major subdivisions are subject to administrative review by the subdivision agent for final plat approval. The agent shall approve or disapprove a final major subdivision plat in accordance with the provisions of Article V of this ordinance.

ARTICLE IV - PRELIMINARY PLATS

4-1 Preliminary plat required.

The submission of a preliminary plat shall not be required for boundary line adjustments, easement plats, agricultural subdivisions, family subdivisions, and minor subdivisions. A preliminary plat is required for all major subdivisions.

4-2 Pre-application conference.

The applicant may schedule a conference with the agent to review a concept sketch for a proposed major subdivision, in order to determine whether the sketch generally meets the requirements of the Zoning and Subdivision Ordinances, and to identify any concerns or issues raised by the proposed major subdivision. The agent's comments on the sketch shall be informal, and shall not constitute a formal approval or disapproval of the subdivision plat.

4-3 Filing.

- (A) Prior to Town review, a subdivider shall file with the subdivision agent a completed application with fee payment for preliminary plat review, accompanied by twelve (12) copies of the preliminary plat.
- (B) The preliminary plat shall be prepared by an architect, engineer, surveyor, or other persons authorized by the Code of Virginia, (1950), as amended. The plat shall be drawn on numbered sheets at a scale of one hundred (100) feet to an inch unless otherwise agreed to by the subdivision agent. If preliminary plats require more than one (1) sheet, match lines shall clearly indicate where the several sheets join and shall be accompanied by a key plat showing the entire development at a reasonable scale.
- (C) The subdivision agent shall notify the subdivider within ten (10) working days if the preliminary plat is incomplete or does not comply with the submission requirements of this ordinance. Resubmittals shall reactivate the review period.

4-4 Content.

The preliminary plat shall include the following information:

- (A) *General Information.* The subdivision name, names and address of owners and subdivider and names of holders of any easements affecting the property, name and address of the individual who prepared the plat, date of drawing (including revision dates), number of sheets, north arrow, oriented to the top of each sheet where practical, graphic scale, a

signature line for the subdivision agent, and the sources of data used in preparing the plat, including the tax parcel identification number, and deed book and page number or instrument number of the last instrument in the chain of title.

- (B) *Vicinity sketch map.* A vicinity sketch map showing the location of the proposed subdivision with respect to adjoining property including the area within one (1) mile of the proposed subdivision. The vicinity map shall be shown on an insert on the first sheet.
- (C) *Topographic map.* A topographic map showing all the area covered by the subdivision properly related to United States Geological Survey (USGS) 7.5 minute quadrangle data and showing the boundary lines of the tract to be subdivided with designated floodplain districts and floodway limits delineated.
- (D) *Natural and cultural features.* All pertinent natural, cultural, and historical features and landmarks including water courses, marshes, lakes, impoundments, areas of significant vegetation, existing buildings in the subdivision, the location and description of all existing markers, and the identification of any grave, object or structure marking a place of burial located on the tract or parcel of land to be subdivided.
- (E) *Streets, easements, rights-of-way, lots, and lot lines.*
 - (1) Existing. The names, locations, and dimensions of the following: all streets (existing and platted), public water and sewer facilities, easements, rights-of-way, and lot lines.
 - (2) Proposed. Names, locations, and dimensions of proposed streets and lots including a boundary survey or existing survey of record. Indicate the number of total acres in each use.
 - (3) Sections. Boundaries and section numbers for subdivisions that are to be developed in phases.
 - (4) Lots. Number and approximate area of all lots. Lots shall be numbered consecutively (beginning with "1, 2, 3...") throughout the subdivision so that there is no duplication of lot numbers.
- (F) *Land for public or common use.*
 - (1) Proposed by the subdivider. All parcels of land intended to be dedicated or reserved for public use or to be reserved in the deed for the common use of property owners in the subdivision with proposed covenants and restrictions.

- (2) Comprehensive plan. Areas shown in the comprehensive plan as proposed sites for schools, parks, roads, or other public uses.
- (G) *Public water and sewer, required documentation.*
- (1) A statement signed by an engineer giving estimates of the projected water and sewer needs of the entire development in gallons per day.
 - (2) A signed statement from the director of public works stating the adequacy of the utility system to handle the increased flows.
- (H) *Subdivision of land from more than one (1) source of title.* When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts indicated by dashed lines, and identification of the respective tracts shall be shown and identified on the index map.
- (I) *Floodplains.* Floodplains shall be determined by the Federal Emergency Management Agency's flood insurance rate map for the Town of Rocky Mount. Minimum building elevations for each proposed lot totally or partially within the 100-year floodplain shall be designated on the preliminary plat. If the proposed subdivision is in a floodplain district, the preliminary subdivision plat shall be reviewed to assure that:
- (1) The proposed subdivision is consistent with the need to minimize flood damage within the floodplain districts.
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.
 - (4) New water supply systems are designed to minimize or eliminate the infiltration of floodwaters into the systems.
 - (5) New sanitary sewer systems are designed to minimize or eliminate the infiltration of floodwaters into the system and discharge from the systems into floodwaters.
 - (6) On-site waste disposal systems are located so as to avoid impairment to them or contamination from them during flooding.

- (J) *Stormwater management.* Descriptions and general locations of structures and facilities required for stormwater management according to the Town's Erosion and Sediment Control Ordinance.
- (K) The subdivision agent and the Planning Commission may request additional information as they see fit.

4-5 Advertisement of Planning Commission public hearing.

Notice of the public hearing to consider the proposed major subdivision shall be advertised in accordance with the standards in section 15.2-2204, Code of Virginia, (1950), as amended. Notice shall include mailing of written notice to property owners per subsection B of that section. The agent shall mail the written notice within ten (10) working days after the acceptance of the preliminary plat.

4-6 Planning Commission review.

- (A) The Planning Commission shall hold a public hearing on the plat, after notice as specified above. The purpose of the public hearing shall be to determine the plat's compliance or not with the standards and requirements of this chapter, the Zoning and Development Ordinance, and other applicable Town ordinances. In addition, the Planning Commission shall make recommendations to the agent regarding utility service, and transportation access to and circulation within the proposed subdivision.
- (B) The preliminary plat for each phase of a multi-phased development shall demonstrate compliance with this chapter, the Zoning and Development Ordinance, and other applicable Town ordinances.
- (C) The Planning Commission shall act to approve or disapprove the plat within sixty (60) days of its acceptance, provided that if referral to a state agency review is necessary, the Planning Commission shall act within ninety (90) days of acceptance. Planning Commission action shall take the form of a resolution. If a plat is disapproved, the resolution shall state the reasons therefore and shall state what corrections or modifications will permit approval by the Commission.
- (D) Within thirty (30) days after the approval of a preliminary plat by the Planning Commission, the applicant shall submit a mylar copy of the plat for the official records of the Town.

4-7 Multi-phase subdivisions.

When the Planning Commission approves the preliminary plat of a multi-phase subdivision, it may approve an extended period for the recordation of the final

plats of the subdivision. The final plats for all phases must be recorded within five (5) years of the first recordation of a final plat for any phase, unless this period is extended by the Planning Commission at the time of the approval of the preliminary plat. The Planning Commission may grant the extension for such time as it may deem to be reasonable, taking into consideration the size and phasing of the proposed subdivision. The final plats for unrecorded phases shall be subject to the terms and conditions of the engineering and construction standards and zoning requirements in effect at the time that each remaining phase is recorded, except if they conflict directly with the approved preliminary plat.

4-8 Limits of approval.

The approval of the preliminary plat does not guarantee or constitute approval or acceptance of the subdivision or authorization to proceed with construction or improvements within the subdivision.

4-9 Revisions to approved plats.

No change, erasure, or revision shall be made on any preliminary or final plat of a subdivision, nor on accompanying plans, after approval by the Planning Commission or agent, unless authorization for such change has been granted in writing by the agent. In no case shall the agent approve a revision of a previously approved plat unless the date of the revision and the fact that it is a revised plat is clearly stated thereon.

4-10 Term of validity of preliminary plat.

The subdivider shall have six (6) months from the date of approval of the preliminary plat within which to file a final plat meeting all the submittal requirements established by this ordinance for the subdivision or section thereof. Failure to do so shall make the preliminary plat approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one six (6) month extension of preliminary plat approval.

4-11 Appeal of failure to act on preliminary plat.

If the Planning Commission fails to approve or disapprove the preliminary plat within ninety (90) days after it has been officially submitted for approval, the subdivider, after ten (10) days written notice to the Commission, may petition the circuit court for an order with respect thereto as it deems proper, which may include directing approval of the plat.

4-12 Appeal of disapproval of preliminary plat.

If the Planning Commission disapproves a preliminary plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he or she may appeal to the Circuit Court of Franklin County, which court shall hear and determine the case as soon as may be. The appeal must be filed with the Circuit Court within sixty (60) days of the written disapproval by the Commission.

ARTICLE V - FINAL PLATS

5-1 Filing.

- (A) After approval of the preliminary plat for a major subdivision or where a preliminary plat is not required, a subdivider shall file with the subdivision agent an application for final plat approval. The application shall be accompanied by seven (7) copies of the final plat prepared by a surveyor or engineer.
- (B) The subdivider shall file with the agent the final plat meeting the standards of this ordinance for all or one or more sections of the subdivision within six (6) months of the Planning Commission's approval of the preliminary plat. For good cause, and with satisfactory progress in the subdivision process being demonstrated to the agent, the agent may grant one (1) extension of this period of up to six months.
- (C) The subdivision agent shall notify the subdivider in writing within ten (10) working days if the final plat is incomplete and does not comply with submission requirements of this ordinance. Resubmittals shall reactivate the review period.

5-2 Content.

The final plat shall include the following information:

- (A) The final plat shall be a copy of the original tracing drawn to a scale of one hundred (100) feet to the inch, unless otherwise agreed to by the subdivision agent. The plat shall be drawn on a sheet that is seventeen (17) inches by twenty-two (22) inches in size with a minimum one-quarter inch border on all sides. The north arrow shall be shown with annotation in accordance with the meridian to which the plat bearings are referenced, and, where practical, oriented to the top of the sheet.
- (B) If final plats require more than one sheet, match lines shall clearly indicate where the several sheets join and shall be accompanied by a key plat showing the entire development at a reasonable scale.
- (C) The boundary lines of the area being subdivided shall be determined by an accurate field survey with bearings shown in degrees, minutes, and seconds to the nearest ten (10) seconds and dimensions to be shown in feet to the nearest hundredth of a foot to the accuracy of not less than one in ten thousand (10,000).

- (D) All curves on a final subdivision plat shall be defined by radii, central angles, arc lengths, tangent lengths, chord lengths, and chord bearings. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
- (E) In addition, the final plat shall include the following:
- (1) General Information. The subdivision name, location of subdivision identification sign(s), names of owners and subdividers of the property, adjoining property owners, date of drawing (including revision dates), graphic scale, vicinity map, zoning designations, and total acres in each proposed use.
 - (2) Lots and sections. Lot numbers in consecutive numerical order, the accurate location and dimensions of all lot lines, area of each lot, and the name or number of the section, if part of a larger subdivision.
 - (3) Floodplain. Location and boundary to the one hundred-year floodplain. Minimum building elevations for lots located partially or wholly within the floodplain.
 - (4) Monuments. All required monuments shall be shown on the plat.
 - (5) Streets.
 - (a) The accurate location and dimensions of all existing and proposed streets, both within and adjoining the subdivision. Streets shall be named and shall not duplicate existing or platted street names, unless the new street is a continuation of existing or platted streets, in which case it shall bear the name of the existing or platted street.
 - (b) Temporary cul-de-sacs where needed. When one or more temporary turnarounds are shown, the following statement shall be included on the plat: "The area on this plat designated as temporary turnaround shall be constructed and used until (street name) is/are extended, at which time the excess land in the temporary turnaround area shall be abandoned for street purposes and shall revert to adjoining land owners in accordance with specific provisions in their respective deeds."
 - (6) Water and sewer. A statement by the subdivider indicating the type and source of water and sewer.

- (7) Recreational areas. Recreational areas shall be clearly labeled on the plat.
- (8) Restrictions. Private or public restrictions and their period of existence. If the restrictions are of such length as to make their lettering on the plat impractical, reference shall be made on the plat to a separate instrument.
- (9) Dedications. Notations of dedications and to whom dedicated.
- (10) Easements. Exact location of all easements, their width, use and ownership, and a note that all easements provided for roadway purposes are to be maintained by the Town of Rocky Mount only to the extent necessary to serve roadway purposes.
- (11) Required forms, statements and signatures.
 - (a) Certificate of title. The surveyor or engineer shall affix upon each plat his name and address with a certificate signed by him stating the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title.
 - (b) Surveyor's or engineer's certificate. The surveyor or engineer shall affix upon each plat and sign the following certificate: "I hereby certify, to the best of my knowledge and belief, that all of the requirements of Town Council and ordinances of the Town of Rocky Mount, Virginia, regarding the platting of subdivisions with the Town have been met."
 - (c) Owners consent and dedication statement. The following statement shall be affixed by the surveyor or engineer on the plat: "The platting or dedication of the following described land" (insert a correct description of the land subdivided) "is with the free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, if any. The roads shown hereon are hereby dedicated to public use." The statement shall be signed by such persons and duly acknowledged before an officer authorized to take acknowledgement of deeds.
 - (d) A certificate signed by the surveyor setting forth the markers shown and described on the plat are in place, or will be installed upon final utility and road installation, as shown.

- (e) Space for a statement by the subdivision agent indicating that the Town does not approve or enforce restrictive covenants, and space for the signature of the subdivision agent certifying the statement.
- (f) The following statement shall be included on the plat: "Prior to the improvement of any lot in the Town the Planning Department shall be contacted concerning, but not limited to, the current zoning, building setback requirements, water or sewer systems, Health Department requirements, erosion and sediment control requirement, and private streets."
- (g) Prior to the issuance of a building permit on a subdivision lot not having frontage on a state road, the property owner shall sign and record in the land records an agreement, which shall be reflected in the chain of title for that lot, stating that the property owner understands that:
 - (1) The easement of right-of-way serving the lot is private and the road or drive within it shall be maintained by the benefited property owner(s).
 - (2) The road or drive is ineligible for admission into the state secondary road system for maintenance unless it is brought into conformance with the requirements of this subdivision ordinance at no cost to the Town or state.
 - (3) Until the road is accepted into the secondary road system, state maintenance will not be provided, and mail service and school bus service may not be available to the property.
- (h) Certificate of approval. The following signature panel shall be provided in the upper right-hand corner for the agent, highway engineer, and health official, as applicable: "The subdivision known as _____ Subdivision (Section _____, if applicable) is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record." (Insert signature lines for highway engineer, health official and subdivision agent of the Town of Rocky Mount)
- (F) The subdivision agent or Planning Commission may request additional information as they see fit.

5-3 Review of final plat.

- (A) The agent shall approve the final plat, if found to be in conformity with the requirements of law and this ordinance, within sixty (60) days after it has been officially submitted or resubmitted for approval.
- (B) The final subdivision plat, including the final plat for each phase of a multi-phase development, shall demonstrate compliance with this chapter, the Zoning Ordinance, and other applicable Town ordinances.
- (C) The agent shall not approve a final plat until any necessary deed of dedication has been submitted and approved by the Town Attorney. A deed of dedication is required to convey parkland, pump station sites, and other property to the town. One is not necessary to convey streets, alleys, any easement for public passage, or an easement for the conveyance of stormwater, domestic water or sewerage.
- (D) The agent shall not approve a final plat until any necessary subdivision agreement, with surety has been submitted and approved by the Town Attorney. The agent shall receive any payment due for the fabrication and installation of street signs prior to the approval of the final plat. The agent shall receive any payment due for a fee in lieu of parkland prior to the approval of the final plat.
- (E) Where appropriate, the agent shall not approve a final plat until any required deeds of easement to a homeowner's association are submitted and approved by the Town Attorney.

5-4 Approval, distribution and recordation of final plat generally.

- (A) The agent, before approving any final subdivision plat, shall personally inspect the proposed subdivision on the ground. Upon approving such final subdivision plat, the agent shall clearly endorse their approval thereon.
- (B) The final subdivision plat shall be approved in writing by the agent, if found to be in conformity with the requirements of law and of this chapter, within sixty (60) days after it has been officially submitted for approval. If the plat is disapproved, the disapproval shall be in writing, either on the plat itself or in a separate document, and specific reasons shall be given which shall relate in general terms such modifications or corrections as will permit approval of the plat. If the plat is disapproved by the agent, the subdivider shall have the right to appeal his decision to the Circuit Court of Franklin County in accordance to the procedure set forth in section 15.2-2259, Code of Virginia, (1950), as amended.

If a plat is not approved or disapproved within sixty (60) days after it has been officially submitted for approval, the subdivider may petition the Circuit Court of Franklin County to decide whether the plat should or should not be approved, in accordance with the procedure set forth in section 15.2-2259, Code of Virginia, (1950), as amended.

If a plat is disapproved, and the subdivider contends that such disapproval was not properly based on the provisions of this chapter, or was arbitrary or capricious, he may appeal to the Circuit Court of Franklin County in accordance with the provisions of section 15.2-2259, Code of Virginia, (1950), as amended.

- (C) After approval of a final subdivision plat, the original drawing and one (1) print thereof shall be returned to the owner or proprietor of the subdivision for recordation in the precise form as approved.
- (D) When a final subdivision plat has been approved, executed and acknowledged as provided in this ordinance, it shall be recorded in the Clerk's Office of the Circuit Court in whose office deeds conveying the land contained in the plat are required by law to be recorded and shall be indexed under the names of the owners of the land and under the name of the subdivision. The clerk shall retain the original drawing of the plat and shall permit it to be inspected only upon written order of a judge of a court of record.
- (E) A final subdivision plat shall be filed for recordation in accord with subsection (D) above within one hundred eighty (180) days after the final approval thereof, otherwise, such approval shall be withdrawn by the agent and the plat marked void and returned to the owner. However, where construction on public facilities has commenced or surety to the Town by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval. No clerk of a court shall file or record a plat of a subdivision until such plat has been approved by the Planning Commission.
- (F) If the subdivider records a final plat which is a section or phase of a subdivision as shown on the approved preliminary plat within the one (1) year period established in subsection (E) above, then he or she may record the remaining sections or phases for a period of five (5) years from the recordation date of the first section in accordance with this section. The subdivider shall furnish the Town with a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the Town, the Commonwealth, or other public agency. The five (5) year time period provided herein may be extended by the Planning

Commission at the time of approval of the preliminary plat, as provided in Section 4-7 above.

5-5 Revisions to approved plats.

No change, erasure, or revision shall be made on any preliminary or final plat of a subdivision, nor on accompanying plans, after approval by the Planning Commission or agent, unless authorization for such change has been granted in writing by the agent. In no case shall the agent approve a revision of a previously approved plat unless the date of the revision and the fact that it is a revised plat is clearly stated thereon.

5-6 Effect of recordation of approved plat.

- (A) The recordation of an approved plat shall operate to transfer, in fee simple, to the town, the portion of the premises set apart for streets, alleys, bikeways, sidewalks or other public use, and to convey facilities and easements for the conveyance of stormwater, public water and sewerage.
- (B) When the agent approves in accordance with this ordinance a plat or replat of land, then upon the recording of the plat or replat in the Clerk's Office of the Circuit Court of Franklin County, all rights-of-way, easements or other interest of the Town in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished. However, an interest acquired by the Town by condemnation, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of Article VII of this ordinance shall not be affected thereby.

ARTICLE VI – SECURITY FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS

6-1 Surety in lieu of completion.

- (A) Where the subdivider wishes to record the final plat, but physical improvements and installations, including public streets, 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 Town and submit performance surety in the amount sufficient for and conditioned upon the satisfactory construction or completion of said improvements or installations.
- (B) Such physical improvements and installations shall include, but not be limited to, any street, curb, gutter, sidewalk, drainage or sewerage system, waterline as part of a public system, other improvement intended for dedication to public use to be maintained by the Town, site-related improvements required by this or other chapters of this Code for vehicular ingress or egress, public access streets, structures necessary to ensure the stability of slopes, and stormwater management facilities.

6-2 Subdivision agreement.

Where the subdivider chooses to post surety in lieu of completion of those physical improvements shown on the approved engineering plan and/or final plat in order to allow recordation prior to completion and acceptance of all required public improvements, he or she shall enter into a subdivision agreement, approved as to content and form by the Town Attorney, with the Town prior to approval of the final plat. The agent shall provide to the subdivider a sample subdivision agreement during review of the final plat.

6-3 Time of performance.

The period within which improvements or installations shall be completed and inspected for acceptance shall be specified in the subdivision agreement. Unless otherwise provided by the agent, the period shall not exceed one (1) year from the date of recordation of the final plat. In approving the time of performance of the subdivision agreement, the agent shall require a report containing the following information from the subdivider:

- (1) Percent of public improvements already completed, and
- (2) Rate of construction activity including the estimated completion date for each major feature (roads, sewer, water, lights, etc.) remaining to be completed.

The agent shall not permit a subdivision agreement to be executed where, on the basis of the report submitted by the subdivider, it is apparent that the improvements or installations covered by said agreement cannot reasonably be expected to be completed by the deadline established therein.

6-4 Form of security.

- (A) The subdivider shall furnish to the Town a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the agent, in an amount sufficient for and conditioned upon the construction of such facilities.
- (B) The subdivider may furnish a bank or savings institution's letter of credit on certain designated funds, satisfactory to the agent as to the bank or savings institution, the amount and the form. The letter of credit may be used in lieu of the certified check, cash escrow, or bond in subsection (a).
- (C) The amount of the certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed twenty-five (25) percent of the estimated construction costs.

6-5 Periodic partial release of security.

- (A) Upon completion of at least thirty (30) percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, the agent is authorized to make periodic partial release of the security.
- (B) A maximum of three (3) periodic partial releases per any twelve (12) month period shall be authorized. The agent shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety (90) percent of the original amount for which the performance guarantee was taken.
- (C) The agent shall provide for the periodic partial release of any bond, escrow, letter of credit, or other performance guarantee required by this chapter within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed.

- (D) No such release need be made if the agent notifies the subdivider or developer in writing of non-receipt of approval by the applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures prior to the end of the thirty (30) day period.
- (E) If no such action is taken by the agent within the thirty (30) day time period, the request shall be deemed approved and a partial release granted to the subdivider or developer.

6-6 Final and complete release of security.

In addition to the written request for release of security and thirty (30) day time period established in section 6-5 above, the subdivider or developer shall submit a second written request for the final and complete release of security. This request shall be sent by certified mail return receipt to the agent. The agent shall approve or deny the request within ten (10) working days of receipt of the request for final release. If no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

Upon final completion and acceptance of the facilities, the agent shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the Town or other public agency which is responsible for maintaining and operating such facility.

6-7 Grounds for refusal to release security.

The agent shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of facilities covered by said bond, escrow, letter of credit, or other performance guarantee.

6-8 Use of security.

- (A) In those cases where performance surety has been posted and the required improvements or installations have not been completed within the terms of the subdivision agreement, the agent shall declare the subdivider to be in default and shall draw on the posted surety. After the funds or proceeds from the property have been received, the agent shall cause such improvements to be completed. The subdivider shall be fully and completely responsible and liable for the entire cost of completing the improvements, even when such cost exceeds the amount of the surety.

- (B) If the funds or proceeds from the surety are insufficient to complete the improvements, the agent and the Town Attorney shall proceed to obtain such funds from the subdivider, its successor or assigns including such reasonable costs as may be expended in the process.
- (C) If any funds remain after all improvements or installations are completed and accepted with all necessary fees paid and no defects are found therein which must be repaired, such remaining funds, less any such reasonable administrative or overhead costs which may have accrued, shall be returned to the subdivider within one hundred eighty (180) days of final acceptance of the final improvement or installation.

ARTICLE VII - VACATION OF PLATS

7-1 Vacation of boundary lines.

The boundary lines of any lot or parcel of land platted under the requirements of this ordinance may be relocated or otherwise altered as provided for in this ordinance. Such action, however, shall not involve the vacation, relocation, or alteration of streets, alleys, easements for public passage or other public areas, nor the creation of additional building lots. No such areas shall be relocated or altered without the express consent of all persons holding any interest therein, as stipulated in the Code of Virginia, (1950), as amended.

7-2 Effects of vacation.

The recordation of the vacation instrument shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys, or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or any owners of lots shown on the plat, but subject to the rights of the owners of any public utility installation which have been previously constructed therein. If any such street, alley, or easement for public passage is located on the periphery of the plat, such title for the entire width thereof shall vest in such abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be re-vested in the owners, proprietors, and trustees, if any, who signed the Certificate of Owners' Consent to Subdivision as provided in Section 5-2(E)(11)(c), free and clear of any rights of public use in the same.

conditions, or any of them, and within which the land to be subdivided is located. The Town may develop and administer all three (3) programs together or any one (1), or other number, separately or jointly.

- (3) The program shall include regulations that establish reasonable standards to determine the proportionate share of the total estimated cost of ultimate sanitary sewerage, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan, that shall be borne by each subdivider or developer within the area.
- (4) The share to be borne by each subdivider shall be limited to the proportion of such total estimated cost which the increased sanitary sewerage flow, water use or increased volume and velocity of stormwater runoff to be caused by the proposed subdivision bears to the total estimated volume and velocity of such sanitary sewerage, water or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the Town shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefor.
- (5) Each such payment received shall be expended only for the necessary engineering and related studies and the construction of those facilities for which the payment was required and, until so expended, shall be held in an interest-bearing account for the benefit of the subdivider. In lieu of such payment, the agent may accept a letter of credit satisfactory to the agent conditioned upon the payment at the commencement of construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All payments shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer, and drainage programs is not commenced within twelve (12) years from the date of the posting of the payment.
- (6) Nothing in this section shall imply or constitute an obligation on the part of the Town to upgrade or construct any sanitary sewerage, water or storm drainage facilities or prevent the subdivider from construction on his own account and to satisfy his own schedule such off-site facilities necessary or desirable for the safe and proper

provision of utility service to the subdivision in accordance with this subdivision ordinance and other ordinances of the town.

(D) Improvements by developer.

All required subdivision improvements shall be installed by the subdivider at his or her cost.

8-2 Lot characteristics.

(A) Lot shape.

The lot arrangement, design and shape shall be such that lots will provide appropriate sites for buildings and be properly related to topography so that each lot has an acceptable building site with direct access from an improved street. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area that would be unusable for normal purposes. Pipestem lots are prohibited. Subdividers are encouraged to shape and orient lots to maximize solar access.

(B) Lot dimensions.

Lot dimensions shall comply with the minimum standards of the Town of Rocky Mount Zoning and Development Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission or agent may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and this ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance. Townhouse lots may be subdivided along the party walls into lots smaller than those normally allowed for single-unit dwellings.

(C) Lot orientation.

Each lot shall be served by and abut on a public street dedicated by the subdivision plat or on an existing public street. Lots shall be arranged so that each lot may access a local street, unless the parent parcel fronts only on an arterial or collector street and the parcel depth is insufficient to accommodate the construction of a new local street.

- (D) Lots dedicated to public use, common areas.

Lots dedicated to the Town for a public use and lots set aside as common area or open space are not required to meet the standards of this chapter.

- (E) Remnants.

All land below minimum lot size left over after subdividing a tract shall be added to adjacent lots, or designated if appropriate as common area or parkland.

8-3 Streets.

- (A) Subdivider to dedicate streets, private streets prohibited.

- (1) Subject to all other applicable provisions of this ordinance, the following street improvements shall be installed and provided by the subdivider and shall be dedicated to the town:

- (a) Cross drains and catch basins.
- (b) Curbs and gutters.
- (c) Street paving.
- (d) Street name signs.
- (e) Traffic signalization.

- (2) Private streets shall not be allowed in any subdivision, nor shall there be private reserve strips controlling access to the street. This section shall not preclude the approval of parking lots and access drives for parking lots serving townhouse, attached housing, or multi-family dwellings.

- (B) Street names.

Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Proposed streets that are in alignment with other streets already existing and named shall bear the name of the existing street. In no case shall the name of the proposed streets duplicate or be similar, literally or phonetically, to existing street names, regardless of the use of the terms street, avenue, boulevard, driveway, place, lane or court. Names of existing streets shall not be changed except by the approval of the Town Council.

(C) Dedication of streets.

The subdivider shall make provision for the dedication to the Town of proposed street extensions as set forth in the comprehensive plan or in other formal documents approved by the Planning Commission and town council and for the dedication to the Town of the fee simple title to land for other proposed streets in the subdivision.

(D) Access to adjoining property.

Where it is necessary for the orderly extension of the town's transportation system 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 are not permitted.

(E) Access from adjoining property.

The subdivider enjoys the right to tie into and access adjoining, existing streets under the guidelines and conditions of this division.

(F) Coordination of streets with existing streets.

(1) The arrangement of streets in new subdivision shall make provision for the continuation of existing streets in adjoining areas where streets already exist. Major, collector and local streets shall be respectively extended as such. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when the subdividers plat their land and seek to provide for convenient vehicle access to it.

(2) Access points to and from the subdivision and the arrangement of streets within the proposed subdivision and their relationship to adjoining, existing streets shall be such as to minimize the effects of traffic, noise, light and danger to pedestrians and children caused by vehicular traffic to and from the proposed subdivision.

(G) Approach angle.

All streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees unless the agent or Planning Commission, by variance shall approve a lesser angle of approach for reasons of contour, terrain or matching existing patterns.

(H) Minimum right-of-way widths.

- (1) The minimum right-of-way width of proposed streets shall be fifty (50) feet.
- (2) If the existing streets within the subdivision are not fifty (50) feet in width the subdivider shall dedicate by subdivision plat so that such streets will meet the standards of this ordinance.
- (3) If the existing streets abutting the subdivision are not fifty (50) feet in width, and if the need for additional right-of-way width is generated, in whole or in part, by the proposed subdivision, the subdivider shall dedicate by subdivision plat additional right-of-way so that such streets will have a width of twenty-five (25) feet from the center line where the street abuts the subdivided parcel.
- (4) The agent may require additional right-of-way width where VDOT standards for the traffic generated by the subdivision require additional width.

(I) Cul-de-sacs.

- (1) A permanent cul-de-sac shall not be longer than nine hundred (900) feet, including the turnaround. The paved area of the bulb turnaround at the end of the cul-de-sac shall be a minimum of ninety (90) feet in diameter. In lieu of a bulb cul-de-sac, the agent or Planning Commission may permit a "T" or a "Y" cul-de-sac.
- (2) Pavement on "T" turnarounds shall be at least forty (40) feet long and twenty (20) feet wide, which does not include the thirty (30) feet of roadway width at the "T."
- (3) The pavement at a "Y" turnaround shall be at least twenty (20) feet wide and each leg shall be forty (40) feet long, and the radius and angle shall be adequate to permit vehicles to turn around on the paved surface.
- (4) Rights-of-way at turnarounds and cul-de-sacs shall be at least five (5) feet beyond the edge of the pavement or the back of the curve.

(J) Traffic control devices.

The subdivider shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with Manual of Uniform Traffic Control Devices standards.

(K) Turn lanes.

Turn lanes shall be provided on all streets adjacent to and within a subdivision where warranted by the standards of the "Minimum Standards of Entrances to State Highways," latest edition, published by VDOT.

(L) Street design.

Streets shall be designed as follows:

- (1) Street grades may not exceed 10%, nor be less than 0.5% except as expressly approved by the agent or Planning Commission.
- (2) Street intersections shall provide landings of not more than 5% grade for a distance of not less than one hundred (100) feet.
- (3) All streets shall be designed and constructed with VDOT standard CG-6 curb and gutter and be a minimum of thirty (30) feet in width, as measured from face of curb to face of curb, or greater as required by VDOT subdivision street standards, based upon projected traffic generation by the development.
- (4) Street intersections shall be designed so as to provide a minimum stopping sight distance of ten (10) times the posted speed limit of the street. Intersection sight distance shall meet VDOT standards.
- (5) Street pavement sections shall meet VDOT pavement design guidelines based upon a California Bearing Ratio ("CBR") of ten (10). During construction, prior to subgrade approval by the town, CBR test results must be provided to the town, one per four hundred (400) feet of proposed roadway, or a minimum of three CBRs per subdivision. Pavement design based upon the actual CBRs shall be provided by a professional engineer.
- (6) For design standards not explicitly set forth herein, VDOT standards shall apply.

(M) Street signs.

The subdivider shall be responsible for the cost of fabrication and installation of all street signs. Once the streets have been accepted for maintenance by the town, the Town will maintain all standard signs.

(N) Street inspections.

The subdivider is responsible for contacting the agent forty-eight (48) hours prior to required inspections. Base stone shall not be installed until the subgrade has been approved by the agent. No asphalt pavement shall be installed until the base stone has been inspected and approved by the agent. The agent may require compaction tests in areas suspected of inadequate compaction and may require undercutting and additional tests in areas that appear deficient during proof-rolling.

(O) Handicap access.

Curb cut ramps for handicap access shall be provided at each intersection, for all streets within and adjacent to a subdivision, regardless of whether a sidewalk is installed at that location.

(P) Driveways.

- (1) A maximum of two driveway entrances per lot is permitted for single family dwellings and two family dwellings. The curb cut shall be a minimum of twelve (12) feet in width and a maximum of twenty (20) feet in width at the right-of-way line. Curb cuts on the same lot shall be separated by a minimum of forty (40) feet, measured from centerline to centerline.
- (2) All commercial entrances constructed from a new or existing street or road shall be in accordance with the "Minimum Standards of Entrances to State Highways" of the VDOT, as amended from time to time, incorporated by reference except as these may be varied by this section.
- (3) On local and collector streets, driveways shall be no closer than forty (40) feet to an intersection with a public street.
- (4) On arterial streets, driveways shall be no closer than seventy-five (75) feet to an intersection with a public street. This dimension may be reduced by the agent or Planning Commission for lots without access to collector or local streets and where by reason of topography, sight distance or other similar considerations the seventy-five (75) foot dimension is not feasible.

(Q) Street trees.

Street trees shall be provided along all collector and arterial streets within or adjacent to a proposed subdivision.

(R) Bicycle lanes.

All proposed collector and arterial streets within a subdivision may be constructed with bicycle lanes. The bike lane width and intersection configuration shall meet current VDOT standards.

(S) Street lights.

(1) Street lights shall be provided on all collector and arterial streets within a subdivision. The street light layout shall be per Illumination Engineering Society standards. The Town will submit the lighting plan to the electric utility company for cost estimate for installation. The cost provided the Town will be per current contracts between the Town and the electric service provider. The installation cost shall be paid 50% by the subdivider and 50% by the town. Payment is required or a security for payment provided to the town, prior to subdivision plat approval.

(2) Street lights are not required to be installed upon local streets. The cost of providing streetlights on local streets will not be shared by the town.

(T) Monuments visible for inspection.

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall install at his expense all monuments required by the agent or Planning Commission. Such monuments shall be clearly visible and shall be inspected and approved by the agent before any improvements are accepted by the governing body.

(U) Standards for alleys.

In certain situations, the use of alleys may be a desirable alternative to the more traditional type of residential development. When new alleys are proposed for a subdivision, or when the improvement of existing alleys is proposed, the following standards shall apply:

(1) Frontage on an alley shall not be construed to satisfy any lot frontage requirements.

(2) Alleys shall be maintained and perpetuated by a duly constituted property owners' association and notations to this effect shall be clearly indicated on the face of the record plat.

- (3) Alleys shall be designed to minimize or eliminate the potential for through traffic.
- (4) Alleys shall have a minimum paved or sealed surface width of ten (10) feet. New alleys shall have a minimum right-of-way width of twenty (20) feet.
- (5) Alleys to serve single-unit residential uses shall have chip and seal surface. Alleys to serve developments of greater intensity than single-unit residential uses shall have an asphalt surface constructed in accordance with section 7-3(N) of this ordinance.
- (6) Sight distances that comply with VDOT standards shall be provided at intersections with public streets. Alleys shall be built with a minimum pavement edge radius of twenty-five (25) feet at their intersections with public streets.
- (7) Alleys shall not dead end. Alleys shall end in an intersection with a public street, or in a cul-de-sac constructed to comply with the standards of section 8-3(K) of this ordinance.
- (8) Alley length shall not exceed one thousand (1,000) feet without an intersecting street.

8-4 Sidewalks and Walkways.

(A) Sidewalk and walkway policy.

Sidewalks and walkways within and adjacent to the subdivision are necessary to provide safe, convenient, and efficient transportation for the citizens of the town.

(B) Sidewalks required.

- (1) The subdivider shall install and dedicate to the Town sidewalks along at least one (1) side of all public streets within and adjacent to the subdivision. The sidewalks shall connect with existing sidewalks on streets adjacent to or within the land subdivided, and shall be placed so as to provide for eventual continuation with proposed or future sidewalks in the vicinity of the land subdivided.
- (2) Sidewalks shall be constructed of concrete and shall be a minimum of five (5) feet in width. A minimum two (2) foot planting strip is required between the curb and sidewalk for pedestrian/vehicle separation and to provide for mailbox and utility service placement.

(3) Sidewalk construction materials and specifications shall meet current VDOT subdivision street standards, incorporated by reference.

(C) Access to open space.

(1) Where common open space or public parkland is provided in a development, the subdivider shall provide pedestrian access to the site.

(2) Access to public parkland shall be dedicated to the Town. The access shall consist of a sidewalk that meets the requirements of section 8-4(B), above, or a bikeway, which meets the standards of 8-5(D), below.

(3) Access to private common open space may be by a private access way. The access shall be paved with gravel, limestone dust, or asphalt. No minimum width is required by this chapter.

8-5 Bikeways.

(A) Bikeways encouraged.

Where the proposed subdivision fronts on a street or includes an area which is designated as a potential bikeway in the Comprehensive Plan, the subdivider may construct a bikeway to town standards and dedicate the bikeway right-of-way to the Town for use as a public right-of-way.

(B) Location of bikeways.

The location of the bikeway route shall be determined by the agent in consultation with the subdivider and appropriate departments of the town. The bikeway route shall be placed so as to take into consideration the topography of the route, visibility, safe grades and curves for recreational use.

(C) Access to future bikeway rights-of-way.

The agent or Planning Commission may require the reservation and development of rights-of-way for additional bikeways in new subdivisions where such routes are necessary for access to routes shown in the comprehensive plan or bikeways plan.

(D) Construction and design standards.

- (1) Bikeways shall be constructed of a minimum pavement section of 4" 21B aggregate and 1 1/2" SM2A asphalt.
- (2) Bikeways shall be designed to minimize segments of trail where the slope exceeds 8%, to allow for handicap access. Where the slope exceeds 8%, pull offs are required every one hundred (100) feet and a profile of the bikeway shall be submitted.
- (3) Culvert crossings shall be provided where the bikeway crosses an existing or proposed drainage way so as to eliminate flow across the trail. The agent may waive this requirement where the flow across the trail is deemed insignificant, for example, less than one (1) cubic foot per second.
- (4) Minimum pavement width for bikeways is eight (8) feet with one (1) foot clear shoulder on each side, provided that for any bikeway that is designated as an "arterial", the minimum paved width shall be ten (10) feet.
- (5) Landings at road crossings shall be not more than 2% grade for a distance of fifteen (15) feet measured from the edge of the street pavement.
- (6) Where the bikeway meets the curb, a handicap ramp shall be provided and approved by VDOT.
- (7) A minimum four (4) foot grass strip separation shall be maintained between the back of the curb and the asphalt bikeway. Where there is no curb between the asphalt walkway and the street, the bikeway shall be placed beyond the road shoulder and roadside ditch. Minimum separation in this case shall be as approved by the agent or Planning Commission.

8-6 Water.

(A) Public water required.

- (1) Public water shall be extended at the subdivider's cost to all lots within a subdivision.
- (2) If public water facilities are reasonably available to serve the proposed subdivision, but inadequate capacity as determined by the agent exists, the subdivider shall at his expense upgrade the public water mains or facilities to provide the additional capacity.

Adequate capacity shall be determined as enabling one thousand (1,000) gallons per minute fire flow to be attained at the critical hydrant as determined by the agent, without dropping residual pressures elsewhere within the public water system to or below twenty (20) pounds per square inch.

- (3) The subdivider shall install the public water distribution system within the subdivision, including water mains, service lateral through the curb line for each lot, and fire hydrants, and upon its completion, shall dedicate and convey title to the water distribution system to the town.

(B) Construction and design standards.

- (1) Public water system design and construction shall be in accordance with Town Water Specifications incorporated by reference. Fire hydrant placement shall be as specified in town water specification.
- (2) Water mains shall be looped within or through the subdivision or terminated with a fire hydrant or blow-off.
- (3) Water meters shall be located on a lot corner remote from the electric service.

(C) Placement of water laterals.

Public water shall be designed and constructed to be available to each lot, such that individual laterals shall not extend across lots to the served lot.

8-7 Sanitary Sewer.

(A) Sanitary sewer required.

- (1) Sanitary sewerage facilities shall connect with public sanitary sewerage systems.
- (2) If public sanitary sewerage facilities are reasonably available to serve the proposed subdivision but inadequate capacity, as determined by the agent, in such facilities exists, the subdivider shall at his expense upgrade the sanitary sewerage lines or facilities to provide the additional capacity. The agent shall evaluate the downstream sewer system to the point where the flow contributed by the subdivision is less than 1% of the flow in the system.

- (3) The subdivider shall install the sanitary sewer system within the subdivision, in accordance with the standards of this division, and upon its completion, shall dedicate and convey title to the sanitary sewer system to the town.
 - (4) The sanitary sewerage plan shall include calculations of the amount of sanitary flow to be discharged from the subdivision upon complete occupancy of the site.
- (B) Construction and design of sanitary sewer.
- (1) The sanitary sewer shall be designed and constructed so as to serve by gravity the lowest floor elevation of proposed structures on all lots.
 - (2) Private grinder pumps or pump stations shall not be permitted unless expressly approved by the agent or Planning Commission. Considerations to be used in this variance evaluation shall be the engineering feasibility of providing gravity sewer to the structure, and the cause of the request.
 - (3) Basements without interior access, which are not intended for habitation may be constructed without sewer service. However, in no case shall private grinder pumps be permitted to provide sewer service to such basements.
 - (4) Public sewer shall be designed and constructed to be available to each lot, such that individual laterals shall not extend across lots to the served lot.
 - (5) Sewer design and construction shall be in accordance with Town Sanitary Sewer Specifications, incorporated herein.

8-8 Stormwater Management.

- (A) Stormwater management required.
- (1) The subdivider shall design and construct stormwater management facilities for the subdivision. The design shall include, but not be limited to, an analysis of: proposed stormwater drainage facilities, pre- or post-development stormwater runoff calculations, impacts on downstream properties, impacts upon downstream stormwater management facilities, and existing and potential runoff from upstream drainage areas. All designs for stormwater management shall be in accordance with professionally accepted hydraulic engineering practices, the Virginia Erosion and Sediment Control

Handbook or any later, comparable source, the Town of Rocky Mount Erosion and Sediment Control Ordinance, and formal stormwater policies of the town.

- (2) The subdivider shall install the stormwater management system, including detention facilities.
 - (3) Each phase of a phased subdivision shall demonstrate compliance with these stormwater management regulations.
- (B) Capacity standards for stormwater management facilities.
- (1) The engineering calculations shall demonstrate that runoff from the subdivision post-development will be detained to pre-development levels as evaluated under the ten (10) year frequency storm post-development, and under the two (2) year frequency storm pre-development. Stormwater detention may be waived by the agent if the subdivider provides field survey verification and calculations demonstrating that the existing downstream system is adequate to carry the increased runoff from the development to the point where the increased runoff is less than 1% of the contributing flow. A regional stormwater management plan, adopted by Town Council, may establish a different detention standard for areas within the region. Detention of lower frequency storms shall be required by the agent if required by the relevant regional stormwater management plan. Where possible, the subdivider shall maintain pre-development runoff velocities and overland flows to encourage groundwater recharge, using engineering methods conducive to groundwater recharge.
 - (2) The engineering calculations shall demonstrate the safe passage of the twenty-five (25) year storm and the one hundred (100) year storm through the stormwater management facility. When the routing of these storms directs flow over a road crossing, the depth of flow over the road shall not exceed one (1) foot.
 - (3) Where the downstream channel is inadequate to carry the outfall from the detention pond, the twenty-five (25) year storm shall also be detained to pre-development levels and the discharge from the pond shall be restricted so as to conform to the erosion and sediment control standards of the Town Erosion and Sediment Control ordinance.

(C) Regional stormwater management plans and facilities.

When a subdivision is located partially or wholly within an area for which a regional stormwater management plan has been adopted by Town Council, the subdivider shall share in the cost of downstream regional facilities, per the terms of section 7-1(C), above.

(D) Use of watercourses and low-lying lands.

- (1) Watercourses that drain one hundred (100) acres or more shall be preserved in their natural state as drainage ways.
- (2) Low-lying lands along such watercourses, subject to flooding during a one hundred (100) year storm or more frequently, shall be preserved in their natural state as drainage ways.
- (3) The subdivider shall retain natural drainage patterns and routes. The transfer of stormwater from one natural basin to another shall not be permitted.

(E) Maintenance of stormwater management facilities.

Stormwater management facilities serving a subdivision shall be maintained by the homeowner's association or equivalent body for that subdivision, unless town maintenance or another arrangement is approved by the agent. A maintenance plan for the facilities shall be provided as part of the engineering plan for the subdivision, and maintenance responsibility shall be designated on the subdivision plat. The subdivider shall provide a maintenance easement to the party responsible for maintaining the facilities.

(F) Storm drainage design and construction.

The subdivider shall design and construct a storm drainage system for the subdivision. Design and construction of the storm drainage system, including inlets, pipes, culverts, and appurtenances shall be in accordance with VDOT standards.

(G) Drainage easements.

The subdivider shall dedicate drainage easements to the Town consistent with the storm water management plan for the subdivision. All drainage easements offered for dedication shall have a minimum width of fifteen (15) feet.

8-9 Other utilities.

(A) Underground utility wiring.

(1) All new or extended transmission, distribution and customer service utility facilities installed within the boundaries of new subdivision or within two hundred (200) feet of the boundaries of new subdivisions for the purpose of serving the subdivision shall be underground, except:

(a) Equipment normally installed above ground in accordance with accepted utility practices for underground distribution.

(b) Temporary overhead facilities required for construction.

(2) Streetlights, where provided, shall be installed with underground service.

(B) Public utility easements.

The subdivider shall convey a fifteen (15) foot wide common or shared public utility easement centered on all interior lot lines and interior to all perimeter lot lines, to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the subdivision. Such easements may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the Franklin County land records. The agent may require a wider easement where necessary to provide adequate separation between water, sewer, and/or stormwater management facilities.