

## **SECTION 5 - GENERAL REGULATIONS**

### **5-1 MUTUAL RESPONSIBILITY**

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

### **5-2 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.

### **5-3 FLOODING**

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

### **5-4 BUILDING SITE**

To insure that residents will have sufficient land upon which to build a house which is flood free, this 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.

5-4.1 No encroachments in the floodway zone will be permitted unless demonstrated by hydrologic or hydraulic analyses that the proposed encroachment does not result in any increase in the 100-year flood elevation.

#### 5-5 IMPROVEMENTS

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Transportation and the Town of Wytheville for streets, curbs, etc., or by other local ordinances and codes, such specifications shall be followed. All improvements shall be constructed under the inspection of the Town of Wytheville. The developer shall notify the Town of Wytheville prior to the start of any construction so that inspection of the work may be continuous during the performance of the work. However, nothing in this section shall be construed to obligate the Town of Wytheville to inspect any or all portions of the work. Work which does not conform to Town of Wytheville standards will be rejected and shall be replaced before final approval of the work by the Town. The cost of all testing required for quality control of the work shall be paid for by the developer.

The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate Town engineer or agent. All improvements shall be in accordance with the following requirements:

##### 5-5.1 FLOOD CONTROL AND DRAINAGE

The subdivider shall provide, in accordance with Chapter 10 "Erosion and Sediment Control" of the Town Code of the Town of Wytheville, Virginia, all

necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans, stormwater management plans, and flood control devices. The subdivider shall also provide plans for all such improvements properly sealed by an engineer or surveyor licensed to practice in the Commonwealth of Virginia along with a statement that such improvements, when properly installed, will be adequate for proper development,<sup>6</sup> and will comply with applicable provisions of Chapter 10 of the Town Code, and its references. The plans shall be approved or disapproved by the appropriate plan approving authority as outlined in Chapter 10 or by the Town Manager as required. The subdivider shall also provide any other information requested by the Town Engineer.<sup>6</sup>

#### 5-5.2 LOT SIZE

The minimum lot size in any area shall be in accordance with the Zoning Ordinance, except that where public water and/or public sewer systems are not available such minimum lot sizes may be increased by the agent in accordance with the recommendations of the health officer which shall be submitted to the agent in writing, either by notations on the plat or by letter. The health officer may be guided by appropriate tests in determining the area required for the sanitary and safe disposal of septic tank effluent.

#### 5-5.3 EASEMENTS

The agent may require that permanent easements for drainage through adjoining property be provided by the subdivider. Permanent easements of not

less than ten (10) feet in width shall be provided for water, sewer, power poles, and other utilities (including by way of illustration and not by way of limitation, electric, telephone, natural gas and television) in the subdivision when required by the Planning Commission or its agent. Electric service shall be provided either overhead or underground as determined by the Planning Commission or its agent. In subdivisions where electric service is provided underground, the subdivider shall provide the agent a plan which designs the street lighting for the subdivision (See Section 5-5.4). The subdivider shall provide permanent easements which will accommodate the street lighting plan.<sup>7</sup>

**5-5.4 STREET LIGHTS**

Street lighting shall be installed at all new intersections of roads or streets, and along streets or roads at intervals not to exceed 900 feet. The lighting shall be installed within the right of way on treated wood or metal poles complying with Appalachian Power Company standards. The luminaires shall be high pressure sodium with a minimum output of 9500 lumens. The costs of street lighting shall be the responsibility of the developer and cost of the operation of these lights shall be the responsibility of the developer until the rights of way are approved and accepted by the Town of Wytheville.

**5-5.5 PUBLIC WATER AND SEWER**

In any subdivision or part thereof, the subdivider shall provide public water and sewer facilities. In all cases, water and sewer facilities shall be installed according to the Town of Wytheville Standards and subject to specifications approved by the Council and subject to inspection and approval of the Town

Manager, the Virginia Department of Health, and the State Water Control Board. Sewer and water laterals shall be extended from main sewer and water lines to the property lines of each lot. No more than two lots shall be served by any single water lateral or sewer lateral. All laterals shall be appropriately sized according to Town of Wytheville and Virginia Department of Health Standards; and, if a lateral line serves more than one lot, it shall be appropriately sized according to Town of Wytheville Standards and Virginia Department of Health Standards. Water laterals shall be terminated in a meter box within the property line of the lot and shall be appropriately capped. Sewer lines shall be terminated at a clean-out located inside the property line.

The Town Council in its sole discretion may cooperate with a subdivider in providing sewerage pump stations and sewerage force mains by imposing a surcharge on each lot sold or conveyed by the subdivider and to be paid to the Town at the time of sale or conveyance. In any case where a surcharge is imposed, the surcharge shall constitute a lien and made a matter of public record by the subdivider in the Clerk's Office of the Wythe County Circuit Court in a manner prescribed by the Town's Attorney. The maximum surcharge shall be established by the Council and may be amended from time to time. The Town Council may require the subdivider to participate in development costs which are identified and established by the Town Council at the time of the preliminary approval of the subdivision plat.

The Town Council in its sole discretion may waive any portion of these requirements for providing public water and sewer services in cases where the

improvements could not be economically justified. In such cases where the Town Council does relax the requirement for public water and sewer service, the subdivider shall provide private water and/or sewer service.

For the lots where the Council deems it appropriate to locate septic tanks, the lot shall conform to those areas required in the Zoning Ordinance for the zoning district in which it is located and subject to approval by the Department of Health. However, the agent shall not approve any subdivision where sanitary sewers are not provided unless the agent shall receive in writing from the Health Department a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks and that they will not so far as can be determined create hazards to public health and that such approval by the agent is only the understanding that where septic tanks are to be installed these must be approved on an individual lot basis by the Health Department.

In all cases water and sewer service, whether public or private, shall be installed subject to Town of Wytheville Standards and appropriate state regulatory agencies.<sup>7</sup>

#### 5-5.6 PRIVATE WATER AND/OR SEWER

Where water and sewer service from the Town are not feasibly available, a privately owned water distribution or sewage collection and treatment facility may be permitted. However, any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulation having authority over such installations.

5-5.7 FIRE PROTECTION

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

5-6 BOND

Before any subdivision plat will be finally approved by the agent, the subdivider shall, in lieu of construction, furnish 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 appropriate engineer, which bond shall be payable to and held by the governing body.

5-7 PART OF 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. This sketch is merely for informational purposes and is not binding on the subdivider or the governing body.

**\*\*\*\* LOTS \*\*\*\***

5-8 SHAPE

The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this ordinance. Lots shall not

contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

5-9 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 fifty (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 such roads or streets to a width of fifty (50) feet.

5-10 CORNER LOTS

Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as determined by the agent.

5-11 SIDE LINES

Side lines of lots shall be approximately at right angles, or radial to the street line.

5-12 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.

5-13 SEPARATE OWNERSHIP

Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by



deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the Court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

**\*\*\*\* BLOCKS \*\*\*\***

5-14 LENGTH

Generally, the maximum length of blocks shall be nine hundred (900) feet, and the minimum length of blocks upon which lots have frontage shall be three hundred (300) feet.

5-15 WIDTH

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

5-16 ORIENTATION

Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

5-17 BUSINESS OR INDUSTRIAL

Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

**\*\*\*\* STREETS \*\*\*\***

**5-18 ALIGNMENT AND LAYOUT**

The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets and sidewalks in adjoining areas. If no sidewalks exist in adjoining areas, sidewalks shall be placed on at least one side of the street, and on the side that makes connection to other areas most feasible. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the Planning Commission and Town Council. The arrangement of sidewalks in new subdivisions should be placed so as to provide a walkable neighborhood and to provide a connection, when possible, to other residential and/or business neighborhoods.

**5-19 SERVICE DRIVES**

Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right of way at a distance suitable for an

appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right of way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

5-20 APPROACH ANGLE

Major streets shall approach major or minor streets at an angle of not less than eighty (80) degrees, unless the Planning Commission and Town Council shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

5-21 MINIMUM WIDTH

The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the street plan, or if not shown on such plan shall be:

5-21.1 No street shall be less than fifty (50) feet in width. The subdivider shall provide right of way and/or slope easements necessary to accommodate the installation of curb and gutter at a width prescribed by the agents. For good reason, a greater street width may be required at the discretion of the Planning Commission and/or Town Council.<sup>7</sup>

5-21A SIDEWALKS

Sidewalks shall be constructed on at least one (1) side of each street and on the side that makes connection to other existing sidewalks most feasible. The sidewalk(s) shall be a minimum of five (5) feet wide and shall be constructed of

concrete, brick or other comparable material and according to ADA standards. For good reason, a greater width sidewalk(s) may be prescribed by the Planning Commission and/or Town Council.

## 5-22 CONSTRUCTION REQUIREMENTS

In all cases where Virginia Department of Transportation specifications are lacking or are less restrictive than the requirements of this ordinance, this ordinance shall prevail.

5-22.1 The roadway shall be graded to forty (40) feet exclusive of side ditches.

5-22.2 Base for pavement shall be at least thirty (30) feet in width and a minimum of six (6) inches in depth and be of stone, gravel or other satisfactory material approved by the agent. Where bearing capacity of the subgrade does not meet Virginia Department of Transportation Standards, the base shall be increased as determined by the VDOT Standards.

5-22.3 Pavement width shall be a minimum width of thirty (30) feet constructed of material passing Virginia Department of Transportation specifications. The pavement will consist of a bituminous concrete to a depth of two (2) inches according to Virginia Department of Transportation specifications.

5-22.4 All streets shall be constructed with curb and gutter on both sides of the street conforming to the Town of Wytheville Standards or Virginia Department of Transportation Standards, whichever is more stringent. Curb and gutter and/or other improvements are required for flood control and drainage under other sections of this ordinance, and shall be installed by the developer in

accordance with Town of Wytheville Standards and plans and specifications approved by the agent.<sup>1</sup>

5-23 CUL-DE-SACS

Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be no longer than four hundred (400) feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter. Cul-de-sacs shall have curb and gutter around the perimeter of the cul-de-sac according to Town of Wytheville and Virginia Department of Transportation Standards.

5-24 ALLEYS

Alleys will not be permitted.

5-25 PRIVATE STREETS AND RESERVE STRIPS

There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.

5-26 NAMES

Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be approved by the Planning Commission and Town

Council. Names of existing streets shall not be changed except by approval of the governing body.

5-27 IDENTIFICATION SIGNS

Street identification signs conforming to the Town of Wytheville Standards shall be installed at all intersections by the developer.

**\*\*\*\* MONUMENTS \*\*\*\***

5-28 VISIBLE FOR INSPECTION

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the agent of the governing body.

5-29 LOCATION - CONCRETE

Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, or a one and one-half (1 1/2) inch steel pipe thirty-six (36) inches in length, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.

5-30 LOCATION - IRON PIPE

All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be

flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

**\*\*\* RESERVATION OF LAND FOR PUBLIC PURPOSES \*\*\***

5-31 The agent may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public and semi-public uses, subject to the following regulations:

5-31.1 Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten (10) percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the governing body. Where land is required in excess of this amount, the reimbursement by the governing body shall be based on a proportionate share of the (1) cost of raw land; (2) cost of improvements, including interest on investments; (3) development costs; (4) plus not more than ten (10) percent profit on the total of such costs.

5-31.2 Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than eighteen (18) months following the recording of the plat for such purposes. If the land is not purchased within the said eighteen (18) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such

possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.

5-31.3 The Commission shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision.

5-31.4 Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the Zoning Ordinance.