

Chapter 72

SUBDIVISIONS

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ARTICLE I. GENERAL PROVISIONS

Sec. 72-1. Purpose.

The purpose of this chapter is to establish certain subdivision standards and procedures for Claremont, Virginia, as provided by the 1950 Code of Virginia, as amended. These are part of a long-range town plan to guide and facilitate the orderly, beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchases of lots are buying a commodity that is suitable for development and use, and to make possible the provision of public services in a safe, adequate, and efficient manner.

(Ord. passed 2-9-1977)

Sec. 72-2. Short title.

This chapter is known and may be cited as the "Subdivision Ordinance of Claremont, Virginia."
(Ord. passed 2-9-1977)

Sec. 72-3. Definitions.

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

Agent. The representative of the council of the town of Claremont, in the approving of subdivision plats.

Alley. A permanent service way providing a secondary means of access to abutting property.

Building setback. The minimum distance that a building must be set back from the front lot line or front boundary line.

Commission. The planning commission of the town of Claremont, Virginia.

Cul-de-sac. A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

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

Easement. A grant by a property owner of the use of land for a specific purpose or purposes.

Engineer. An engineer licensed by the Commonwealth of Virginia.

Governing body. The council of the town of Claremont, Virginia.

Health official. The health director of Surry County or the sanitation officer.

Highway engineer. The resident engineer employed by the Virginia department of highways and transportation.

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

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

Lot, corner. A lot abutting upon two or more streets at their intersection; the short side fronting upon a street shall be considered the front, and the long side fronting upon a street shall be considered the side of the 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 streets.

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

Lot of record. A lot which has been recorded in the office of the circuit court of Surry County, Virginia.

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

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

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

Street. The principal means of access to abutting properties.

Street, feeder and/or collector. A street that conducts traffic between major and local streets and provides for the collection of traffic or for an entrance to, or a principal means of circulation within, one or more subdivisions.

Street, local service. A street that is used primarily as a means of public access to the abutting properties.

Street, major. A heavily traveled thoroughfare or highway that carries a large volume of through traffic.

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 abutting properties.

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 public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

Subdivide. To divide any tract, parcel, or lot of land into two or more parts, any of which contain an area of less than three acres, except, however:

- (1) The term *to subdivide* shall not include a bona fide division or partition of agricultural land for agricultural purposes or for the building site for members of the family owning the agricultural lands;
- (2) The agent may, however, permit the separation of one parcel from a tract of land without complying with all requirements of this chapter if:
 - A. It is not in conflict with the general meaning and purpose of this chapter;
 - B. No new streets are required to serve the parcel; and
 - C. The parcel contains at least one acre in area, and not less than 150 feet of frontage.
- (3) The word *SUBDIVIDE* and any derivative thereof shall have reference to the term "subdivision" as herein defined.

Subdivider. An individual, corporation, or registered partnership, owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the purposes of the subdivision.

(Ord. passed 2-9-1977)

Sec. 72-4. Exceptions to subdivision regulations.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of the provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the agent, with the reasoning on which the departure was justified, set forth. No variance may be granted by this chapter which is opposed in writing by the highway engineer or health official.

(Ord. passed 2-9-1977)

Sec. 72-5. Amendments.

This chapter may be amended in whole or in part by the Town Council provided that the amendment shall either originate with or be submitted to the Commission for recommendation, and, further provided, that no amendment shall be adopted without a public hearing having been held, by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least six days, but not more than 21 days, prior to the hearing. (Ord. passed 2-9-1977)

Sec. 72-6. Effective date.

This chapter shall be effective on and after 12:01 a.m., 2-10-1977.
(Ord. passed 2-9-1977)

Secs. 72-7 — 72-30. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 72-31. Administrator.

(a) The agent appointed by the town council is hereby delegated to administer this chapter. In so acting, the agent shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body.

(b) In the event the agent is not the commission, the agent shall consult with the commission on matters contained herein.
(Ord. passed 2-9-1977)

Sec. 72-32. Duties.

The agent shall perform its duties as regards subdivisions and subdividing in accordance with this chapter and the Virginia land subdivision and development act.
(Ord. passed 2-9-1977)

Sec. 72-33. To consult.

(a) In the performance of his or her duties, the agent may call for opinions or decisions, either oral or written, from other departments in considering details of any submitted plat.

(b) This authority by the agent shall have particular reference to the resident highway engineer and the health department.
(Ord. passed 2-9-1977)

Sec. 72-34. Additional authority.

In addition to the requirements herein contained for the platting of subdivisions, the town council may establish additional procedures as it deems necessary for the administration of this chapter.
(Ord. passed 2-9-1977)

Secs. 72-35 — 72.60. Reserved.

ARTICLE III. PROCEDURE FOR MAKING AND RECORDING PLATS

Sec. 72-61. Platting required.

(a) Any owner or developer of any tract of land situated within the town of Claremont who subdivides the same shall cause a plat of the subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the circuit court of Surry County, Virginia. No 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 chapter. No lot shall be sold in the subdivision before the plat shall have been recorded.

(b) In the event a plan for subdivision is disapproved by the agent, the subdivider may appeal to the council. The council may then override the recommendation of the agent and approve the plat.
(Ord. passed 2-9-1977)

Sec. 72-62. Approval required before sale.

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his or her representative shall apply in writing to the administrator for the approval of the subdivision plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded.

(Ord. passed 2-9-1977)

Sec. 72-63. Building permit withheld.

No building permit shall be issued for any structure or building to be located on any land which has been subdivided until a plat of the subdivision has been recorded pursuant to the provisions of this chapter.

(Ord. passed 2-9-1977)

Sec. 72-64. Draw and certify.

(a) Every plat shall be prepared by a surveyor or civil engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate, signed by him or her, setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title.

(b) When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon the plat, within an insert block.

(Ord. passed 2-9-1977)

(c) Where applicable, every plat shall depict Resource Protection Area and Resource management area boundaries, including (i) a notation of the requirements to retain an undisturbed vegetated 100-foot wide buffer area, as specified in section 28-11(B)(1), (ii) a notation of the requirement for pump-out and 100% reserve drain field sites for on site sewage treatment systems, when applicable; and (iii) a notation of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area; and

(d) Buildable area shall be delineated on each lot. The delineation of buildable area shall be based on the performance criteria specified in section Chapter 28, as well as applicable front and side yard setback requirements, and any other relevant easements or limitations regarding lot coverage

Sec. 72-65. Owner's statement.

Every plat, or the deed or dedication to which the plat is attached, shall contain in addition to the surveyor's or civil engineer's certificate a statement to the effect that the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the clerk of the circuit court of Surry County, Virginia, and indexed under the name of the land owners signing the statement and under the name of the subdivision.

(Ord. passed 2-9-1977)

Sec. 72-66. Release of claims against town.

(a) Every final recorded plat, or the deed of dedication to which the plat is attached, shall contain a release and waiver of any claim or claims for damages which the owners, heirs, successors, or assigns, and trustees, if any, may have or acquire against the town, resulting from the establishment of proper grade lines on and along the streets and alleys or from doing necessary grading and filling for the purpose of placing the streets and alleys upon the proper grade.

(b) The town shall likewise be released from building any retaining wall or walls along the streets and/or alley and/or property lines.

(Ord. passed 2-9-1977)

Sec. 72-67. Transfer of areas for public use to town.

The recording of a plat shall operate to transfer to the town, in fee simple, all portions of the area platted which are set apart for streets, alleys, easements, or other public use and to create a public right-of-passage over the same. No areas dedicated to public use shall be encumbered by easements retained by the subdivider or granted to utility companies or other corporate or natural persons. Nothing contained herein, however, shall prevent the subdivider from constructing and maintaining improvements as required by this chapter.

(Ord. passed 2-9-1977)

Sec. 72-68. Conformity required.

No person shall subdivide any tract of land that is located within the town as defined in the Virginia land subdivision and development act except in conformity with the provisions of this chapter.
(Ord. passed 2-9-1977)

Sec. 72-69. Private contracts.

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

(Ord. passed 2-9-1977)

Sec. 72-70. Necessary changes.

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

(Ord. passed 2-9-1977)

Sec. 72-71. Fees.

(a) There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent.

(b) At the time of filing the preliminary plat, the subdivider shall deposit with the agent checks payable to the town of Claremont in the amount of \$50 per plat, and \$1 for each lot.

(Ord. passed 2-9-1977)

Secs. 72-72 — 72-90. Reserved.

ARTICLE IV. REGULATIONS AND REQUIREMENTS

Sec. 72-91. Mutual responsibility.

There is a mutual responsibility between the subdivider and the town to divide the land so as to improve the general use pattern of the land being subdivided.

(Ord. passed 2-9-1977)

Sec. 72-92. Land must be suitable.

The agent shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

(Ord. passed 2-9-1977)

Sec. 72-93. Flooding.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for the other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. The land within the subdivision shall be set aside on the plat for the uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

(Ord. passed 2-9-1977)

Sec. 72-94. Building site.

To insure that residents will have sufficient land upon which to build a house which is flood-free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of flood waters.

(Ord. passed 2-9-1977)

Sec. 72-95. Improvements.

(a) All required improvements shall be installed by the subdivider at his or her cost. In cases where specifications have been established by the Virginia department of highways and transportation for streets and curbs, the specifications shall be followed. The subdivider's performance bond shall not be released until construction has been inspected and approved by the appropriate engineer.

(b) All improvements shall be in accordance with the following requirements.

(1) Residential lots served by public water shall not be less than 75 feet wide at the building setback line, nor be less than 7,500 square feet in area.

(2) Residential lots not served by public water shall not be less than 100 feet wide at the building setback line, nor be less than 15,000 square feet in area.

- (3) The subdivider shall provide all necessary information needed to determine what improvements are necessary to develop properly the subject property, including contour intervals, drainage plans, and flood control devices. The subdivider shall also provide plans for all the improvements together with a certified engineer's statement that the improvements, when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.
- (4) The agent may require that easements for drainage through adjoining property be provided by the subdivider at a pro rata share if the natural water course has been diverted. Any easements of not less than 20 feet in width for water, sewer, power lines, and other utilities shall be provided in the subdivision when required by the agent.
- (5) The agent shall not approve any subdivision in which sanitary sewers are not provided for unless the agent shall receive, in writing from the health department, a statement to the effect that the area contained in the subdivision is satisfactory for the installation of septic tanks, and that they will not create hazards to public health.
- (6) Where public water is available, the service shall be extended to all lots within a subdivision.
- (7) The installation of adequate fire hydrants in a subdivision at locations approved by the agent shall be required provided necessary public water is available. The agent shall consult with the proper authority before approving the location.

(Ord. passed 2-9-1977)

Sec. 72-96. Bond.

Before any subdivision plat will be finally approved by the agent, the subdivider shall furnish a performance bond in an amount calculated by the agent to secure the required improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the highway engineer, which bond shall be payable to and held by the governing body.

(Ord. passed 2-9-1977)

Sec. 72-97. Plans and specifications.

(a) Five blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by a certified engineer and shall be submitted to the agent for approval or disapproval within 60 days.

(b) If approved, one copy bearing certification of the approval shall be returned to the subdivider within 60 days.

(c) If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in 60 days, the subdivision shall be deemed approved.

(Ord. passed 2-9-1977)

Sec. 72-98. One acre or more.

Land subdivided into tracts of one acre or more and intended as semirural residential garden tracts shall be designed, as far as practicable, to facilitate the future division of these parcels into smaller building lots with provision made for a future convenient and economical street system. "Acreage" or "garden subdivisions" shall be so designated on the plat.

(Ord. passed 2-9-1977)

Sec. 72-99. Part of a tract.

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat.

(Ord. passed 2-9-1977)

Sec. 72-100. Lots.

(a) *Shape.* The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

(b) *Location.* Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right-of-use. If the existing streets are not 50 feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of the roads or streets to a width of 50 feet.

(c) *Corner lots.* Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the agent.

(d) *Side lines.* Side lines of lots shall be approximately at right angles or radial to the street line.

(e) *Remnants.* All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

(f) *Separate ownership.* Where the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneous with the recording of the final plat. The deed is to be deposited with the agent and held with the final plat until the subdivider is ready to record the same, and they both shall then be recorded together.

(g) *Water facilities.* Where public water is available, the service shall be extended to all lots and fire hydrants within the subdivision by the subdivider or developer. Where this is not possible, the subdivider or developer shall be encouraged to provide a central water supply system. If neither of the above is possible, the subdivider or developer may propose individual wells. No subdivision or development shall be approved without an acceptable water supply plan, which provides water service

to each lot.

(h) *Sewer facilities.* Where public sewerage facilities are available, the service shall be extended by the subdivider or developer to all lots and individual septic tanks shall not be permitted. Where the tap-on is not possible, the subdivider or developer shall be encouraged to provide a central sewer system. If neither of the above is possible, and the subdivider proposes individual septic tanks, then the subdivider shall provide sufficient technical information to allow the determination that each and every lot is suitable for an individual septic tank. No subdivision or development shall be approved within an acceptable sewerage facilities plan, which provides sewerage service to each lot.

(Ord. passed 2-9-1977)

Sec. 72-101. Blocks.

(a) *Length.* The maximum length of blocks generally shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.

(b) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.

(c) *Orientation.* Where a subdivision adjoins a major road, the commission may require that the greater dimension of the block shall front or back upon the major thoroughfare to avoid unnecessary ingress or egress.

(d) *Business or industrial.* Blocks intended for business or industrial use shall be designed specifically for those purposes with adequate space set aside for off-street parking and delivery facilities.

(e) *Alleys.* Alleys should be avoided wherever possible.

(f) *Paving widths.* Paving widths shall be in accordance with regulations established by the Virginia department of highways and transportation.

(g) *Cul-de-sacs.* Minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be not longer than 400 feet, to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than 100 feet in diameter.

(h) *Names.* Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of the existing street. Failing to meet the above stipulations, in no case shall the name of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.

(i) *Identification signs.* Street identification signs of an approved design shall be installed at all intersections.

(j) *Private streets.* There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets except where the control of the strips is definitely placed with the community under conditions approved by the agent.

(Ord. passed 2-9-1977)

Sec. 72-102. Monuments.

(a) *Visible for inspection.* Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the highway engineer are clearly visible for inspection and use. The monuments shall be inspected and approved by the engineer before any improvements are accepted by the governing body.

(b) *Location; concrete.* Concrete monuments four inches in diameter or square, and three feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

(c) *Location; iron pipe.* All other lot corners shall be marked with iron pipe not less than 3/4 inch in diameter and 24 inches long and driven so as to be flush with the finished grade.

(Ord. passed 2-9-1977)

Secs. 72-103 — 72-130. Reserved.

ARTICLE V. APPROVAL OF PLATS

Sec. 72-131. Generally.

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his or her agent shall apply in writing to the agent for the approval of the subdivision plat and submit five copies of the preliminary plat including the lot, street, and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the manner herein set forth.

(Ord. passed 2-9-1977)

Sec. 72-132. Preliminary sketch.

(a) The subdivider may, if he or she so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his or her preparing an engineered preliminary or final plat. The purpose of the preliminary sketch is to permit the agent to advise the subdivider whether his or her plans, in general, are in accordance with the requirements of this chapter. The Commission upon submission of the preliminary sketch shall study it, and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and the marked sketch shall be returned to the Commission with the preliminary plat.

(b) The preliminary sketch shall be as follows.

(1) It shall be drawn on white paper or on a print of a topographic map of the property.

(2) It shall be drawn to a scale of not less than 200 feet to the inch.

(3) It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided.

(4) It shall show the location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

(Ord. passed 2-9-1977)

Sec. 72-133. Preliminary plat.

(a) The subdivider shall present to the commission three copies of a preliminary layout at a scale of not less than 100 feet to the inch as a preliminary plat.

(b) The preliminary plat shall include the following information:

(1) Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point, and scale;

(2) Location of proposed subdivision by an insert map at a scale of not less than two inches equal to one mile showing adjoining roads, their names and numbers, towns, subdivisions, and other landmarks indicated thereon;

(3) The boundary survey or existing survey of record provided the survey shows a closure with an accuracy of not less than one in 2,500; total acreage, acreage of subdivided area, number, and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining the boundaries;

(4) All existing, platted, and proposed streets, their names, number, and width; existing utility or other easements, public areas, and parking spaces; culverts, drains, and water courses, their names, and other pertinent data;

- (5) All parcels of land to be dedicated for public use and the conditions of the dedication;
- (6) Topography at intervals satisfactory to the highway engineer if required;
- (7) Elevations of existing and proposed ground surface at all street intersections and points of major grade change along center line of streets together with proposed grade lines connecting therewith;
- (8) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply; and
- (9) Provisions for collecting and discharging surface drainage and preliminary designs of any structures that may be required.

(Ord. passed 2-9-1977)

Sec. 72-134. Procedure.

The agent or his or her appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his or her preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. The subdivider shall then be advised in writing within 45 days, which may be by formal letter or by legible markings on his or her copy of the preliminary plat, concerning any additional data that may be required; the character and extent of public improvements that will have to be made; and an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent, or preferably may require a bona fide estimate of the cost of improvements to be furnished him or her by the subdivider.

(Ord. passed 2-9-1977)

Sec. 72-135. No guarantee.

Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

(Ord. passed 2-9-1977)

Sec. 72-136. Six-month limit.

The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this chapter. Failure so to do shall make preliminary approval null and void. The agent may on written request by the subdivider grant an extension of this time limit.

(Ord. passed 2-9-1977)

Sec. 72-137. Final plats.

(a) The subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of not more than 100 feet to the inch on sheets having a size of 16 inches by 24 inches, 24 inches by 36 inches, or 32 inches by 48 inches.

(b) It should show the following information:

- (1) Name of subdivision, town, county, state, owner, north point, scale of drawing, and number of sheets. If shown on more than one sheet, matched lines shall clearly indicate where the several sheets join. A blank oblong space three inches by five inches shall be reserved for the use of the approving authority;
- (2) Location of proposed subdivision by an insert map at a scale of not less than two inches equal to one mile, indicating thereon roads, their names and numbers, towns, subdivisions, and other landmarks;
- (3) A boundary survey with an error or closure within the limits of one in 10,000 related to the true meridian and showing the location of all monuments and their type of material. The survey may be related to the U.S.C.G.S. state grid north if the coordinate of the two adjacent corners of the subdivision are shown;
- (4) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title;
- (5) A statement to the effect that the subdivision as it appears in this plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds;
- (6) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash lines and identification of the respective tracts shall be placed on the plat;
- (7) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites, or other public areas, the number and area of all building sites, all existing public and private streets, their names, numbers, and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes, and underground conduits including their size and type, water courses and their names, names of owners, and their property lines, both within the boundary of the subdivision and adjoining the boundaries;
- (8) All dimensions shown in feet and decimals of a foot to the closest 1/100 of a foot; all bearings in degrees, minutes, and seconds to the nearest ten seconds; and
- (9) The data of all curves along the street frontages shall be shown in detail at the curve or in a

curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearings.

(Ord. passed 2-9-1977)

Sec. 72-138. Conditions.

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter, and has made satisfactory arrangements for performance bonds, cash, or cash bonds to cover the cost of necessary improvements to the satisfaction of the agent. Approval of final plat shall be written by the agent on the face thereof.

(Ord. passed 2-9-1977)

Secs. 72-139 — 72-150. Reserved.

Sec. 72-151. Penalty.

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than \$250; and each day after the first, during which violation shall continue, shall constitute a separate violation.

(Ord. passed 2-9-1977)

This ordinance was adopted on _____

George L. Edwards, Mayor

Attest:

Mary Jane Beasley, Clerk