



Before the
Colonial Beach Town Council
Town Center,
Held at
22 Washington Avenue, Colonial Beach, VA 22443

Wednesday, February 18, 2025, at 6:00 PM
Town Council Regular Meeting
AGENDA

1. Call to Order
2. Moment of Silence & Pledge of Allegiance
3. Roll Call of Members
4. Additions to the Agenda
5. Approval of the Agenda
6. Consent Agenda
 - a. Resolution #12-26, Amends and Appropriates FY26 Budget, General Fund for Trash Truck
 - b. Resolution #13-26, Amends and Appropriates FY26 Budget, General Fund for Beach Rake & Tractor
 - c. Resolution #14-26, Amends and Appropriates FY26 Budget, General Fund for Utility/Plow Truck
7. Council Member Liaison and Commission Reports
8. Town Manager Update
 - a. Sewer Plant Update, John Simmons, Inboden
 - b. Annual Planning Commission Report
9. Presentations
 - a. Westmoreland County Board of Supervisors, Mr. Trivett, District V Supervisor
 - b. Colonial Beach Public Schools, Dr. Addo, Superintendent
10. Public Comment
11. Unfinished Business
 - a. **PUBLIC HEARING** Ordinance No. 774, Amends Article 14 Site Plan of the Town of Colonial Beach Zoning Ordinance, Darla Odom, Interim Zoning Administrator
 - Public Input
 - Council Action
 - b. **PUBLIC HEARING** Ordinance NO. 775, Amends the Town of Colonial Beach Subdivision Ordinance, Darla Odom, Interim Zoning Administrator
 - Public Input
 - Council Action

- c. **PUBLIC HEARING Ordinance No. 776, Amends Section 8-2 of the Town of Colonial Beach Zoning Ordinance to list “Communications Facility, not to exceed a height of 100 feet” as permitted with approval of a CUP within C-1, Angela Lawrence, Director of Community Development**

- Public Input
- Council Action

12. New Business

- a. **Authorize Advertisement for a Public Hearing: Conditional Use Permit (CUP 26-01) – Executive Properties, LLC request approval of (CUP 26-01) to allow a Mixed Residential/Commercial Use to include ground floor retail/commercial space and second floor residential units in the (CR) Zoning District at property identified as 110 Washington Avenue, Darla Odom, Interim Zoning Administrator**

13. Closed Meeting

- a. Pursuant to Virginia Code Section 2.2-3711 (A. 7.) for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Town Council.
- b. Pursuant to Virginia Code Section 2.2-3711 (A. 8.) for the purpose of consultation with legal counsel retained by the Town Council regarding specific legal matters requiring the provision of legal advice by such counsel.

14. Adjournment



Wednesday, February 18, 2026
Town Council Regular Meeting

Consent Agenda

- Resolution #12-26, Amends and Appropriates FY26 Budget, General Fund for Trash Truck
- TAB A** ○ Resolution #13-26, Amends and Appropriates FY26 Budget, General Fund for Beach Rake & Tractor
- Resolution #14-26, Amends and Appropriates FY26 Budget, General Fund for Utility/Plow Truck
- TAB B** ○ **Ordinance No. 774, Amend Article 14 Site Plan of the Town of Colonial Beach Zoning Ordinance**
- **Ordinance No. 775, Amends the Town of Colonial Beach Subdivision Ordinance**
- TAB C** **Ordinance No. 776, Amends Section 8-2 of the Town of Colonial Beach Zoning Ordinance to list "Communications Facility, not to exceed a height of 100 feet" as permitted with approval of CUP within C-1**
- TAB D** **Memo, Authorize Advertisement for a Public Hearing: Conditional Use Permit (CUP 26-01) – Executive Properties, LLC request approval of (CUP 26-01) to allow a Mixed Residential/Commercial Use to include ground floor retail/commercial space and second floor residential units in the (CR) Zoning District at property identified as 110 Washington Avenue**

DRAFT

Tab A

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TO: Town Council
FROM: Lisa M. Okes, Finance Director/CFO
COPY: Natasha Tucker, Town Manager
SUBJECT: Trash Truck Funding
DATE: February 18, 2026

SUMMARY:

The Town's solid waste operations rely on two trash trucks—a 2015 Kenworth and a 2021 McNeilus—that experience significant daily use. As these vehicles age, maintenance costs increase and reliability declines, making routine replacement necessary to ensure safe and efficient service delivery. The adopted Capital Improvement Plan includes funding for the purchase of a new trash truck. At the February 4, 2026 work session, Town Council directed staff to return with a resolution utilizing funds from the Capital Improvement Fund to cash fund this capital purchase. Consistent with that direction, staff recommends appropriating \$300,000 from the Capital Improvement Fund to the FY 2025–2026 General Fund to purchase a new trash truck.

BACKGROUND:

The Town currently operates two trash trucks—a 2015 Kenworth and a 2021 McNeilus—that are critical to daily solid waste operations. Due to the heavy operational demands placed on these vehicles, maintenance and repair costs increase over time while overall reliability decreases, heightening the potential for service disruptions.

The Town's adopted Capital Improvement Plan (CIP) includes funding for the purchase of a new trash truck. At the February 4, 2026 Town Council work session, Council directed staff to cash fund the purchase rather than finance it, using available capital funds. To implement this direction, funds will be transferred from the Capital Improvement Fund to the General Fund to support the purchase.

ISSUE:

Trash trucks are subject to significant wear from daily use. As vehicles age, rising maintenance costs and reduced reliability require planned replacement to maintain a safe, reliable, and efficient solid waste fleet.

ALTERNATIVES:

No alternatives are presented, as Town Council has already provided direction to cash fund the purchase using CIP funds.

FISCAL IMPACT:

If approved, the FY 2025–2026 General Fund budget will increase by \$300,000.

RECOMMENDATION:

Staff recommends that Town Council approve the transfer of funds from the Capital Improvement Fund to the General Fund and authorize the purchase of a new trash truck in accordance with the CIP and Council's February 4 direction.

COUNCIL PAPER

At the regular meeting held on February 18, 2026, at the Colonial Beach Town Hall

RESOLUTION # 12-26 Amends and Appropriates Fiscal Year 2025-2026 Budget, General Fund

WHEREAS, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2025-2026 budget.

WHEREAS, the Town’s solid waste operations rely on trash trucks that experience significant daily use and are essential to the safe and efficient delivery of services; and

WHEREAS, the FY2026 Capital Improvement Plan (CIP), as adopted by the Town Council, includes the purchase of a new trash truck; and

WHEREAS, replacement of these vehicles is necessary to ensure the safe, reliable, and efficient delivery of services; and

WHEREAS, at its work session held on February 4, 2026, Town Council directed staff to return with a resolution utilizing funds from the Capital Improvement Fund to support this capital project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, at its regular meeting held on Wednesday, February 18, 2026, hereby adopts and appropriates an amendment to the Fiscal Year 2025-2026 budget as follows:

	FY 2025-26 Amended	FY 2025-26 Revised	Change
General Fund	\$13,345,005.13	\$13,645,005.13	+\$300,000.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-042300-8108 – Replacement Equipment \$300,000.00
CR 100-090000-0007 – Transfer from Capital Projects Fund \$300,000.00

Capital Projects Fund

DB 330-099999-0100 – Transfer to General Fund \$300,000.00
CR 330-099999-1000 – Carry-Over From Prior Years \$300,000.00



TO: Town Council
FROM: Lisa M. Okes, Finance Director/CFO
COPY: Natasha Tucker, Town Manager
SUBJECT: Beach Rake & Tractor Funding
DATE: February 18, 2026

SUMMARY:

Beach maintenance and restoration are essential to the safety, cleanliness, and overall quality of the Town's shoreline. The Town's existing beach rake is more than 20 years old and experiences frequent mechanical issues, resulting in increased maintenance costs and significant downtime, particularly during the peak summer season. In addition, the current tractor is not compatible with a new rake and presents safety, power, and overheating concerns during beach maintenance operations.

The adopted Capital Improvement Plan includes funding for the purchase of a new beach rake and tractor. At the February 4, 2026 work session, Town Council directed staff to return with a resolution utilizing funds from the Capital Improvement Fund to cash fund this capital purchase. Consistent with that direction, staff recommends appropriating \$200,000 from the Capital Improvement Fund to the FY 2025–2026 General Fund to purchase a new beach rake and tractor.

BACKGROUND:

The Town currently utilizes a beach rake that is more than 20 years old and has experienced ongoing mechanical problems, including frequent maintenance issues and equipment failures. These conditions have resulted in extended periods of downtime, which is particularly problematic during the summer months when beach usage is at its highest. Additionally, the current tractor is not capable of supporting a new beach rake, further limiting the Town's ability to modernize its beach maintenance equipment.

Regular and effective beach maintenance is critical to public safety and environmental stewardship. A properly functioning beach rake and tractor allow staff to remove large amounts of trash and debris, including material buried beneath the sand. This reduces pollution, protects wildlife, and minimizes safety hazards to beachgoers, particularly children using the beach for recreational activities.

ISSUE:

The Town's current beach rake and tractor setup is outdated, unreliable, and incompatible with modern equipment. Continued use results in increased maintenance costs, safety concerns, and reduced equipment availability during critical periods. Replacement is necessary to ensure safe, reliable, and effective beach maintenance and restoration.

ALTERNATIVES:

No alternatives are presented, as Town Council has already provided direction to cash fund the purchase using CIP funds.

FISCAL IMPACT:

If approved, the FY 2025–2026 General Fund budget will increase by \$200,000.



RECOMMENDATION:

Staff recommends that Town Council approve the transfer of funds from the Capital Improvement Fund to the General Fund and authorize the purchase of a new beach rake and tractor in accordance with the CIP and Council's February 4 direction.

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COUNCIL PAPER

At the regular meeting held on February 18, 2026, at the Colonial Beach Town Hall

RESOLUTION #13-26, Amends and Appropriates Fiscal Year 2025-2026 Budget, General Fund

WHEREAS, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2025-2026 budget.

WHEREAS, beach maintenance and restoration are essential to the safety, cleanliness, and overall quality of the Town’s shoreline; and

WHEREAS, the FY2026 Capital Improvement Plan (CIP), as adopted by the Town Council, includes the purchase of a new beach rake and compatible tractor; and

WHEREAS, replacement of the beach rake and tractor are critical to public safety and environmental stewardship; and

WHEREAS, at its work session held on February 4, 2026, Town Council directed staff to return with a resolution utilizing funds from the Capital Improvement Fund to support this capital project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, at its regular meeting held on Wednesday, February 18, 2026, hereby adopts and appropriates an amendment to the Fiscal Year 2025-2026 budget as follows:

	FY 2025-26 Amended	FY 2025-26 Revised	Change
General Fund	\$13,645,005.13	\$13,845,005.13	+\$200,000.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-043100-8108 – Replacement Equipment \$200,000.00
CR 100-090000-0007 – Transfer from Capital Projects Fund \$200,000.00

Capital Projects Fund

DB 330-099999-0100 – Transfer to General Fund \$200,000.00
CR 330-099999-1000 – Carry-Over From Prior Years \$200,000.00



TO: Town Council
FROM: Lisa M. Okes, Finance Director/CFO
COPY: Natasha Tucker, Town Manager
SUBJECT: Utility/Plow Truck Funding
DATE: February 18, 2026

SUMMARY:

The Town’s utility and plow truck fleet is critical to public works operations, including snow removal, emergency response, and general maintenance. Many vehicles are nearing or have surpassed 20 years of service, leading to higher maintenance costs, increased downtime, and reduced operational capacity. The aging and less reliable trucks limit the Town’s ability to maintain safe streets for residents and first responders during weather events.

The adopted Capital Improvement Plan includes funding for the purchase of a new utility/plow truck. At the February 4, 2026, work session, Town Council directed staff to return with a resolution utilizing funds from the Capital Improvement Fund to cash fund this capital purchase. Consistent with that direction, staff recommends appropriating \$70,000 from the Capital Improvement Fund to the FY 2025–2026 General Fund to purchase a new utility/plow truck.

BACKGROUND:

The Town operates a fleet of utility and plow trucks critical to public works operations, including snow removal, emergency response, and general maintenance. Many of these vehicles are nearing or have surpassed 20 years of service, resulting in higher maintenance costs, increased downtime, and reduced operational capacity. The Town’s current utility/plow trucks are aging and becoming less reliable, which limits Public Works operations.

Town crews work diligently to maintain clear streets during snow and ice, but when trucks are out of service, the ability to maintain safe street conditions for first responders and residents is severely impacted. Replacing aging equipment through planned fleet rotation improves reliability, reduces maintenance costs, and ensures the Town can respond effectively to weather events and other operational needs.

ISSUE:

The current utility/plow trucks are aging and less reliable, which limits Public Works operations, including general maintenance, emergency response, and snow removal. Replacement is necessary to maintain fleet standards, reduce maintenance costs, and ensure public safety during weather events.

ALTERNATIVES:

No alternatives are presented, as Town Council has already provided direction to cash fund the purchase using CIP funds.

FISCAL IMPACT:

If approved, the FY 2025–2026 General Fund budget will increase by \$70,000.



RECOMMENDATION:

Staff recommends that Town Council approve the transfer of funds from the Capital Improvement Fund to the General Fund and authorize the purchase of a new utility/plow truck in accordance with the CIP and Council's February 4 direction.

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COUNCIL PAPER

At the regular meeting held on February 18, 2026, at the Colonial Beach Town Hall

RESOLUTION # 14-26, Amends and Appropriates Fiscal Year 2025-2026 Budget, General Fund

WHEREAS, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2025-2026 budget.

WHEREAS, the Town’s utility/plow truck fleet is critical to Public Works operations, including snow removal, emergency response, and general maintenance; and

WHEREAS, the FY2026 Capital Improvement Plan (CIP), as adopted by the Town Council, includes the purchase of a new utility/plow truck; and

WHEREAS, replacement of a utility/plow truck is critical to public works operations, including snow removal, emergency response, and general maintenance; and

WHEREAS, at its work session held on February 4, 2026, Town Council directed staff to return with a resolution utilizing funds from the Capital Improvement Fund to support this capital project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, at its regular meeting held on Wednesday, February 18, 2026, hereby adopts and appropriates an amendment to the Fiscal Year 2025-2026 budget as follows:

	FY 2025-26 Amended	FY 2025-26 Revised	Change
General Fund	\$13,845,005.13	\$13,915,005.13	+\$70,000.00

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-043100-8108 – Replacement Equipment \$70,000.00
CR 100-090000-0007 – Transfer from Capital Projects Fund \$70,000.00

Capital Projects Fund

DB 330-099999-0100 – Transfer to General Fund \$70,000.00
CR 330-099999-1000 – Carry-Over From Prior Years \$70,000.00

Tab B

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TO: Town of Colonial Beach Town Council

FROM: Angela Lawrence, Director of Planning & Community Development

COPY: Natasha Tucker, Town Manager; Kyler Brower, Assistant Town Manager; Powell Duggan, Town Attorney; and Darla Odom, Zoning Official

**SUBJECT: PUBLIC HEARINGS - ZONING TEXT AMENDMENT (ZTA 25-04)
AMENDMENTS TO ARTICLE 14 – SITE PLAN AND ZONING TEXT
AMENDMENT (ZTA 25-05) AMENDMENTS TO THE SUBDIVISION
ORDINANCE**

DATE: February 18, 2026

BACKGROUND:

For many years, skyrocketing housing markets and overall economic shifts, including unforeseen events like the pandemic, have stressed Virginia’s ability to reach a healthy, affordable balance between housing costs and incomes. Numerous studies, including House Bill 854 (statewide housing study in 2022) have identified various challenges to housing provision and strategies to boost housing. During these studies stakeholders noted that local ordinance restrictions often lead to limited sites available for development as well as barriers such as lower permitted densities, site design regulations, and lengthy development review processes.

Revisions to Virginia Code § 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259, 15.2-2260, 15.2-2261, 15.2-2269, 15.2-2270, 15.2-2271 and 15.2-2307 became effective on July 1, 2025 relative to site plan and subdivision plat reviews.

The first modification in these state code revisions, which applies to all localities, reduces review times for site plan and subdivision plats, and establishes very specific processes for the number of resubmittals if plans and plats are not initially approved. These process and timing changes also strengthen a developer’s/subdivider’s ability to petition the circuit court to approve a plan or plat should the review timelines and processes not be met and/or if the developer/subdivider contends that a disapproval was not properly based on the ordinance applicable thereto or was arbitrary or capricious.

Staff continue to reiterate that the site plan and subdivision plat reviews are ministerial duties, not legislative actions such as with a rezoning request or conditional use permit application that would require public hearings and allow for discretionary acts that involve personal judgement by the reviewers. For site plan and subdivision plat reviews, the reviewer (whether the Planning Commission or a staff agent) must review the plats and/or plans as an obligatory act when a specific set of conditions is met – in other words, if the plans/plats meet the minimum ordinance requirements, they are to be approved.

The second part of the new law revisions, specifically for § 15.2-2201 removes the Planning Commission as a designated review agent to review and act on subdivision plats, site plans, and plans of development. The change is mandatory for localities with a population greater than 5,000. The University of Virginia’s Weldon Cooper Center for Public Service estimates the population of the Town of Colonial Beach to be 4,038 as of July 1, 2024. Since the Town has a population below the state code’s threshold, the Planning Commission will continue to review Preliminary Plats required for subdivision plats of more than 50 lots and those voluntarily submitted for their review by a subdivider for Preliminary Subdivision Plats with 50 or fewer lots. While no public hearing is enabled in state code for preliminary

subdivision plat reviews, the Town's Zoning Ordinance does require the Planning Commission's action on a Preliminary Plat to occur at a public meeting of the Planning Commission.

It is important to remember that these changes in the ministerial review processes for site plan and subdivision plat reviews where there are no requirements for public comment, do not preempt the Town's review and public hearing requirements for rezoning, conditional use permits or variances, and similar processes.

DISCUSSION:

As part of their legislative program, the Home Builders Association of Virginia, championed the new laws that became effective July 1, 2025 (House Bill 2660 and Senate Bill 974). These changes in state code affect site plan and subdivision plat review approval processes for localities, including the Town of Colonial Beach.

Staff reviewed the Article 14 (Site Plans) of the Zoning Ordinance and the Town's Subdivision Ordinance for compliance with the new law and the prepared draft ordinance amendments are recommended as Zoning Text Amendments ZTA 25-04 (Article 14 Site Plans) and ZTA 25-05 (Subdivision Ordinance).

In addition to minor language changes for clarity and consistency, the amendments would ensure these ordinances are in compliance with state code by referencing state code requirements for new processes and review timeframes. As noted in the Background Section, the Planning Commission will continue to review Preliminary Subdivision Plats required by the Town's Subdivision Ordinance for plats of more than 50 lots and those voluntarily submitted for their review by a subdivider for Preliminary Subdivision Plats with 50 or fewer lots. There is no change with these amendments in the Planning Commission's review authority or permissions. With these state code changes, it will be imperative for the Planning Commission and the Town to meet the new state mandated review processes and timelines, in addition to ensuring preliminary subdivision plat reviews are based solely on the applicable ordinances and regulations in compliance with state code.

Proposed Amendments are summarized below:

- Zoning Text Amendment ZTA 25-04 – Article 14 Site Plan
 - Section 14-5 A.7. – Remove language that conflicts with definition of floor area ratio
 - Section 14.5 A.12 – Modify language to clarify parking is to be provided in accordance with Article 13 Parking for consistency
 - Section 14.5 A.13 – For clarity, re-word requirement for public utilities to be identified on plans
 - Section 14-7 C. – Remove review time language and reference state code timeframes
 - Sections 14-7. D and E – Add sections from state code for a developer's right to petition the circuit court if the locality fails to act in accordance with processes and timelines of state code and if disapproval is not based on applicable ordinance or is arbitrary or capricious
- Zoning Text Amendment ZTA 25-05 – Subdivision Ordinance
 - Section 2 and 6-2-3– Remove definition and process for submission of Concept Plat to eliminate the option. This process conflicts with the new state code processes and timing that states the locality “shall not delay the official submission of any proposed plat ... by requiring pre-submission conferences or reviews.”
 - Section 2 – Update definition of Preliminary Plat to ensure the findings only reflect compliance with applicable ordinances per state code
 - Section 2, 3-4, 5-3, and 6 – Remove terms for Minor and Major Subdivision from Ordinance as subdivision types as requested by Planning Commission. Terms conflict with state enabling legislation from 2014 for plat reviews. Term subdivisions remains and processes for review based on plats for greater than 50 lots and plats for fewer than 50 lots.
 - Section 3-1-2 – Clarify this section is relative to amendments to the Ordinance and remove conflicting references to processes

- Section 3-2 Duties – Simplify language to ensure processes and timeframes for review comply with state code
- Section 3-4. – Add language as a General Process statement that includes consideration of lot arrangement, both internally and where applicable, as part of a larger master planned or phased development
- Section 3-5. – Modify title to replace “Appeal” with “Petition” and add language in compliance with new state code on rights of a subdivider to petition circuit court.
- Section 5-1-1 – Modify language for clarity of purposes to allow deeper lots and to reflect that there are no waiver processes in new state code beyond petitions in Section 3-5
- Section 5-4-3. – Modify language that states porous pavers/concrete “shall” be used to clarify that the requirement would be based on practicality to lower impacts on environmentally sensitive areas and where such requirement would not conflict with other laws such as for accessibility
- Section 6-1-3.28 – Language added for Preliminary Plat requirements to identify portions of an overall master planned or phased development on adjacent parcels and for submittal of an approved mater or phased development plan with the preliminary plat submittal for additional information.
- Section 6-2 – Combined language to streamline and for clarity and removed phrase “including all phases of a phased subdivision” in conflict with state enabling legislation
- Section 6-2-3.A. – Clarify language for required and voluntarily submitted Preliminary Subdivision Plat and required Plat scale
- Section 6-2-3.B. – Correct plat copies required for Final Plat submittals
- Section 7-1-1 – Replace “Commission” with “Subdivision Agent” to correct the reference. It is unrelated to state code change. The Agent signs/certifies the Record Plats, not Commission. No change in process.
- Section 7-1-5 – Modify language to clarify difference between Commission’s required and optional reviews of Preliminary Plats. No change in process.
- Other minor language changes for minor corrections such as with clarifying the plat size for submittal and adding “Planning and” to the name of the Community Development Department

PLANNING COMMISSION ACTION:

Following the public hearings for the two text amendments at their November 13, 2025, meeting, the Planning Commission voted unanimously to recommend approval to Town Council of Zoning Text Amendment (ZTA 25-04) to Article 14 – Site Plan as summarized herein and identified in Attachment 1 with underlined and stricken language.

The Planning Commission voted to defer its decision on Zoning Text Amendment (ZTA 25-05) to the Subdivision Ordinance to their December 11, 2025 meeting to allow input from the Town Attorney regarding whether preliminary plat reviews could be required where phases of larger phased developments are platted, even if the plat was for 50 or fewer lots. Specifically, the Commission asked if the phrase “including all phases of a phased subdivision” proposed as stricken in the Ordinance by staff could be retained to allow expanded review by the Planning Commission. In addition, the Commission discussed the confusion in the Ordinance due to Minor and Major subdivisions being defined differently than the state code where preliminary plats are required or optional.

At their December 11, 2025 meeting the Town Attorney confirmed that the phrase “including all phases of a phased subdivision” in Section 6-2 should be stricken as it conflicts with the state enabling legislation that establishes mandatory and optional submittal of preliminary plats based on the number of lots included, or submitted, on a subdivision plat for preliminary approval. Staff also identified revisions to the amendments that remove Minor and Major Subdivisions since these types conflict with state code reviews for Preliminary Plats based on greater than 50 lots and 50 or fewer lots. The Planning Commission agreed with this revised language to keep the term subdivision and the processes for preliminary plats, as well as those for boundary line adjustments, family subdivisions, and re-subdivisions, in compliance with state code. Following these discussions, the Planning Commission voted unanimously to recommend approval to Town Council of Zoning Text Amendment (ZTA 25-05) to the Subdivision Ordinance, as summarized herein and identified in Attachment 2 with underlined and stricken language.

RECOMMENDED COUNCIL ACTION:

Following the Public Hearing, the Planning Commission and Staff recommend APPROVAL of Zoning Text Amendment (ZTA 25-04) to amend Zoning Ordinance Article 14 – Site Plan as provided and Zoning Text Amendment (ZTA 25-05) to amend the Subdivision Ordinance as provided.

ATTACHMENTS:

- Attachment 1 – Zoning Text Amendment (ZTA 25-04) Article 14 – Site Plan – Marked Up Draft
- Attachment 2 – Zoning Text Amendment (ZTA 25-04) Article 14 – Site Plan – Clean Draft
- Attachment 3 – Zoning Text Amendment (ZTA 25-05) Subdivision Ordinance – Marked Up Draft
- Attachment 4 – Zoning Text Amendment (ZTA 25-05) Subdivision Ordinance – Clean Draft

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ARTICLE 14
SITE PLANStatement of Intent

For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, a major or minor site plan shall be submitted for approval as detailed in this section.

14-1 When a Major Site Plan is Required

- A. The following uses shall require a Major Site Plan to be submitted and approved prior to the commencement of any land disturbing activity. Nothing in this section shall be construed to eliminate the need for any Major Site Plan when required by other sections of this Ordinance.
1. Single-Family Dwellings (per Article 14-5).
 2. Manufactured Home Parks.
 3. Multiple-Family Dwellings.
 4. Non-Residential Development where the land area devoted to the use of the property is 2,000 square feet or more.
 5. Mixed-Use Developments
 6. Any other construction or land improvements, as deemed necessary, by the Director [of Planning and Community Development \(the "Director"\)](#).

14-2 When a Site Plan is not Required

- A. The re-use of an existing building or structure is not subject to the requirements herein, provided the footprint of the building or structure and/or the impermeable surface coverage of the lot on which the building or structure is located on is not increased.

14-3 When a Minor Site Plan is Required

- A. Any application for a zoning permit that does not require a Major Site Plan shall require a Minor Site Plan, unless exempted by this Article. A Minor Site Plan shall be submitted and approved prior to the commencement of any land disturbing activity.

14-4 Major Site Plan Requirements

- A. Except as provided in Article 14-5, the following shall be the minimum requirements for Major Site Plans. If certain requirements are deemed unnecessary, the Director [of Community Development](#) may waive submission of part(s) of the submittal requirements. All site plans shall be clearly drawn to scale by a licensed engineer or land surveyor, duly authorized by the Commonwealth of Virginia, and shall illustrate the following information:
1. A title block denoting the type of application, name of project, tax map reference, and street address of the subject property.
 2. The name, address, and phone number of the property owner and applicant.
 3. The name, address, phone number, signature, seal, and registration number of the plan preparer, including his/her license expiration date and the preparation date of the plan.
 4. A north point arrow and plan scale. The plan scale for projects containing more than ten (10) acres shall not exceed fifty (50) feet to one inch. For projects containing less than

- ten (10) acres, the plan scale shall not exceed twenty (20) feet to one inch.
5. The distance to and identification of the nearest street intersection.
 6. The boundaries and dimensions of the entire parcel with existing or proposed parcel lines, easements, or rights-of-way within the subject property, including the total parcel area.
 7. The present zoning, principal use(s), and the boundaries of any overlay zoning on the subject parcel, including all contiguous properties.
 8. A table (with computations) estimating the lot coverage ratio and impervious surface coverage ratio, the types of proposed land-uses, the number of residential dwelling units and densities, and the gross and net floor area of residential and non-residential buildings and accessory structures.
 9. The location, dimensions, height, setbacks, and use of all existing and proposed buildings and structures on the property.
 10. All existing or proposed fences, walls, trash receptacles, freestanding/monument signs, buffer areas, storm water management facilities and all other required and proposed property improvements.
 11. The boundaries of any water bodies, floodplains, resource protection areas, watersheds, and wetlands.
 12. A generalized landscape plan demonstrating compliance with Article 24 of this Ordinance.
 13. A fully dimensioned parking lot plan illustrating all on-site parking stalls, stall dimensions, vehicular drive aisle widths, loading areas, vehicular driving surface material, curb cuts, vehicular driveways, and parking lot landscape planters.
 14. The location and dimensions of on-site pedestrian walkways, Americans with Disabilities Act (ADA) paths-of-travel and access ramps, bicycle paths, and any pedestrian or vehicular connection to an adjoining property.
 15. A typical roadway pavement and design section for all proposed streets, sidewalks, curbs, gutters, and culverts.
 16. For new development, the point of connection to public water and sewer with the location of utility lines, and a table estimating the daily water usage and sewage flow attributable to the proposed development in gallons per day, including the time of any necessary connections.
 17. A grading and drainage plan with topographic contour lines, at two-foot intervals, when associated with any on-site land disturbance.
 18. The size, location, and boundaries of any common open space, including recreational areas and/or facilities. A statement of whether or not such open space is to be dedicated to the public shall also be identified on the site plan.
 19. For phased developments, identification of the location and timing of each phase of development shall be identified on the site plan.
 20. A plan demonstrating compliance with all applicable sections of Article 22 (Chesapeake Bay Preservation Area (CBPA) Overlay District) when any land disturbance is proposed.
 21. A listing of the persons responsible for future maintenance of all easements, parks, playgrounds, storm water, drainage facilities, and common areas.
 22. Identification of the Resource Protection Area (RPA) on or adjacent to the project site, if applicable. A note stating that all property in the Town of Colonial Beach that is not in an RPA is considered a Resource Management Area (RMA).
 23. A notation regarding the retention of any undisturbed, vegetated, 100-foot buffer along all water dependent features.
 24. In the case of demolition, all existing construction to be demolished and the location and size of all existing buildings and construction to remain on-site.
 25. Four (4) sets of building construction plans (three (3) sets on at least 18" x 24" sheets and one (1) set reduced on a 11" x 17" sheet) that include the site plan, floor plans, and all building elevations with the maximum, proposed, building height illustrated.

14-5 Major Site Plan Requirements for Single-Family Dwellings

- A. The following shall be the minimum requirements for a site plan submitted for new construction of a single-family dwelling. If certain requirements are deemed unnecessary, the Director ~~of Community Development~~ may waive submission of part(s) of the submittal requirements. The site plan shall be clearly drawn to scale by a licensed engineer or land surveyor, duly authorized by the Commonwealth of Virginia, and shall include the following information:
1. A title block denoting the type of application, name of the project, and the tax map lot reference.
 2. The name, address, and phone number of the property owner and applicant.
 3. The name, address, phone number, signature, seal, and registration number of the plan preparer, including his/her license expiration date, and the preparation date of the site plan.
 4. A north point arrow and plan scale. The plan scale of the site plan shall not exceed twenty (20) feet to one (1) inch.
 5. The boundaries and dimensions of the entire parcel. The site plan shall show all existing or proposed property lines, easements, and rights-of-way within the subject property, including the total parcel area.
 6. The present zoning, principal use, and boundaries of any overlay or split zoning on the parcel.
 7. A table (with computations) identifying the lot coverage ratio, the impervious surface coverage ratio, and the floor area ratio for all existing and new construction. ~~In addition to the main dwelling unit, all covered porches, decks, balconies, and attached garages that are 50% or more enclosed shall be included in the total floor area ratio calculation for a single family dwelling.~~
 8. The general location, dimensions, height, and setbacks for all existing and proposed buildings on the property, including accessory structures.
 9. The boundaries of any water bodies, floodplains, Resource Protection Area (RPA) buffers, watersheds, and wetlands. The finished floor elevation for all buildings and structures proposed within a floodplain must be shown on the site plan. When a property is located outside of an RPA, it will be delineated as a Resource Management Area (RMA) on the site plan.
 10. A description and depiction of the methods proposed to control erosion, sedimentation, and storm water runoff. Properties exceeding an impervious lot coverage of 36% must include descriptions and details for required storm water mitigation measures under the Chesapeake Bay Preservation Act.
 11. A landscape plan for the installation of two (2) street trees on the property. The plan shall include the location, tree caliper size at planting, the tree species, and the planting details for the trees.
 12. ~~A minimum of two (2) vehicular p~~Parking spaces shall be illustrated on the site plan ~~and provided in accordance with Article 13 Parking. Each parking space shall be a minimum of nine (9) feet wide by eighteen feet (18) deep on the driveway.~~
 13. ~~Existing and/or planned public water and sewer lines. The including~~ points of connection to public water and sewer with location of ~~lines. aterals to proposed dwelling with meter and clean-out locations.~~
 14. A grading and drainage plan with topographic contour lines at two (2) foot intervals for the development of the project site.
 15. Delineation of the buildable area on the lot in compliance with the minimum zoning district requirements.
 16. Four (4) sets of building construction plans (three (3) sets on at least 18" x 24" sheets and one (1) set reduced on a 11" x 17" sheet) that include the site plan, floor plans, and all building elevations with the maximum, proposed, building height illustrated.
 17. In the case of demolition, all existing construction to be demolished and the location and size of all existing buildings and construction to remain on-site.

14-6 Minor Site Plan

A. The following shall be minimum requirements for Minor Site Plans. If certain requirements are deemed unnecessary, the Director of Community Development may waive submission of part(s) of the submittal requirements. The site plan shall be clearly drawn to scale by a licensed engineer or land surveyor, duly authorized by the Commonwealth of Virginia, illustrating the following information:

1. A title block denoting the type of application, name of project, tax map reference, and street address of the subject property.
2. The name, address, and phone number of the property owner and applicant.
3. The name, address, phone number, signature, seal, and registration number of the plan preparer, including his/her license expiration date and the preparation date of the plan.
4. A north point arrow and plan scale. The plan scale of the site plan shall not exceed twenty (20) feet to one (1) inch.
5. The square footage, location, building height, and setbacks of the new construction, drawn to scale, and in accordance with an accurate boundary line survey.
6. The boundaries and dimensions of the entire parcel. The site plan shall show all existing or proposed property lines, easements, and rights-of-way within the subject property, including the total parcel area.
7. The present zoning, principal building use, and boundaries of any overlay or split zoning on the parcel.
8. A table (with computations) identifying the lot coverage ratio, the impervious surface coverage ratio, and the floor area ratio for all existing and new construction.
9. The location and setbacks of all existing buildings and structures on the property.
10. Established street grades and proposed finished grades.
11. Identify the methods used to achieve positive drainage from the property, including contours and swales, as appropriate.
12. For new development, the point of connection to public water and sewer with the location of utility lines, and a table estimating the daily water usage and sewage flow attributable to the proposed development in gallons per day, including the time of any necessary connections.
13. A landscape plan demonstrating compliance with Article 24 of this Ordinance.
14. The location, configuration, dimensions, and vehicular surface material for all parking areas, vehicular drive aisles, loading areas and pedestrian paths of travel, including those for compliance with the Americans with Disabilities Act (ADA).
15. Demonstration of compliance with all applicable sections of Article 22 (Chesapeake Bay Preservation Area (CBPA) Overlay District) when any land disturbance is proposed.
16. In the case of demolition, all construction to be demolished and the location and size of all existing buildings and construction to remain on site.
17. Identification of the Resource Protection Area (RPA), if applicable, and a note stating that all property in the Town of Colonial Beach that is not in an RPA is considered a Resource Management Area (RMA).
18. A plat notation regarding the retention of an undisturbed vegetated 100-foot buffer along all water dependent features.
19. Four (4) sets of building construction plans (three (3) sets on at least 18" x 24" sheets and one (1) reduced set of plans on a 11" x 17" sheet).

14-7 Procedures

- A. All site plans or any portion thereof involving engineering or land surveying, shall be prepared and certified respectively by an engineer or land surveyor authorized by the Commonwealth of Virginia to practice as such.
- B. A minimum of four (4) clearly legible, blue or black line copies, for Major and Minor Site Plans

shall be submitted to the Director ~~of Community Development~~ for plan check review.

- ~~C.~~ The Director ~~of Community Development~~ or his/her designee shall be responsible for checking submitted site plans for general completeness and compliance with existing ordinances and regulations. As such, the Director may route copies thereof to appropriate public departments, agencies, and officials. The Director shall see that all reviews are completed on time and that action is taken by the approving authority on the site plan ~~within sixty (60) days of the receipt thereof in the Director's office, except under abnormal circumstances in accordance with Virginia Code as amended.~~ ~~Upon approval, Approval of a site plan is required prior to~~ the Director ~~will issue~~issuing a zoning permit for the ~~development approved on the submitted Major or Minor~~ Site Plan.
- ~~D.~~ If the Director fails to approve or disapprove the plan within the timeframe prescribed in Section C above, the developer, after 10 days' written notice to the Director, may petition the circuit court of the locality in which the land involved, or the major part thereof, is located, to decide whether the plan should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et. seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plan.
- ~~E.~~ If the Director disapproves a plan and the developer contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that the appeal is filed with the circuit court within 60 days of the written disapproval by the Director.

14-8 Effect and Duration of Site Plan

- A. Every valid, ~~and approved Community Development Department approval of a~~ Major or Minor Site Plan shall have an approval stamp affixed to the plan or an approval block located at the lower right corner of the plan that is signed by the Director ~~of Community Development~~ or his/her designee to authorize the applicant to proceed with any application for land-disturbing permits, building permits, and other permits and approvals required to develop property in conformity with the approved site plan. The site plan shall remain in effect for a period of not more than five (5) years unless the applicant requests ~~and is granted~~ an extension from the Director ~~of Community Development~~. Once approved and constructed the following improvements shall be maintained by the owner, successor, or heir in perpetuity. These improvements include landscaping, drainage, stormwater facilities, water/sewer facilities, streets and roads and any other facility not accepted by the Town of Colonial Beach by a deed of dedication and accepted by the Town of Colonial Beach Town Council.
- B. Should the site plan be disapproved, the applicant shall submit a revised site plan showing any corrections or modifications which are required as conditions for approval, unless the applicant chooses to withdraw the application. The revised site plan shall be reviewed and acted upon in accordance with Section 14-6 of this Article.
- C. If the approved site plan indicates that any land, improvement thereon, or right-of-way is to be dedicated to the public, the applicant shall submit appropriate legal documents to the Town Attorney for approval and acceptance by the Town Council. After the dedication has been approved, the applicant shall record a plat and an original warranty deed containing the metes and bounds description of all lands dedicated as part of the approved site plan. Such plat and deed shall be recorded no later than the time limit established for recording of deeds under the Town's subdivision ordinance.

- D. As built drawings, prepared by a surveyor or engineer licensed by the Commonwealth of Virginia shall be required for all improvements to be submitted and approved prior to acceptance of the improvements by the Town Council.
- E. For so long as the final site plan remains valid, in accordance with the provisions of this section, no amendment to this chapter adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless the amendment is required to comply with State law or there has been a mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.
- F. Applications for minor changes to final site plans made during the period of validity of such plans established in accordance with this section shall not constitute a waiver of the provisions hereof, nor shall the approval of such minor changes extend the period of validity of such plans. Requests for such minor changes to approved site plans shall be made in writing to the Director ~~of Community Development~~. Such requests shall include any necessary information, including, but not limited to, modified drawings or renderings, as requested by the Director ~~of Community Development~~. Minor site plan revisions shall also be subject to those fees adopted in the Zoning Permit Planning Fees Schedule.

ARTICLE 14
SITE PLAN

Statement of Intent

For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, a major or minor site plan shall be submitted for approval as detailed in this section.

14-1 When a Major Site Plan is Required

- A. The following uses shall require a Major Site Plan to be submitted and approved prior to the commencement of any land disturbing activity. Nothing in this section shall be construed to eliminate the need for any Major Site Plan when required by other sections of this Ordinance.
1. Single-Family Dwellings (per Article 14-5).
 2. Manufactured Home Parks.
 3. Multiple-Family Dwellings.
 4. Non-Residential Development where the land area devoted to the use of the property is 2,000 square feet or more.
 5. Mixed-Use Developments
 6. Any other construction or land improvements, as deemed necessary, by the Director of Planning and Community Development (the "Director").

14-2 When a Site Plan is not Required

- A. The re-use of an existing building or structure is not subject to the requirements herein, provided the footprint of the building or structure and/or the impermeable surface coverage of the lot on which the building or structure is located on is not increased.

14-3 When a Minor Site Plan is Required

- A. Any application for a zoning permit that does not require a Major Site Plan shall require a Minor Site Plan, unless exempted by this Article. A Minor Site Plan shall be submitted and approved prior to the commencement of any land disturbing activity.

14-4 Major Site Plan Requirements

- A. Except as provided in Article 14-5, the following shall be the minimum requirements for Major Site Plans. If certain requirements are deemed unnecessary, the Director may waive submission of part(s) of the submittal requirements. All site plans shall be clearly drawn to scale by a licensed engineer or land surveyor, duly authorized by the Commonwealth of Virginia, and shall illustrate the following information:
1. A title block denoting the type of application, name of project, tax map reference, and street address of the subject property.
 2. The name, address, and phone number of the property owner and applicant.
 3. The name, address, phone number, signature, seal, and registration number of the plan preparer, including his/her license expiration date and the preparation date of the plan.
 4. A north point arrow and plan scale. The plan scale for projects containing more than ten (10) acres shall not exceed fifty (50) feet to one inch. For projects containing less than

- ten (10) acres, the plan scale shall not exceed twenty (20) feet to one inch.
5. The distance to and identification of the nearest street intersection.
 6. The boundaries and dimensions of the entire parcel with existing or proposed parcel lines, easements, or rights-of-way within the subject property, including the total parcel area.
 7. The present zoning, principal use(s), and the boundaries of any overlay zoning on the subject parcel, including all contiguous properties.
 8. A table (with computations) estimating the lot coverage ratio and impervious surface coverage ratio, the types of proposed land-uses, the number of residential dwelling units and densities, and the gross and net floor area of residential and non-residential buildings and accessory structures.
 9. The location, dimensions, height, setbacks, and use of all existing and proposed buildings and structures on the property.
 10. All existing or proposed fences, walls, trash receptacles, freestanding/monument signs, buffer areas, storm water management facilities and all other required and proposed property improvements.
 11. The boundaries of any water bodies, floodplains, resource protection areas, watersheds, and wetlands.
 12. A generalized landscape plan demonstrating compliance with Article 24 of this Ordinance.
 13. A fully dimensioned parking lot plan illustrating all on-site parking stalls, stall dimensions, vehicular drive aisle widths, loading areas, vehicular driving surface material, curb cuts, vehicular driveways, and parking lot landscape planters.
 14. The location and dimensions of on-site pedestrian walkways, Americans with Disabilities Act (ADA) paths-of-travel and access ramps, bicycle paths, and any pedestrian or vehicular connection to an adjoining property.
 15. A typical roadway pavement and design section for all proposed streets, sidewalks, curbs, gutters, and culverts.
 16. For new development, the point of connection to public water and sewer with the location of utility lines, and a table estimating the daily water usage and sewage flow attributable to the proposed development in gallons per day, including the time of any necessary connections.
 17. A grading and drainage plan with topographic contour lines, at two-foot intervals, when associated with any on-site land disturbance.
 18. The size, location, and boundaries of any common open space, including recreational areas and/or facilities. A statement of whether or not such open space is to be dedicated to the public shall also be identified on the site plan.
 19. For phased developments, identification of the location and timing of each phase of development shall be identified on the site plan.
 20. A plan demonstrating compliance with all applicable sections of Article 22 (Chesapeake Bay Preservation Area (CBPA) Overlay District) when any land disturbance is proposed.
 21. A listing of the persons responsible for future maintenance of all easements, parks, playgrounds, storm water, drainage facilities, and common areas.
 22. Identification of the Resource Protection Area (RPA) on or adjacent to the project site, if applicable. A note stating that all property in the Town of Colonial Beach that is not in an RPA is considered a Resource Management Area (RMA).
 23. A notation regarding the retention of any undisturbed, vegetated, 100-foot buffer along all water dependent features.
 24. In the case of demolition, all existing construction to be demolished and the location and size of all existing buildings and construction to remain on-site.
 25. Four (4) sets of building construction plans (three (3) sets on at least 18" x 24" sheets and one (1) set reduced on a 11" x 17" sheet) that include the site plan, floor plans, and all building elevations with the maximum, proposed, building height illustrated.

14-5 Major Site Plan Requirements for Single-Family Dwellings

- A. The following shall be the minimum requirements for a site plan submitted for new construction of a single-family dwelling. If certain requirements are deemed unnecessary, the Director may waive submission of part(s) of the submittal requirements. The site plan shall be clearly drawn to scale by a licensed engineer or land surveyor, duly authorized by the Commonwealth of Virginia, and shall include the following information:
1. A title block denoting the type of application, name of the project, and the tax map lot reference.
 2. The name, address, and phone number of the property owner and applicant.
 3. The name, address, phone number, signature, seal, and registration number of the plan preparer, including his/her license expiration date, and the preparation date of the site plan.
 4. A north point arrow and plan scale. The plan scale of the site plan shall not exceed twenty (20) feet to one (1) inch.
 5. The boundaries and dimensions of the entire parcel. The site plan shall show all existing or proposed property lines, easements, and rights-of-way within the subject property, including the total parcel area.
 6. The present zoning, principal use, and boundaries of any overlay or split zoning on the parcel.
 7. A table (with computations) identifying the lot coverage ratio, the impervious surface coverage ratio, and the floor area ratio for all existing and new construction.
 8. The general location, dimensions, height, and setbacks for all existing and proposed buildings on the property, including accessory structures.
 9. The boundaries of any water bodies, floodplains, Resource Protection Area (RPA) buffers, watersheds, and wetlands. The finished floor elevation for all buildings and structures proposed within a floodplain must be shown on the site plan. When a property is located outside of an RPA, it will be delineated as a Resource Management Area (RMA) on the site plan.
 10. A description and depiction of the methods proposed to control erosion, sedimentation, and storm water runoff. Properties exceeding an impervious lot coverage of 36% must include descriptions and details for required storm water mitigation measures under the Chesapeake Bay Preservation Act.
 11. A landscape plan for the installation of two (2) street trees on the property. The plan shall include the location, tree caliper size at planting, the tree species, and the planting details for the trees.
 12. Parking spaces shall be illustrated on the site plan and provided in accordance with Article 13 Parking.
 13. Existing and/or planned public water and sewer lines, including points of connection to public water and sewer with location of laterals to proposed dwelling with meter and clean-out locations.
 14. A grading and drainage plan with topographic contour lines at two (2) foot intervals for the development of the project site.
 15. Delineation of the buildable area on the lot in compliance with the minimum zoning district requirements.
 16. Four (4) sets of building construction plans (three (3) sets on at least 18" x 24" sheets and one (1) set reduced on a 11" x 17" sheet) that include the site plan, floor plans, and all building elevations with the maximum, proposed, building height illustrated.
 17. In the case of demolition, all existing construction to be demolished and the location and size of all existing buildings and construction to remain on-site.

14-6 Minor Site Plan

- A. The following shall be minimum requirements for Minor Site Plans. If certain requirements are deemed unnecessary, the Director may waive submission of part(s) of the submittal requirements. The site plan shall be clearly drawn to scale by a licensed engineer or land surveyor, duly authorized by the Commonwealth of Virginia, illustrating the following information:

1. A title block denoting the type of application, name of project, tax map reference, and street address of the subject property.
2. The name, address, and phone number of the property owner and applicant.
3. The name, address, phone number, signature, seal, and registration number of the plan preparer, including his/her license expiration date and the preparation date of the plan.
4. A north point arrow and plan scale. The plan scale of the site plan shall not exceed twenty (20) feet to one (1) inch.
5. The square footage, location, building height, and setbacks of the new construction, drawn to scale, and in accordance with an accurate boundary line survey.
6. The boundaries and dimensions of the entire parcel. The site plan shall show all existing or proposed property lines, easements, and rights-of-way within the subject property, including the total parcel area.
7. The present zoning, principal building use, and boundaries of any overlay or split zoning on the parcel.
8. A table (with computations) identifying the lot coverage ratio, the impervious surface coverage ratio, and the floor area ratio for all existing and new construction.
9. The location and setbacks of all existing buildings and structures on the property.
10. Established street grades and proposed finished grades.
11. Identify the methods used to achieve positive drainage from the property, including contours and swales, as appropriate.
12. For new development, the point of connection to public water and sewer with the location of utility lines, and a table estimating the daily water usage and sewage flow attributable to the proposed development in gallons per day, including the time of any necessary connections.
13. A landscape plan demonstrating compliance with Article 24 of this Ordinance.
14. The location, configuration, dimensions, and vehicular surface material for all parking areas, vehicular drive aisles, loading areas and pedestrian paths of travel, including those for compliance with the Americans with Disabilities Act (ADA).
15. Demonstration of compliance with all applicable sections of Article 22 (Chesapeake Bay Preservation Area (CBPA) Overlay District) when any land disturbance is proposed.
16. In the case of demolition, all construction to be demolished and the location and size of all existing buildings and construction to remain on site.
17. Identification of the Resource Protection Area (RPA), if applicable, and a note stating that all property in the Town of Colonial Beach that is not in an RPA is considered a Resource Management Area (RMA).
18. A plat notation regarding the retention of an undisturbed vegetated 100-foot buffer along all water dependent features.
19. Four (4) sets of building construction plans (three (3) sets on at least 18" x 24" sheets and one (1) reduced set of plans on a 11" x 17" sheet).

14-7 Procedures

- A. All site plans or any portion thereof involving engineering or land surveying, shall be prepared and certified respectively by an engineer or land surveyor authorized by the Commonwealth of Virginia to practice as such.
- B. A minimum of four (4) clearly legible, blue or black line copies, for Major and Minor Site Plans shall be submitted to the Director for plan check review.
- C. The Director or his/her designee shall be responsible for checking submitted site plans for general completeness and compliance with existing ordinances and regulations. As such, the Director may route copies thereof to appropriate public departments, agencies, and officials. The Director shall

see that all reviews are completed on time and that action is taken by the approving authority on the site plan in accordance with Virginia Code as amended. Approval of a site plan is required prior to the Director issuing a zoning permit for the development approved on the Site Plan.

- D. If the Director fails to approve or disapprove the plan within the timeframe prescribed in Section C above, the developer, after 10 days' written notice to the Director, may petition the circuit court of the locality in which the land involved, or the major part thereof, is located, to decide whether the plan should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et. seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plan.
- E. If the Director disapproves a plan and the developer contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that the appeal is filed with the circuit court within 60 days of the written disapproval by the Director.

14-8 Effect and Duration of Site Plan

- A. Every, valid and approved Major or Minor Site Plan shall have an approval stamp affixed to the plan or an approval block located at the lower right corner of the plan that is signed by the Director or his/her designee to authorize the applicant to proceed with any application for land-disturbing permits, building permits, and other permits and approvals required to develop property in conformity with the approved site plan. The site plan shall remain in effect for a period of not more than five (5) years unless the applicant requests and is granted an extension from the Director. Once approved and constructed the following improvements shall be maintained by the owner, successor, or heir in perpetuity. These improvements include landscaping, drainage, stormwater facilities, water/sewer facilities, streets and roads and any other facility not accepted by the Town of Colonial Beach by a deed of dedication and accepted by the Town of Colonial Beach Town Council.
- B. Should the site plan be disapproved, the applicant shall submit a revised site plan showing any corrections or modifications which are required as conditions for approval, unless the applicant chooses to withdraw the application. The revised site plan shall be reviewed and acted upon in accordance with Section 14-6 of this Article.
- C. If the approved site plan indicates that any land, improvement thereon, or right-of-way is to be dedicated to the public, the applicant shall submit appropriate legal documents to the Town Attorney for approval and acceptance by the Town Council. After the dedication has been approved, the applicant shall record a plat and an original warranty deed containing the metes and bounds description of all lands dedicated as part of the approved site plan. Such plat and deed shall be recorded no later than the time limit established for recording of deeds under the Town's subdivision ordinance.
- D. As built drawings, prepared by a surveyor or engineer licensed by the Commonwealth of Virginia shall be required for all improvements to be submitted and approved prior to acceptance of the improvements by the Town Council.
- E. For so long as the final site plan remains valid, in accordance with the provisions of this section, no amendment to this chapter adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless the amendment is required to comply with State law or there has been a mistake, fraud, or a

change in circumstances substantially affecting the public health, safety, or welfare.

- F. Applications for minor changes to final site plans made during the period of validity of such plans established in accordance with this section shall not constitute a waiver of the provisions hereof, nor shall the approval of such minor changes extend the period of validity of such plans. Requests for such minor changes to approved site plans shall be made in writing to the Director. Such requests shall include any necessary information, including, but not limited to, modified drawings or renderings, as requested by the Director. Minor site plan revisions shall also be subject to those fees adopted in the Zoning Permit Planning Fees Schedule.

DRAFT

The Town of Colonial Beach

Subdivision Ordinance – 12.11.25 Version

SECTION 1 -AUTHORITY, PURPOSE & TITLE

1- 1. AUTHORITY

Appendix "B" is enacted pursuant to Virginia Code section 15.2-2200 et seq.

1-2. PURPOSE

The purpose of this ordinance is to establish certain subdivision and construction plan standards and procedures for the Town of Colonial Beach, Virginia. These are part of long-range plans to guide and facilitate the orderly and 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 rules to guide the change that occurs when lands and acreage are subdivided and/or developed for residential, business, or industrial purposes; to provide assurance that the purchasers 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. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities. This ordinance is to regulate the subdivision of property into lots, streets, alleys, and other public areas, to provide for making and recording of plats of such subdivisions, to regulate site plans to assure the good arrangement, appearance, function and harmony of buildings and other uses on intensively developed sites and to provide for the certification and approval of same.

1-3. TITLE

This ordinance is known and may be cited as "Subdivision Ordinance of the Town of Colonial Beach, Virginia."

- 1-3-1. A certified copy of this ordinance is filed in the Office of the Clerk of the Circuit Court of Westmoreland County and in the Office of the Town Clerk of the Town of Colonial Beach, Virginia.

SECTION 2 - DEFINITIONS

For the purpose of this ordinance, 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 singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the words "parcel" and "tract"; 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 ordinance includes all ordinances amending or supplementing the same; all distances and areas in feet or square feet and refer to measurement in a horizontal plane. When a term is not defined within this ordinance, the following references shall be used: 1) *The Colonial Beach Zoning Ordinance, A Glossary of Zoning, Development and Planning Terms, 50th edition, Planning Advisory Service Report #491/492; The New Illustrated Boon of Development Definitions;* and, the *Commonwealth of Virginia Uniform Statewide Building Code 2009* and all future subsequent revisions.

<i>Alley:</i>	A permanent service way providing a secondary means of access to abutting properties.
<i>Boundary Line Adjustment:</i>	Where adjacent property owners relocate a boundary line and no new building lots are created. Such property line adjustments contain the original parcels and/or have a common border with the original parcels. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage or other public areas.
<i>Building Line:</i>	The distance which a building is from the lot line or boundary line, including from the edge of any street right-of-way.
<i>Commission:</i>	The Planning Commission of the Town of Colonial Beach, Virginia.
<i>Concept Plan:</i>	A drawing which can be as simple as a plan illustrating the location of a proposed parcel, showing how access shall be achieved to the parcel and showing the proposed layout of streets and lots. A concept plan is not engineered and not required as part of a subdivision approval. The submission of a Concept Plan is not required, but it is recommended that such a plan be created and/or submitted for discussion purposes and provided to the Planning Commission to review.
<i>Construction Plans:</i>	The site construction design with illustrative details as to how the subdivision and all improvements shall be constructed, including profiles.
<i>Corner Lot:</i>	A lot abutting upon two (2) or more streets at their intersection. The portions of the lot facing the

Subdivision Ordinance

	streets shall be deemed to be front(s) and the other boundary lines shall be deemed to be sides.
<i>Council:</i>	The Town Council of the Town of Colonial Beach, Virginia.
<i>Cul-de-sac:</i>	A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.
<i>Developer:</i>	See Subdivision Developer.
<i>Director:</i>	The Director of <u>Planning and</u> Community Development of the Town of Colonial Beach, Virginia.
<i>Double Frontage Lot:</i>	An interior lot having frontage on two 12! streets.
<i>Family Subdivision:</i>	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 or to a trust, the beneficiary or beneficiaries of which are all member(s) of the Immediate Family of the property owner.
<i>Final Plat:</i>	A plat, drawn to scale as specified in the subdivision ordinance, incorporating all conditions of approval of the Preliminary Plat, when required or submitted, and confirming that private and public improvements have been completed and/or performance guarantees have been secured.
<i>Flog Lot:</i>	A lot with access provided to the bulk of the lot by means of a narrow corridor having a minimum width of twenty (20) feet and a maximum length of two hundred fifty (250) feet from the public right-of-way,
<i>Governing Body:</i>	The Town Council of the Town of Colonial Beach, Virginia.
<i>Health Officer:</i>	The Health Director or Sanitarian of the Town of Colonial Beach and/or County of Westmoreland Health Department.
<i>Highway Engineer:</i>	The resident engineer employed by the Virginia Department of Transportation (VDOT)
<i>Homeowners Association</i>	See "Property Owners Association (POA)."
<i>Immediate Family:</i>	Any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, nephew, or parent of the property owner.
<i>Interior Lot:</i>	A lot other than a corner lot.
<i>Lot:</i>	A numbered and recorded portion of a subdivision intended for transfer of ownership and/or for

	building development for a single building and its accessory buildings.
<i>Lot Depth:</i>	<i>The</i> mean horizontal distance between the front and rear lot lines.
<i>Lot Line Vacation:</i>	The legal combination by survey and/or deed of two (2) or more lots to create a single larger lot, thereby removing the existing line(s) dividing the lots.
<i>Lot of record:</i>	A lot, the plat or description for which is of record in the office of the Circuit Court Clerk of Westmoreland County, Virginia.
<i>Lot Width:</i>	The mean horizontal distance between the side lot lines.
<i>Low Impact Development (LID):</i>	A site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape, often utilizing integrated and distributed micro- scale stormwater retention and detention areas; concentrated reduction of impervious surface areas; the lengthening of flow paths and runoff times; the preservation and/or protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID lowers development costs by reducing use of concrete and utilizes natural processes to manage stormwater runoff.
<i>Major Street:</i>	Those Primary Roadways (Main Roads) identified in the Colonial Beach Comprehensive Plan.
<i>Major Subdivision</i>	Any Subdivision not classified as Minor Subdivision, including but not limited to subdivisions of three (3) or more lots, or any size subdivisions requiring a new street or extension of public water and/or sanitary sewer, or any other public improvements or any Re-subdivision of a previously vacated lot line in a residential development of record. Review and approval of a Major Subdivision shall be in accordance with these regulations.
<i>Minor Street:</i>	Are those Local Streets (Secondary Roadways) identified in the Colonial Beach Comprehensive Plan.
<i>Minor Subdivision:</i>	A Boundary Line Adjustment between adjacent property owners where no new building lots are created, a family subdivision, or any Subdivision that: <ol style="list-style-type: none"> 1. Results in not more than two (2) lots,

	<p>2. Does not include any new street or road construction,</p> <p>3. Does not require the extension of public facilities or the creation of any public improvements, and</p> <p>4. Is not in conflict with the Comprehensive Plan, the Official Zoning Map, the Zoning Ordinance, or the Subdivision Ordinance.</p> <p>A Minor Subdivision includes Boundary Line Adjustment(s) between adjacent property owners where no new building lots are created, and includes family divisions.</p>
<i>Plat:</i>	A map of a piece of land on which are marked the courses and distances of the lines and the quantity of the land and may include features and/or improvements on the land.
<i>Property Owners Association (POA):</i>	A non-profit organization, organized under the Property Owners Association Act (Virginia Code § 55.1-1800 et seq.), whose major purpose is to maintain and provide community facilities and services for the common enjoyment of the property owners within a development.
<i>Preliminary Plat:</i>	Prepared to show graphically all facts needed to enable the Subdivision Agent and the Planning Commission, if required, or voluntarily submitted to the Planning Commission for review, to determine whether the proposed layout of the subdivision in question is satisfactory from the standpoint of the public interest and in compliance with Zoning and Subdivision Ordinance standards <u>and other applicable laws.</u>
<i>Property:</i>	Any one or more tracts, lots, or parcels of real property.
<i>Road:</i>	See "Street."
<i>Resource Management Area IRMAJ:</i>	All lands within the Town of Colonial Beach that are not classified as Resource Protection Areas (RPA).
<i>Resource Protection Area (RPA):</i>	That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with intermittent or perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.
<i>Re-subdivision:</i>	To divide any legally recorded subdivision (whether approved and recorded as provided in this Ordinance or recorded prior to applicability of

Subdivision Ordinance

	such Ordinance) including, but not requiring, the relocation, alteration, and/or vacation of lot lines. <u>This term shall also include subdivision amendments and vacations in accordance with state code.</u>
<i>Service Street:</i>	A public right-of-way, generally parallel and contiguous to a primary or main roadway, 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.
<i>Street:</i>	The principal means of access to abutting properties.
<i>Street Width:</i>	The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and additional right-of-way.
<i>Subdivide/Subdivision:</i>	To divide, <u>or the division of</u> , any tract, parcel, or lot of land into two (2) or more <u>lots or parcels parts of less than five acres each for the purpose of transfer of ownership or building development, or if a new street is involved in such division, any division of a parcel of land. The word "subdivide," and any derivative thereof shall have reference to the term "subdivider."</u>
<i>Subdivider:</i>	The owner or owners of any tract, lot, or parcel of land which is to be subdivided; or any individual, group of individuals, entity, or entities to whom or to which the owner(s) of a tract, lot, or parcel of land to be subdivided have given their power of attorney to act on his, her, its, or their behalf in planning, negotiating for, representing, effecting, and/or executing the legal requirements for accomplishing a Subdivision.
<i>Subdivision Agent:</i>	The Director of Planning and Community Development or their designee shall serve as the Subdivision Agent for the Town of Colonial Beach.
<i>Subdivision Developer:</i>	Any person, whether an individual, corporation, company, trust, partnership, other entity, or any combination thereof, which acquires lots within a subdivision for the purpose of resale following construction thereon of improvements; or any individual, corporation, or partnership, or any combination thereof, which acquires from a subdivider or his/her successor in interest the right to construct improvements within a subdivision for resale.

Subdivision Ordinance

<i>Subdivision Monument:</i>	The initial point, also known as the point of beginning, of a plat on the exterior boundary of the plat and marked with a galvanized iron pipe or an iron or steel rod. If galvanized iron pipe is used, the pipe may not be less than three-quarter inch inside diameter and 30 inches long. If an iron or steel rod is used; the rod may not be less than five-eighths of an inch in least dimension and 30 inches long. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, or one-sixteenth corner, to a pre-existing monument or known lot corner or boundary corner of a recorded Subdivision Plat.
<i>Surety:</i>	Certified check, cash escrow, letter of credit, or performance bond in an amount and form approved by the town attorney and held by the governing body.
<i>Town:</i>	The Town of Colonial Beach, Virginia, or any authorized representative thereof.
<i>Underdeveloped Roadways:</i>	Gravel roads and similar type roadways, as identified in the Colonial Beach Comprehensive Plan. Underdeveloped roadways may also be paper streets or roadways that have not been developed, but are identified for future construction in a recorded, final, Subdivision Plat or in the Colonial Beach Comprehensive Plan.
<i>VDOT</i>	The Virginia Department of Transportation.

SECTION 3 - ADMINISTRATION & ENFORCEMENT

3-1. ADMINISTRATION

- 3-1-1. The Director of Planning and Community Development or their designee, is the Subdivision Agent to administer this ordinance. All Final Plats for Subdivision must be submitted to the Town for approval or disapproval, which submission must carry the recommendation for approval or disapproval of the Director.
- 3-1-2. The ~~administration and enforcement of all State and local laws applicable to land subdivision and development, and the authority to amend the Town of Colonial Beach Subdivision Ordinance, shall be vested in the governing body, upon receipt of a recommendation by the Planning Commission. The Planning Commission subdivision agent shall approve or disapprove all Major Subdivisions and Preliminary Plats in accordance with this Ordinance and the laws of the Commonwealth of Virginia.~~
- 3-1-3. The right is reserved in the governing body to elect, by resolution entered on record, whether it will or will not accept the dedication of any proposed subdivision street or alley into the Town's street system for maintenance.
- 3-1-4. Nothing in this ordinance shall be construed to authorize the impairment of any vested right.

3-2. DUTIES

The Subdivision Agent, and the Planning Commission for Preliminary Subdivision Plat reviews as outlined in Section 3-4-1, shall perform their duties in accordance with this Ordinance and the ~~Land Subdivision and Development Act, of the Code of Virginia for subdivision plat reviews, (Va. Code §§ 15.2-2240 through 15.2-2276). The Subdivision Agent shall review and approve all Minor Subdivisions including the timeliness and processes for such reviews.~~

3-3. To CONSULT

In the performance of their duties, the Subdivision Agent and the Planning Commission may call for or request verbal or written opinions or decisions from other departments of the Town, as well as pertinent reports from State agencies and consultants, where deemed necessary or convenient.

3-4. R E V I E W ADDITIONAL AUTHORITY

General Process. In the examination of Preliminary Subdivision plats as required and permitted below, the Planning Commission and/or Subdivision Agent shall take into consideration applicable laws and regulations, zoning, proffers, approval conditions, the land being subdivided and provisions of this chapter. Attention shall be given to items, including, but not limited to, rights-of-way widths, location of streets, private pavement, water and wastewater sanitary utilities, stormwater management and environmental protection, lot arrangement internally and, where applicable, as part of a larger master planned or phased development, and public facility requirements such as parks, schools, and other facilities.

- 3-4-1. The Subdivision Agent shall have the authority to approve Final and Record Plats for ~~Major~~ Subdivisions of more than 50 lots, or for ~~Major~~ Subdivisions of 50 or fewer lots when the subdivider voluntarily submits the Preliminary Plat, to the Planning Commission for review and approval, provided the plat is consistent with the Preliminary Plat approved by the Planning Commission, as required for Subdivision Plats for more than 50 lots. The Subdivision Agent shall also have the authority to approve Final and Record Plats for ~~Major~~ Subdivisions of 50 or fewer lots where the subdivider decides not to submit a Preliminary Plat to the Planning Commission for review and approval provided such plat(s) are prepared in accordance with the requirements of this Ordinance, the Town's Zoning Ordinance, and other applicable laws.
- 3-4-2. The Subdivision Agent shall have the authority to approve through the Final Plat review all ~~Minor Subdivision Boundary Line Adjustment, Family Subdivision and Re-subdivision~~ Plats, as defined in this Ordinance.
- 3-4-3. All Subdivision Final Plats shall have the approval of the Subdivision Agent as a Record Plat prior to recordation of said plat in Westmoreland County's Circuit Court Clerk's office, and prior to the development or sale of any Lot.
- 3-4-4. In addition to the regulations herein contained for the platting of Subdivisions, the Subdivision Agent may, from time to time, establish any reasonable additional administrative procedures and policies deemed necessary for the proper administration of this Ordinance.
- 3-4-5. The approval or disapproval of a plat shall be in writing with specific reasons given in writing for any disapproval.

3-5. RIGHT OF APPEAL/PETITION

A. If the Planning Commission or Subdivision Agent fails to approve or disapprove a plat within the timeframe prescribed in Section 3-2 above, the Subdivider, after

10 days' written notice to the Subdivision Agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et. seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plan.

B. If the Planning Commission or Subdivision Agent disapproves a plat and the Subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the Subdivider may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that the appeal is filed with the circuit court within 60 days of the written disapproval by the Planning Commission or Subdivision Agent.

~~In the event a plan for subdivision is disapproved by the Subdivision Agent or Planning Commission, the subdivider may appeal, in writing, to the Town Council within 30 calendar days of the disapproval. If the Town Council finds that such disapproval was not based on the Subdivision Ordinance or applicable State laws, the Town Council may override the disapproval and approve said plan if the Town Council determines it satisfies the Subdivision Ordinance and applicable State laws. No appeal shall be made unless it is filed by the subdivider, in writing, with the Clerk of the Town Council within 30 days of disapproval by the Subdivision Agent or Planning Commission.~~

SECTION 4-GENERAL STANDARDS

4-1. MUTUAL RESPONSIBILITY

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

4-2. SUBDIVISION AND DEVELOPMENT

All subdivision and development, including all improvements, shall be installed by the subdivider at their cost and in compliance with the provisions of this Subdivision Ordinance, the Town's Zoning Ordinance, and other applicable local, State, and federal codes and regulations and the determinations of governing State departments and agencies, including, but not limited to, VDOT.

4-3. STANDARDS AND SURETY

All improvements shall be in accordance with the requirements set forth herein and in all other Town ordinances. This Ordinance includes, by reference, all mandatory provisions of Virginia. Code §15.2-2241 through 15.2-2269, as amended.

4-3-1. All Streets. All streets and alleys in the proposed subdivision shall be designed and constructed in accordance with the VDOT road

specifications and requirements, except as may otherwise be approved by the Town in conjunction with approval of a Planned Unit Development (PUD) District or within a townhouse or business park development.

- 4-3-2. New Streets. All new streets shall have a minimum of a fifty (50) foot right-of-way, unless otherwise provided for as part of a PUD zoning approval.
- 4-3-3. Alleys. Dead end alleys must have turn-arounds or cul-de-sacs of at least one hundred (100) feet in diameter, except as may be provided for in a PUD zoning designation.
- 4-3-4. Coastal Flood Plain and Coastal High Hazard Areas. Areas which are shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map which are subject to flooding, the streets and sidewalks of the subdivision therein shall be designed to minimize their potential for increasing and aggravating

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the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood depths.

- 4-3-5. Alignment and layout of streets. The arrangements of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. When, in the opinion of the Subdivision Agent, it is necessary to do so, the connection of existing streets to access the adjoining property(ies) shall be required. Proposed streets shall be extended and constructed to the boundary line of adjoining property(ies). Signage shall be posted at locations within a subdivision where such streets terminate. The signage shall state: *"This street may be extended to serve future development and is not a permanent cul-de-sac."* A reference to this notification shall be placed upon all Record Plats and within the deeds of the individual lots within the subdivision.

Half streets along the boundary of land proposed for subdivision will not be permitted. Wherever possible, streets should intersect at right angles. Streets running with contours shall be required to intersect at angles of not less than eighty (80) degrees, unless approved by the Subdivision Agent upon recommendation of VDOT.

- 4-3-6. Secondary Roadways and Local Streets. Except as provided in Section 5-2-2, whenever a proposed subdivision with four (4) or more lots contains or is adjacent to a primary or main roadway, a provision shall be made for a secondary roadway or local street approximately parallel to such right-of-way at a distance suitable for buffering the residential properties from such primary or main roadway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the primary or main roadways.
- 4-3-7. Right-of-way Crossings. The right-of-way of any primary or main roadway 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. Any such local street or secondary roadway shall be constructed in accordance to plans and specifications of the VDOT, to include its right-of-way requirements.
- 4-3-8. Approach angle of streets. Streets shall approach intersecting streets at an angle of not less than eighty (80) degrees, unless the Subdivision Agent, upon recommendation of VDOT, shall approve

a lesser angle of approach for reasons of contour, terrain, or matching of existing traffic patterns.

- 4-3-9. Cul-de-sac. Terminal streets (cul-de-sacs), shall not exceed a length of five hundred (500) feet to the beginning of the turn-around. Cul-de-sacs shall not provide access to more than twelve (12) lots. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter, except as may be provided for in Planned Unit Development District.
- 4-3-10. Reserve strips. There shall be no reserve strips controlling access to streets.
- 4-3-11. Private streets. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street except as may be provided for in Planned Unit Development Districts or within a Townhouse Development.
- 4-3-12. Names of streets. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the Preliminary and Final Plats and shall be subject to approval by the Subdivision Agent. Names of existing streets shall not be changed except by approval of the governing body.
- 4-3-13. Monuments. As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications (as described in this ordinance.) Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the Subdivision Agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Subdivision Agent before any improvements are accepted by the governing body. The area immediately surrounding a monument (a radius of at least five (5) feet) shall be shown on the Record Plats as common area/easements dedicated to the property owners' association.
- 4-3-14. Location - Concrete. Concrete monuments four (4) inches in diameter or square, three (3) feet long (deep), 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 right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify property

location and shall be set flush with finished grade.

4-3-15. 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.

4-3-16. Water facilities. Public water facilities shall be extended by the subdivider to all lots within a subdivision. Every subdivision lot shall be provided by the subdivider with a satisfactory and sanitary means of central water distribution in accordance with the design standards and specifications of the Town for water construction and improvements and meeting the approval of the Director of Public Works and the Subdivision Agent. All costs shall be borne by the subdivider.

Water facilities in Coastal Flood Plain and Coastal High Hazard Areas as shown on the FEMA Flood Insurance Rate Map shall be designed to minimize or eliminate infiltration of flood waters into the public system and shall be located and constructed to minimize or eliminate flood damage.

4-3-17. Sewerage facilities. Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision. Every subdivision lot shall be provided by the subdivider with a satisfactory and sanitary means of central sewage collection and disposal in accordance with the design standards and specifications of the Town for sewage construction and improvements meeting the approval of the Director of Public Works and the Subdivision Agent. All costs shall be borne by the subdivider.

All new or replacement sanitary sewer facilities, (including all pumping stations and collector systems) within Coastal Flood Plain and Coastal High Hazard Areas as shown on the FEMA Flood Insurance Rate Map, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

4-3-18. Private sewer. Private sanitary sewer systems are not permitted to be installed on private property within the corporate limits of the Town. Where such a system is pre-existing and such system fails, the property owner shall connect the improvement(s) previously served by the failed system to the Town's sanitary sewer system.

All costs for construction and connection shall be the responsibility of the property owner.

4-3-19. Lot size. The minimum Lot size shall be in accordance with standards set forth in the Zoning Ordinance of the Town of Colonial Beach.

4-3-20. Storm drainage. Storm drainage facilities shall be designed and constructed in accord with the facility design and construction standards of the Town of Colonial Beach. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans, flood control devices, and surface water quality protection. The subdivider shall also provide plans for all such improvements, and when properly installed, the improvements will be adequate for appropriate development. Low Impact Development (LID) methods should be used to the maximum extent possible to manage storm water runoff and drainage. The Subdivision Agent shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the VDOT resident engineer.

All storm drain facilities shall be designed to convey the flow of surface water without damage to persons or property, and to minimize off-site impacts, which may require retention on-site. The system shall insure drainage away from buildings and on-site waste disposal sites. The Director of Public Works and/or the Subdivision Agent may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans, including those of VDOT, and the Chesapeake Bay water quality protection objectives. All costs for storm drainage shall be borne by the subdivider.

4-3-21. Fire protection. Fire Protection facilities shall be designed and constructed in accordance with the facility design and construction standards of the Town of Colonial Beach, ~~The~~the installation of adequate fire hydrants in a subdivision at locations approved by the Subdivision Agent may be required, The Subdivision Agent shall consult with the Director of Public Works before approving such location. All costs shall be borne by the subdivider.

4-3-22. Easements. The Subdivision Agent, in consultation with Director of Public Works and/or Town Engineer, may require easements for drainage or stormwater management facilities. When required by the Subdivision Agent, the construction easement shall be no less than forty (40) feet in width and permanent easements shall not be less than twenty (20) feet in width. Easements shall be provided for water, sewer, power lines, and other utilities in the subdivision. Easements shall be designed and located in accordance with the facility design and construction standards of the Town of Colonial Beach. All easements shall be shown on the Final Plat. Developer shall convey the shown easement, which may be common or shared easements, to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the subdivision consistent with Va. Code § 15.2-224 I(A)(6), as amended; however, the Town shall not be responsible to enforce such requirement.

4-3-23. Surety

A. Prior to approval of a Final Subdivision Plat, the subdivider shall complete, or shall provide for completion, all required public improvements all at the subdivider's expense. To provide for completion, the subdivider shall provide the Subdivision Agent with a surety payable to the Town of Colonial Beach, in a form acceptable to the Town Attorney. All bonds and letters of credit must be issued by a bank that has a physical location in Virginia that is within one hundred (100) miles of the Town. The amount of such surety shall not exceed the total of the estimated cost of construction as determined by the Town, based on unit prices for new public or private sector construction in the Town and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten (10) percent of the estimated construction costs. The subdivider shall obtain the Subdivision Agent's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the Subdivision Agent, the Subdivision Agent may arrange for completion of the improvements using the surety. If the subdivider defaults on construction of public improvements, and such improvements are constructed by the obligated party providing the surety, or with funding from the surety, the Town shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs.

- B. Upon the subdivider's written request, the Subdivision Agent shall make periodic partial releases of the Surety in a cumulative amount equal to no more than ninety (90) percent of the original amount for which the Surety was taken, based upon the percentage of facilities completed and approved by the Town or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty (30) percent of the facilities covered by any surety. The Subdivision Agent shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period.
- C. Within thirty (30) days of receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the Subdivision Agent shall notify the subdivider of any specified defects or deficiencies in construction and suggested corrective measures. Written notice under this subsection shall consist of a letter from the subdivider to the Subdivision Agent requesting reduction or release of the surety along with a set of as-built plans and a certificate of completion by an engineer or land surveyor, as appropriate, licensed by the Commonwealth of Virginia. If no action is taken by the Subdivision Agent within the thirty (30) day period, the request shall be deemed approved, and a partial release granted to the subdivider. No final release shall be deemed approved and granted until after such thirty (30) day period has expired and there is an additional request in writing sent by certified mail, return receipt requested, to the Town Manager. The Subdivision Agent shall have ten (10) working days after receipt of the second request for final release to act, and, if no action is taken, the request shall be deemed approved and final release granted to the subdivider.
- D. The Subdivision Agent shall not grant final release for the remaining ten (10) percent of the surety until the public facilities covered by the surety are complete and have been accepted by and taken over for operation and maintenance by the state agency, Town department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.
- 4-3-24. Developer/Subdivision Agreements. Facilities shown on the final and/or Preliminary Plats which are required by Town ordinances and are not proposed to be dedicated to the Town but are owned by the property owners' association shall also be referenced via an agreement with the Town as it relates to the construction and maintenance of such facilities. Such facilities may include, but are not limited to, landscaping, stormwater management structures, entrance signs, parks, trails, sidewalks, and other similar facilities.

- 4-3-25. Utilities. All utilities, such as gas lines, electrical lines, cable TV lines, telephone lines, and similar facilities shall be buried and constructed to minimize the chance of impairment during a flood event. This requirement applies to pre-existing distribution lines along a subject property's frontage with an existing state highway. The costs of burying and construction shall be borne by the property owner or developer.

4-4. UNSUITABLE LAND

Land deemed topographically unsuitable shall not be platted for residential occupancy or for any other use where such use is likely to increase the danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the Record Plat as common area(s) which may be designated and used as open space or passive recreational area(s). Such area(s) shall not produce conditions contrary to the public welfare.

SECTION 5 DESIGN STANDARDS

5-1. LOT REQUIREMENTS FOR ALL SUBDIVISIONS

- 5-1-1. Lot Shape- ~~Lots with a depth greater than shall not exceed~~ four (4) times ~~its~~ ~~their~~ ~~width~~ ~~should be avoided to the greatest extent possible unless the subdivider can show to the satisfaction of unless the Planning Commission for preliminary plat reviews for more than fifty (50) lots or if voluntarily submitted to the Planning Commission for fifty (50) or fewer lots and to the Subdivision Agent for all other plat reviews, that the depth of the lot(s) is necessary to due to unique grants a wavier due to~~ topography, terrain, or other physical characteristics of the land which render the dimensional restrictions impracticable and such a lot lowers the environmental impacts on sensitive environmental areas.-
- 5-1-2. Side Lot Lines - Side lot lines shall be approximately at right angles or radial to the street line.
- 5-1-3. Lot Remnants - All remnants of lots below the minimum lot size left over after subdividing of a tract of land must be added to adjacent lot or lots or otherwise disposed of and shall not remain as unusable parcel(s).
- 5-1-4. Corner Lots - Corner lots shall have sufficient width for maintenance of the building restriction lines (setbacks) on both streets.
- 5-1-5. Flag Lots - These types of lots should be avoided to the greatest extent possible unless the subdivider can show, to the satisfaction of the Subdivision Agent, that the use of such a lot lowers the environmental impact(s) on sensitive environmental areas. In such cases, these types of lots may be utilized provided that the sensitive environmental area is

placed in common ownership of the community and shown on the Record Plat as "passive open space."

- 5-1-6. Separate Ownership - Where land covered by a subdivision includes two (2) or more parcels in separate ownership and the Lot arrangement is such that a property ownership line divides one (1) or more Lots, the land in each lot shall be transferred by deed to single ownership, which deed shall be recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia either before, or contemporaneously with the Final Plat.

5-2. ACCESS REQUIREMENTS

- 5-2-1. Controlled Access Points - Whenever a proposed subdivision contains four (4) or more lots and is adjacent to a primary or main roadway, as identified in the Town's Comprehensive Plan, then provisions shall be made for a local street or secondary roadway, as identified in the Town's Comprehensive Plan, that is approximately parallel to such right-of-way at a distance suitable for the establishment of screening and buffering the residential lots from such primary or main roadway. The size of the buffer shall be determined with due consideration of the minimum distance required for ingress and egress to the primary or main roadway.
- 5-2-2. Shared Driveway Entrances Required - If a subdivision contains fewer than four (4) lots, all lots shall be served by a single, shared, vehicular driveway when vehicular access to the subdivision is taken from a primary or main roadway.
- 5-2-3. Internal Streets Required - A tract of land proposed to be Subdivided shall be served by an internal street constructed to the standards of the Virginia Department of Transportation (VDOT) unless a private street is authorized by way of a PUD zoning.
- 5-2-4. A subdivision or re-subdivision involving any previously platted lots in the Town of Colonial Beach which take access from an underdeveloped road where there are no existing houses, shall be required to satisfy Sec. 4-3. In such locations, the subdivision roads and infrastructure shall be brought up to the minimum standards contained herein. All costs shall be borne by the developer.
- 5-2-5. VDOT Permit Required - All subdivisions or individual lots installing a new access point to the state road network shall first obtain a Land Use Entrance Permit from VDOT. If three (3) or more lots are using the same access point, then a paved entrance with a minimum of twenty-four (24) feet in width shall be installed by the subdivider in accordance with VDOT standards.
- 5-2-6. Boulevard Spine Road Required - All subdivisions which contain more than fifty (50) lots shall be served by a road designed as a boulevard. Such boulevard roadways shall have a raised, landscaped median and

utilize curb, gutter, and sidewalks along both sides or utilize a six (6) foot wide asphalt trail along one (1) side of the boulevard with connections to sidewalks along local streets in the subdivision. Additionally, this trail option shall allow for engineered ditches to manage stormwater, incorporating low impact development (LID) techniques.

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5-3. STREET LIGHTS, SIGNS, AND SIDEWALKS FOR MAJOR SUBDIVISIONS

- 5-3-1. Streetlights. All subdivisions in the Town of Colonial Beach with twenty lots or greater shall have streetlights installed by the subdivider. The streetlights, at a minimum, shall be located at each intersection and at mid-block points on the backside of the sidewalk(s). At a minimum, all cul-de-sac streets shall have a streetlight at the entrance and terminus of the street. The streetlights shall be of a consistent design and color. Where applicable, streetlights shall be energy star compliant. Streetlights shall be no taller than fifteen (15) feet above finished grade, all light sources (bulbs) shall be shielded as not to be visible from public rights-of-way, and the streetlights shall be shielded to reflect light to the ground. All costs shall be borne by the subdivider.
- 5-3-2. Street identification signs. Street identification signs shall be of a design approved by the Virginia Department of Transportation and/or the Subdivision Agent. The subdivider shall be responsible for the cost to acquire and the cost to install all street signs. Street signs may incorporate route numbers on sign blades to prevent excessive signage at intersections. Street signs shall be located at all intersections. If the Developer wishes to use a decorative street identification sign, the design shall be submitted to the Subdivision Agent for approval if it is consistent with the Colonial Beach Design Guidelines. Repair and maintenance of decorative street identification signs shall be the responsibility of the property owners' association.
- 5-3-3. Curb, gutter and sidewalks. All subdivisions within the Town of Colonial Beach shall contain curb, gutter, and sidewalks along both sides of subdivision streets in a design that meets the requirements of the Virginia Department of Transportation unless otherwise altered under the terms of the Planned Unit Development provisions in the zoning ordinance or as specified above in Section 5-2-6 of this ordinance. Subdivisions constructed with frontage along an existing state road(s) shall install such improvements for their respective frontage.
- 5-3-4. Subdivision Entrance Signs - All new subdivisions in the Town of Colonial Beach shall have a masonry monument style sign/entry feature. Such sign/entry feature may be illuminated with shielded lighting reflecting all light to the ground. A decorative/ornamental landscape perimeter shall be installed around the sign/entrance feature by the Subdivider which shall be a maximum of sixty-four (64) square feet in area and comply with all applicable landscaping provisions contained in Articles 12 and 24 of the Colonial Beach Zoning Ordinance. This area shall be shown on the Preliminary Plat and the Final Plat as common area which is to be owned and maintained by the property owners' association.

5-4. LOW IMPACT DEVELOPMENT (LID)

- 5-4-1. Low Impact Development - To the maximum extent possible, Low Impact Development (LID) methods shall be incorporated into the design of the stormwater management systems and facilities within all subdivisions in the Town of Colonial Beach. Such methods may include infiltration trenches, bio-retention areas, green roof systems, or other recognized methods.
- 5-4-2. Retention Ponds - These stormwater management structures are also referred to as Best Management Practices (BMPs). Generally, a wet aquatic basin is preferred over a dry basin provided there is sufficient hydrology to support the basin's ecology. Wet aquatic basins are the most effective in removing containments to meet Chesapeake Bay Act requirements. Additionally, when an aquatic basin is required, such structures shall be designed to appear as a naturally occurring body of water with a curvilinear shape. By using this shape, the basin blends into existing landform(s) and appears to fit naturally on the site. Along the banks, native Virginia hydrological or wetland plants shall be installed to aid in the treatment and filtering of the water to improve water quality and management of water quantity, consistent with Chesapeake Bay Act. Finally, security fencing shall be installed to protect the public's health, safety, and welfare, all such fencing shall be of a tubular aluminum and/or steel or wrought iron form no greater than six (6) feet in height.
- 5-4-3. Porous Pavers/Concrete. To provide for adequate drainage and flood control, porous pavers and/or porous concrete shall be used to the greatest extent practical as determined by the Subdivision Agent to lower the environmental impact(s) on sensitive environmental areas and by the subdivider to further the goals of the Chesapeake Bay Preservation Act in the construction of paths, walkways, driveways, and similar facilities within the subdivision, provided such use does not conflict with other applicable laws, such as accessibility.
- 5-4-4. LID & BMP Locations. All stormwater management facilities installed by the subdivider shall be shown on the Preliminary Plat and identified as common area, which shall be dedicated to the property owners' association upon completion of the subdivision. In addition, easements to access such facilities shall also be shown on the Preliminary Plat and identified as common area.
- 5-4-5. Maintenance of Common Areas. The maintenance of common areas and the facilities therein shall be the responsibility of the subdivider until such time that those facilities are transferred to the property owners' association ownership and control, which shall then become responsible for such maintenance.

SECTION 6 PLAT TYPES AND REQUIREMENTS

6-1. MINOR SUBDIVISION PLAT REQUIREMENTS

~~Whenever any Minor subdivision is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or their agent shall apply in writing to the Subdivision Agent for the approval of the Subdivision Plat and submit six (6) copies of the plat, including the lot, street, and utilities layouts. No lot shall be sold or construction activity initiated until a Final Plat for the subdivision has been approved and recorded. Once recorded the subdivider or their agent shall submit one electronic copy of the Record Plat with the plat book and page number(s) to the Subdivision Agent. All costs for the preparation and recordation of any Subdivision Plat shall be the responsibility of the subdivider.~~

~~6-1-1. Minor Subdivision Plat Requirements. The following are the platting requirements for administrative approval of Minor Subdivisions:~~

- ~~1. Title on the plat specifying the type of Minor Subdivision;~~
- ~~2. Location of proposed subdivision by an insert map at a scale of not less than two (2) inches equal to one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks;~~
- ~~3. Scale of one (1) inch equals 100 feet;~~
- ~~4. North arrow and date plat was prepared;~~
- ~~5. Property lines of the new lots shown with bearings and distances;~~
- ~~6. The boundary survey showing a closure with an accuracy of not less than one in twenty-five hundredth foot;~~
- ~~7. Total area of each new lot (square feet and acreage);~~
- ~~8. Total area of the parcel from which the Minor Subdivision was taken (residual, if any, of pre-existing tract);~~
- ~~9. Tax map number of the pre-existing parcel~~
- ~~10. If applicable, the new tax map number(s) assigned;~~
- ~~11. Location of the water & sewer laterals;~~
- ~~12. Current zoning of the property;~~
- ~~13. Location(s) of any lakes, rivers, and/or streams on the subject parcel, and specific delineation of the Resource Protection Area (RPA) boundaries;~~
- ~~14. A note on the plat that "All land within the Town of Colonial Beach is designated as Resource Management Area (RMA);"~~
- ~~15. Location and dimensions of all access points from public roads;~~
- ~~16. Location and dimensions of all driveways;~~
- ~~17. Location(s) of all easements;~~
- ~~18. Location(s) of all public rights-of-way;~~
- ~~19. If fronting on a State-maintained road, a minimum dedication of twenty-five (25) feet from the centerline for public use;~~
- ~~20. The certified professional engineer or land surveyor's name, address, telephone, e-mail address, and fax number, along with their signed, professional, seal and certificate number on each plat;~~

- ~~21. An executed surveyor's certificate in accordance with Section 9 of this Ordinance;~~
- ~~22. A dotted line delineating required building setbacks;~~
- ~~23. Location(s) of all existing structures lying within or partially overlapping the required building setbacks on all new or residual parcels;~~
- ~~24. If applicable, the distance from existing buildings to all immediately surrounding property lines;~~
- ~~25. Culverts, drains, and water courses, their names, locations, elevations, and other pertinent data;~~
- ~~26. Boundaries of all coastal flood plain and coastal high hazard areas associated with the subdivision;~~
- ~~27. All location and design details for low impact development (LID) facilities and Best Management Practices (BMPs) that are required or proposed for the project;~~
- ~~28. An executed owner's consent and dedication in accordance with Section 9 of this Ordinance; and,~~
- ~~29. A signature block for the Subdivision Agent to sign for approval of the plat in accordance with the certifications found in Section 9 of this Ordinance.~~

~~6-2. MAJOR SUBDIVISION PLAT REQUIREMENTS~~

~~6-2-1. Whenever any Major Subdivision is proposed for more than fifty (50) lots, including all phases of a phased subdivision, and before any final or Record Plats are submitted for review and approval or any permit for the erection of any structure shall be granted, the subdivider or their agent shall apply, in writing, to the Planning Commission for the approval of the Preliminary Plat. For Major Subdivisions of fifty (50) or fewer lots, a Preliminary Plat may be submitted voluntarily, by the subdivider or their agent, for review and approval.~~

~~6-2-2. The applicant has the option to submit a concept plan to the Planning Commission for review and discussion. Concept plans are NOT to be approved by the Commission. A concept plan is a mechanism for a subdivider and the Commission to come to a general understanding of the proposal and potential impacts of the proposal (see 6-2-5(A) below).~~

~~6-2-3. The subdivider must obtain Preliminary Plat approval, as outlined in Section 6-2-1 above, and Final Plat approval before recording the plat, initiating construction, or selling any lot(s). To receive Final Plat approval, all construction plans and posting of surety must be completed and approved by the Town.~~

~~6-2-4. The Planning Commission Subdivision Agent shall act on a Preliminary Plat, as prescribed in this Ordinance and Va. Code § 15.2-2260. Review and/or approval by the Planning Commission shall occur at a public meeting of the Commission.~~

~~6-2-5. The following sections outline the process and platting requirements for Major Subdivisions:~~

~~A. SKETCH OR CONCEPT PLAT REQUIREMENTS~~

~~The subdivider may, at his/her option, submit to the Planning Commission up to twelve (12) paper copies and one electronic copy of a concept plan of the proposed subdivision prior to preparing an engineered Preliminary Plat. The purpose of the concept plan is to permit the Commission to advise the subdivider whether the concept plan is in general accordance with the requirements of this Ordinance. The Commission shall consider any concept plan and advise the subdivider where it appears that changes would be necessary or advisable. The Commission may mark the concept plan indicating necessary changes, and any such marked concept plan shall be returned to the Commission with the Preliminary Plat. No approval of the concept plan is required by the Commission, but if submitted, a concept plan shall contain, comply with, or be accompanied by, the following:~~

- ~~1. A completed land development application along with all required fees. All checks shall be made payable to the Town of Colonial Beach;~~
- ~~2. Drawn on white paper or print of topographic map;~~
- ~~3. If to scale, then the scale shall be one hundred (100) feet to one (1) inch;~~
- ~~4. Location(s), width, and names of all existing and proposed streets and public rights-of-way; and,~~
- ~~5. Location(s) and dimensions of all lots, parks, playgrounds, and other proposed uses of the land.~~

~~8. PRELIMINARY PLATS REQUIREMENTS~~

~~6-1-1 All proposed lot subdivisions involving more than 50 lots must submit a preliminary plat for approval as outlined in Section 3-4. When a preliminary plat is not required, such plat may be submitted voluntarily by the subdivider.~~

~~6-1-2 Approval Terms. An approved preliminary subdivision plat shall be valid for a period of five years and in accordance with the provisions of the Code of Virginia.~~

~~6-1-3 Preliminary Plat Requirements.~~

~~The subdivider or their agent shall submit up to sixteen (16) paper copies and one (1) electronic copy of the Preliminary Plat the paper copies and one electronic copy of the Preliminary Plat prepared on sheets having a size of 18 inches by 24 inches, or other size as approved by the Subdivision Agent to ensure readability. The Preliminary Plat shall include, including the lots, streets, and utilities layout and shall meet the following. The submittal requirements of a Preliminary Plat are as follows:~~

1. Scale of one (1) inch equals 100 feet or other scale approved by the ~~S~~subdivision ~~a~~Agent to ensure readability;
2. Name of subdivision, owner, date of drawing, numbers of sheet(s), north point, and scale. If true north is used, the method of determination must be shown;

3. The certified professional engineer or land surveyor's name, address, telephone number, e-mail address, and fax number, along with their signed, professional, seal and certificate number on each plat;
4. Boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in twenty-five hundredths of a foot;
5. The total gross and net acreage of the proposed subdivision, including the area of each lot within the subdivision;
6. The approximate street frontage of all building sites;
7. Existing buildings and structures within the boundaries of the proposed subdivision and their respective distances to all property lines. The Preliminary Plat shall identify if such buildings and structures are to be retained or demolished;
8. Names of owners and their property lines within the boundaries of the tract and adjoining such boundaries;
9. All existing, platted, and proposed streets, their names, numbers, and widths (rights-of-way). The Preliminary Plat shall also identify the width and location of all proposed sidewalks, trails and other public and/or private rights-of-way within the proposed subdivision;
10. All existing and proposed utility, public, and private easements within the subdivision as well as all easements to be abandoned or relocated;
11. The location and size of all proposed public gathering areas/spaces such as, but not limited to, recreational facilities, community centers, multi-purpose buildings, parks, and parking facilities. All proposed and required on-site parking facilities shall be detailed on the preliminary plan in compliance with the Colonial Beach Zoning Ordinance;
12. Location(s) and dimension(s) of all proposed driveways on each lot;
13. Culverts, drains, and water courses, with their names, location(s), elevations, and other related data;
14. The complete drainage layout showing all proposed storm water and water quality protection facilities, including all pipe sizes, types, drainage easements, and means of transporting the drainage to a well-defined open stream which is considered natural drainage;
15. The location and design details for low impact development (LID) facilities and Best Management Practices (BMPs) that are required or proposed for the project;
16. A cross section showing the proposed street construction, including, but not limited to, depth and type of base, type of surface, and curvature radii;
17. Topographic contours at intervals of two (2) feet for the entire property, showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith;
18. A location map tying the subdivision into the Town's present road system, either by aerial photographs or topographic maps of the U. S. Department of the Interior, or other acceptable maps;
19. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply,

and drainage outfalls and adequate outfall conditions;
20. All parcels of land to be dedicated for public use (including street

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- rights-of-way) and the conditions of such dedication;
21. Proposed building setback lines on each parcel, shown as dotted lines, including the lot width at setback lines;
 22. Proposed block, section and lot numbers;
 23. A note on the plat stating "All land within the Town of Colonial Beach is designated as Resource Management Areas" (RMA);
 24. Resource Protection Area (RPA) boundaries, including differentiation between wetland core and buffer areas as defined by the Chesapeake Bay Act protection regulations;
 25. A signature block for the Subdivision Agent to sign for approval of the plat, in accordance with the certifications found in Section 9 of this Ordinance.
 26. An executed surveyor's certificate in in accordance with Section 9 of this ordinance.
 27. An executed owner's consent and dedication provided on the plat in accordance with Section 9 of this Ordinance.
 28. The Preliminary Plat shall illustrate all adjacent parcels abutting the proposed subdivision and identify any on-site improvements on these parcels for context with the proposed subdivision plat. If the proposed subdivision is part of a larger master planned or phased development, the adjacent properties should be identified as part of that planned development and a copy of the approved master or phased plan of development should be submitted with the preliminary subdivision plat.
 29. The proposed building pad area and pad elevation for each lot within the proposed Subdivision Plat.
 30. All proposed freestanding walls, fences and retaining walls on each lot within the proposed subdivision, including the height of each freestanding wall, fence and retaining wall. The height of all freestanding walls, fences and retaining walls shall be measured from the top of wall to the ground immediately below it.
 31. A photometric plan for the proposed subdivision illustrating the location and height(s) of all, on-site, lighting serving the subdivision and the anticipated illumination intensity of the development upon the adjacent properties abutting the proposed subdivision.
 32. Identify and illustrate all important environmental characteristics associated with the property that comprises the proposed subdivision such as, but not limited to, all on-site improvements, water features, shorelines, wetlands, flood zones, impounding structures, inundation zones, forested areas/tree groves, outcroppings, ravines, slopes, hillsides, recorded archeological sites, eligible and designated historic resources, rare or endangered plant, tree, and animal habit(s) etc. The Preliminary Plat shall also identify and illustrate how such features will be preserved, modified, integrated, or removed as part of the proposed subdivision.
 33. Boundaries of all costal flood plains and costal high hazard areas associated with the subdivision.
 34. The Subdivision Agent reserves the right to require professional land-use, environmental, and infrastructure studies to determine short-term

and long-term impacts associated with the proposed subdivision in the interest of protecting the public's health, safety, and welfare.

35. Any additional information deemed necessary by the Subdivision Agent to understand and process the proposed subdivision to

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protect the public's health, safety, and welfare.

Note: Prior to Final Plat Approval FINAL SITE CONSTRUCTION PLANS shall be approved.

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C. FINAL PLAT ~~S~~ REQUIREMENTS

Whenever any subdivision of land is proposed, and before any plat can be recorded or permit for the erection of a structure shall be granted, the subdivider or their agent shall apply in writing to the Subdivision Agent for the approval of the Final Plat. The final plat, once approved and recorded with the circuit court, serves to modify, create or transfer property as provided by the individual plat and in accordance with this Ordinance.

~~and submit six (6) copies and one (1) electronic copy of the Final Plat for that purpose. At least two (2) copies shall be retained by the Subdivision Agent for the Town.~~

6-2-1

4. The Subdivision Agent shall review the Final Plat and ensure that all requirements from the Preliminary Plat, if required or voluntarily submitted for review are reflected on the Final Plat.

6-2-2 If the development is to be constructed in phases, the Subdivision Agent shall approve each plat for each phase. Subsequent phases shall be required to submit Preliminary Plats, when required or if submitted voluntarily, prior to proceeding to a Final Plat approval.

~~2.~~ 6-2-3

No lot shall be sold or construction of structures commenced until the Final Plat for the subdivision has been approved and recorded.

~~3.~~ 6-2-4

No construction shall be commenced until all sureties are approved and submitted to the Subdivision Agent. All public improvements shall be secured by a surety acceptable to the Town Attorney.

~~4.~~ 6-2-5

Roads, water, sewer, drainage, utilities, and all other public improvements shall be constructed or guaranteed with updated surety, approved by the Town, prior to issuance of building permits for the individual lots within the subdivision.

~~5.~~ 6-2-6

~~6.~~ Roads to be constructed shall meet VDOT standards and topped with a minimum of least two (2) inches of asphalt after compression.

6-2-7 Final Plat Requirements

The following requirements shall be adhered to in preparing final plats for family subdivisions, boundary line adjustments, re-subdivisions and all other subdivisions:

1. The subdivider or their agent must submit four (4) paper copies and one (1) electronic copy of the Final Plat. At least one (1) paper copy and one (1) electronic copy shall be retained by the Subdivision Agent for the Town.

2. The Subdivision Plat submitted for final approval by the Subdivision Agent and subsequent recording shall be clearly and legibly drawn in ink at a scale of one ~~hundred (100) feet to the inch~~ equals 100 feet (or other reasonable scale, if approved by the Subdivision Agent, to ensure readability.) The plat shall be prepared -on sheets having a size of 2418" inches x 3624" inches, or other size if approved by the ~~The Subdivision Agent to ensure readability. may require a scale of 1"-20' or 1"-50', if necessary, for sections of the plat.~~

7. 3. In addition to the requirements of the Preliminary Plat, the Final Plat shall include the following:

- a. When the subdivision consists of land acquired from more than one source of title, the approximate outlines of various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat;
- b. The accurate location and dimensions by bearings and distances with all curve data on all lots, street lines, and center lines of existing

- and proposed streets showing their names, numbers, and right-of-way widths;
- c. A table showing the maximum impervious surface ratios in percentages and square feet for each lot and the entire tract as a whole;
- d. Boundaries of all phases (if any);
- e. Boundaries of all proposed or existing easements, parks, school sites, or other public areas;
- f. The number and area of all building sites (square feet and acres or fraction thereof);
- g. The building restriction lines of each lot;
- h. The existing and proposed easements for utilities such as sanitary sewers, storm drains, storm water management facilities, water mains, manholes, and underground conduits, including their size;
- i. Any type of water courses, their names, elevations, and names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
- j. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousandth (10,000) of a foot;
- k. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, and tangent, chord, and chord bearings.

8.2. Prior to approval of the Final Plat, the subdivider shall provide the Subdivision Agent the following:

- a. Executed covenants and restrictions for the community and all common areas, if applicable;
- b. The organizational documentation for the property owners' association;
- c. The by-laws of the property owners' association, if applicable;
- d. A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the property owners' association;
- e. A recommended time schedule for the maintenance of major facilities, including BMPs, streets, street signs, pools, sidewalks, parking areas, and buildings;
- f. A copy of the proposed notice that will be given to prospective buyers regarding the property owners' association, assessments, and fiscal program;
- g. A copy of the deed of conveyance and title certificate or, at the discretion of the Subdivision Agent, a commitment for a policy of title insurance, issued by an insurance company authorized to do business in the Commonwealth of Virginia confirming the ownership over all associated lands;

- h. An executed deed of dedication and easement conveying land in fee simple to the Town and easements for public/Town purposes which are depicted on the Final Plat;
- i. An executed subdivision agreement and improvement guarantees acceptable to the Town Attorney.

SECTION 7 SUPPLEMENTAL REQUIREMENTS

7-1. PLATTING & CERTIFICATIONS REQUIRED

- 7-1-1. Any owner or Developer of any tract of land situated within the Town of Colonial Beach who subdivides the same shall cause a plat of such subdivision to be made and recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the ~~Commission~~ Subdivision Agent, and site construction plans have been approved by the Town of Colonial Beach, 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.
- 7-1-2. Every such plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him/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. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat within an insert block or by means of a dotted boundary line upon the plat.
- 7-1-3. Every such plat, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.," which statement shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before an officer authorized to take acknowledgments of deeds; and when thus executed and approved as herein specified shall be filed and recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia and indexed under the name(s) of the land owners signing such statement and under the name of the subdivision.
- 7-1-4. This ordinance bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement, or restriction implied herein to any public official. When this ordinance calls for more restrictive standards

than are required by private contract, the provisions of this ordinance shall control.

7-1-5. No change, erasure, or revision shall be made on any Preliminary Plat nor accompanying data sheets as required herein for approval by the Planning Commission, unless authorization for such changes has been granted in writing by the Commission with the approval of a new revised Preliminary Plat submitted to the Planning Commission. No change, erasure, or revision shall be made on any ~~or~~ Final or Record Plat, nor on accompanying data sheets, after approval by the Planning Commission Subdivision Agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Commission Subdivision Agent. For Preliminary, Final and Record Plats changes, erasures or revisions as described here shall not be made and unless such changes ~~shall~~ comply with these subdivision regulations in every respect.

7.2. MISCELLANEOUS REQUIREMENTS

7-2-1 Pro-Rata Share Payments -0- In cases where a subdivider/developer extends an existing road located outside the property limits of the land owned or controlled by the subdivider/developer to service their development, the need for which is substantially generated and reasonably required by the construction or improvement of their subdivision or development, the subdivider/developer shall receive a reasonable and rational share of the cost of the installation of the existing road on a pro-rata-share basis if accepted as part of a pro-rata plan adopted by the Town Council. The subdivider/developer shall only receive reimbursement in accordance with a pro-rata plan adopted by the Town Council determining the propionate share of such costs to be reimbursed by each subsequent subdivider or developer within the area, with interest at a rate equal to the rate of interest on bonds most recently issued by the Town Council. Such pro-rata plan shall be in accordance with Va. Code § 15.2-2242(4), as amended.

7-2-2. Extension of Sidewalks - Where a subdivider or developer proposes to subdivide a lot, re-subdivide a lot, or where a platted lot is developed or re-developed which fronts on an existing street and the adjacent property on either side has an existing sidewalk, or when the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the Town's adopted Comprehensive Plan, the subdivider or developer must dedicate the land and construct a continuation of the sidewalk across the lot being developed (as provided in Va. Code § 15.2242, as amended). Any new or replacement sidewalks shall be constructed to current VDOT standards.

7-2-3. Phase I Assessments - Unless waved by the Subdivision Agent, a subdivider shall provide a Phase I Environmental Site Assessment (as provided in Va. Code § 15.2242, as amended) which meets generally accepted national standards for such assessments such as those

developed by the American Society for Testing and Materials. Based upon the findings of the Phase I Assessment, the Subdivision Agent may require the subdivider to conduct a Phase II Assessment. The cost for any/all assessments, as well as the review for any/all assessments by the

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Town, shall be borne by the subdivider. The subdivider shall also be required to disclose and remediate any/all on-site contamination, including any/all other adverse environmental conditions associated with the subdivided property, consistent with all local, State and Federal laws/regulations using best professional practices.

7-2-4 Owners shall notify the Westmoreland County Commissioner of the Revenue for all improvements to real property situated in platted subdivisions.

7-2-5 The Town may, by ordinance, adopt fees and charges for the review of plats and plans, and for the inspection of facilities required by this Subdivision Ordinance, ~~The~~the subdivider shall remit all Town fees and charges associated with the administration and enforcement of their subdivision pursuant to Va, Code 15.2-2241 (A) (9)

SECTION 8 • EFFECTUAL

CLAUSES 8-1. VIOLATIONS/CIVIL PENALTIES

Any subdivider, owner of any parcel of land, person, ~~firm~~firm, or corporation, whether as principal, agent, employee or otherwise who violates any provision of this Subdivision Ordinance or Article 6 of Chapter 22 of Title 15.2 of the Code of Virginia, as amended ("Article 6") shall be subject to a fine of \$500 for each lot or parcel of land so subdivided, transferred, or sold and shall be required to comply with all provisions of Article 6 and the Subdivision Ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

8-2. SEVERABILITY

Should any article, section, subsection, or provision of this Subdivision Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Subdivision Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

8-3. REPEAL

All ordinances or portions of ordinances in conflict with this Ordinance are hereby repealed to the extent of their conflict.

SECTION 9 • CERTIFICATIONS

9-1. CERTIFICATIONS ON PLATS

All plats for subdivision, re-subdivision, boundary line adjustments, plat of vacation, plat of right(s)-of-way, vacation, and/or lot consolidations shall have each of the following certifications placed on the plat and signed prior to Town approval of the plat.

OWNERS CONSENT AND DEDICATION (NAME OF SUBDIVISION)

THE PLATTING OF THE FOLLOWING DESCRIBED LAND IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES, IF ANY. THE STREETS, STORM DRAINAGE EASEMENTS, SLOPE, GRADING AND DRAINAGE EASEMENTS, SIGHT DISTANCE EASEMENTS, STORMWATER MANAGEMENT FACILITY ACCESS EASEMENTS, TEMPORARY TURNAROUND EASEMENTS, AND CONTROL MONUMENT ACCESS EASEMENTS ARE HEREBY DEDICATED TO PUBLIC USE.

_____ Date _____
Property Owner

_____ Date _____
Property Owner

SURVEYOR'S CERTIFICATE

I, _____ A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON WAS DRAWN FROM AN ACTUAL SURVEY UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON AND THE PROPERTY IS NOW IN THE NAME OF _____ AND WAS ACQUIRED BY DEED DATED _____ OF _____, 20____ AS RECORDED IN DEED BOOK _____ AT PAGE _____/INSTRUMENT NUMBER _____ AMONG THE LAND RECORDS OF WESTMORELAND COUNTY, VIRGINIA.

CERTIFICATE OF APPROVAL

THE (INSERT SUBDIVISION NAME) IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION ORDINANCES OF THE TOWN OF COLONIAL BEACH, VIRGINIA AND MAY BE COMMITTED TO RECORD. IF THIS PLAT

IS NOT RECORDED WITHIN SIX (6)

MONTHS OF THE APPROVAL DATE, UNLESS OTHERWISE EXTENDED BY THE COLONIAL BEACH SUBDIVISION ORDINANCE OR BY THE COMMONWEALTH OF VIRGINIA, THE PLAT IS NULL AND VOID.

Approval Date_____

Approval Signature_____

Subdivision Agent

SECTION 10- VALIDITY OF APPROVED PLANS

10-1. FINAL PLATS TO BE RECORDED WITHIN SIX (6) MONTHS

All approved final plats shall be recorded in the Westmoreland County Circuit Court Clerk's Office within six (6) months of approval. Unless otherwise extended by state law or the Town Council, if a Final Plat is not filed for recordation within six (6) months after final approval thereof, such approval shall be withdrawn, and the plat marked void and returned to the Subdivision Agent. In any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Town Council or its designated agency, or where the developer has furnished surety to the Town Council or its designated agency 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 or to the time limit specified in the surety agreement, whichever is greater.

10-2. PRELIMINARY PLAT TO REMAIN VALID

10-2-1. Once a Preliminary Plat is approved, it shall be valid for a period of five (5) years, provided the subdivider (i) submits a Final Plat for all or a portion of the property shown on the Preliminary Plat within one (1) year of such approval, and (ii) thereafter diligently pursues approval of the Final Plat. If a Final Plat is not submitted within one (1) year of approval of the Preliminary Plat, the Preliminary Plat is automatically null and void and of no effect.

10-2-2. If a Final Plat has not been approved within three (3) years following such Preliminary Plat approval, and upon ninety (90) days' written notice by certified mail to the subdivider, the ~~Commission~~ or Subdivision Agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat in accordance with Sec. 10-2-1.

10-2-3. If a developer records a Final Plat, which may be a section of a subdivision as shown on an approved Preliminary Plat and furnishes to the Town a surety 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 developer shall have the right to record the remaining sections shown on the Preliminary Subdivision Plat for a period of five (5) years from the recordation date of any section, or for such longer period as the Planning Commission or Subdivision Agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

10-3. RECORDED PLAT TO REMAIN VALID

10-3-1. Once an approved Final Plat is recorded, it shall be valid in perpetuity, except if vacated,

10-3-2. An approved Final Plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or the Town), or a Recorded Plat dedicating real property to the Town or other public body that has been accepted by such grantee, shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in Virginia Code §§ 15.2-2270 through 15.2-2278, as amended.

The Town of Colonial Beach Subdivision Ordinance

SECTION 1 -AUTHORITY, PURPOSE & TITLE

1- 1. AUTHORITY

Appendix "B" is enacted pursuant to Virginia Code section 15.2-2200 et seq.

1-2. PURPOSE

The purpose of this ordinance is to establish certain subdivision and construction plan standards and procedures for the Town of Colonial Beach, Virginia. These are part of long-range plans to guide and facilitate the orderly and 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 rules to guide the change that occurs when lands and acreage are subdivided and/or developed for residential, business, or industrial purposes; to provide assurance that the purchasers 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. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services, customary to urban areas, must be provided. This ordinance assists the community in meeting these responsibilities. This ordinance is to regulate the subdivision of property into lots, streets, alleys, and other public areas, to provide for making and recording of plats of such subdivisions, to regulate site plans to assure the good arrangement, appearance, function and harmony of buildings and other uses on intensively developed sites and to provide for the certification and approval of same.

1-3. TITLE

This ordinance is known and may be cited as "Subdivision Ordinance of the Town of Colonial Beach, Virginia."

- 1-3-1. A certified copy of this ordinance is filed in the Office of the Clerk of the Circuit Court of Westmoreland County and in the Office of the Town Clerk of the Town of Colonial Beach, Virginia.

SECTION 2 - DEFINITIONS

For the purpose of this ordinance, 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 singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the words "parcel" and "tract"; 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 ordinance includes all ordinances amending or supplementing the same; all distances and areas in feet or square feet and refer to measurement in a horizontal plane. When a term is not defined within this ordinance, the following references shall be used: 1) *The Colonial Beach Zoning Ordinance, A Glossary of Zoning, Development and Planning Terms, 50th edition, Planning Advisory Service Report #491/492*; *The New Illustrated Boon of Development Definitions*; and, the *Commonwealth of Virginia Uniform Statewide Building Code 2009* and all future subsequent revisions.

<i>Alley:</i>	A permanent service way providing a secondary means of access to abutting properties.
<i>Boundary Line Adjustment:</i>	Where adjacent property owners relocate a boundary line and no new building lots are created. Such property line adjustments contain the original parcels and/or have a common border with the original parcels. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage or other public areas.
<i>Building Line:</i>	The distance which a building is from the lot line or boundary line, including from the edge of any street right-of-way.
<i>Commission:</i>	The Planning Commission of the Town of Colonial Beach, Virginia.
<i>Construction Plans:</i>	The site construction design with illustrative details as to how the subdivision and all improvements shall be constructed, including profiles.
<i>Corner Lot:</i>	A lot abutting upon two (2) or more streets at their intersection. The portions of the lot facing the streets shall be deemed to be front(s) and the other boundary lines shall be deemed to be sides.

Subdivision Ordinance

<i>Council:</i>	The Town Council of the Town of Colonial Beach, Virginia.
<i>Cul-de-sac:</i>	A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.
<i>Developer:</i>	See Subdivision Developer.
<i>Director:</i>	The Director Planning and Community Development of the Town of Colonial Beach, Virginia.
<i>Double Frontage Lot:</i>	An interior lot having frontage on two 12! streets.
<i>Family Subdivision:</i>	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 or to a trust, the beneficiary or beneficiaries of which are all member(s) of the Immediate Family of the property owner.
<i>Final Plat:</i>	A plat, drawn to scale as specified in the subdivision ordinance, incorporating all conditions of approval of the Preliminary Plat, when required or submitted, and confirming that private and public improvements have been completed and/or performance guarantees have been secured.
<i>Flog Lot:</i>	A lot with access provided to the bulk of the lot by means of a narrow corridor having a minimum width of twenty (20) feet and a maximum length of two hundred fifty (250) feet from the public right-of-way,
<i>Governing Body:</i>	The Town Council of the Town of Colonial Beach, Virginia.
<i>Health Officer:</i>	The Health Director or Sanitarian of the Town of Colonial Beach and/or County of Westmoreland Health Department.
<i>Highway Engineer:</i>	The resident engineer employed by the Virginia Department of Transportation (VDOT)
<i>Homeowners Association</i>	See "Property Owners Association (POA)."
<i>Immediate Family:</i>	Any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, nephew, or parent of the property owner.
<i>Interior Lot:</i>	A lot other than a corner lot.
<i>Lot:</i>	A numbered and recorded portion of a subdivision intended for transfer of ownership and/or for

	building development for a single building and its accessory buildings.
<i>Lot Depth:</i>	<i>The</i> mean horizontal distance between the front and rear lot lines.
<i>Lot Line Vacation:</i>	The legal combination by survey and/or deed of two (2) or more lots to create a single larger lot, thereby removing the existing line(s) dividing the lots.
<i>Lot of record:</i>	A lot, the plat or description for which is of record in the office of the Circuit Court Clerk of Westmoreland County, Virginia.
<i>Lot Width:</i>	The mean horizontal distance between the side lot lines.
<i>Low Impact Development (LID):</i>	A site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape, often utilizing integrated and distributed micro-scale stormwater retention and detention areas; concentrated reduction of impervious surface areas; the lengthening of flow paths and runoff times; the preservation and/or protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID lowers development costs by reducing use of concrete and utilizes natural processes to manage stormwater runoff.
<i>Major Street:</i>	Those Primary Roadways (Main Roads) identified in the Colonial Beach Comprehensive Plan.
<i>Minor Street:</i>	Are those Local Streets (Secondary Roadways) identified in the Colonial Beach Comprehensive Plan.
<i>Plat:</i>	A map of a piece of land on which are marked the courses and distances of the lines and the quantity of the land and may include features and/or improvements on the land.
<i>Property Owners Association (POA):</i>	A non-profit organization, organized under the Property Owners Association Act (Virginia Code § 55.1-1800 <i>et seq.</i>), whose major purpose is to maintain and provide community facilities and services for the common enjoyment of the property owners within a development.

Subdivision Ordinance

<i>Preliminary Plat:</i>	Prepared to show graphically all facts needed to enable the Subdivision Agent and the Planning Commission if required, or voluntarily submitted to the Planning Commission for review, to determine whether the proposed layout of the subdivision in question is satisfactory from the standpoint of compliance with Zoning and Subdivision Ordinance standards and other applicable laws.
<i>Property:</i>	Any one or more tracts, lots, or parcels of real property.
<i>Road:</i>	See "Street."
<i>Resource Management Area IRMAJ:</i>	All lands within the Town of Colonial Beach that are not classified as Resource Protection Areas (RPA).
<i>Resource Protection Area (RPA):</i>	That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with intermittent or perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.
<i>Re-subdivision:</i>	To divide any legally recorded subdivision (whether approved and recorded as provided in this Ordinance or recorded prior to applicability of such Ordinance) including, but not requiring, the relocation, alteration, and/or vacation of lot lines. This term shall also include subdivision amendments and vacations in accordance with state code.
<i>Service Street:</i>	A public right-of-way, generally parallel and contiguous to a primary or main roadway, 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.
<i>Street:</i>	The principal properties means of access to abutting properties.
<i>Street Width:</i>	The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and additional right-of-way.

Subdivision Ordinance

<i>Subdivide/Subdivision:</i>	To divide, or the division of, any tract, parcel, or lot of land into two (2) or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or if a new street is involved in such division, any division of a parcel of land.
<i>Subdivider:</i>	The owner or owners of any tract, lot, or parcel of land which is to be subdivided; or any individual, group of individuals, entity, or entities to whom or to which the owner(s) of a tract, lot, or parcel of land to be subdivided have given their power of attorney to act on his, her, its, or their behalf in planning, negotiating for, representing, effecting, and/or executing the legal requirements for accomplishing a Subdivision.
<i>Subdivision Agent:</i>	The Director of Planning and Community Development or their designee shall serve as the Subdivision Agent for the Town of Colonial Beach.
<i>Subdivision Developer:</i>	Any person, whether an individual, corporation, company, trust, partnership, other entity, or any combination thereof, which acquires lots within a subdivision for the purpose of resale following construction thereon of improvements; or any individual, corporation, or partnership, or any combination thereof, which acquires from a subdivider or his/her successor in interest the right to construct improvements within a subdivision for resale.
<i>Subdivision Monument:</i>	The initial point, also known as the point of beginning, of a plat on the exterior boundary of the plat and marked with a galvanized iron pipe or an iron or steel rod. If galvanized iron pipe is used, the pipe may not be less than three-quarter inch inside diameter and 30 inches long. If an iron or steel rod is used; the rod may not be less than five-eighths of an inch in least dimension and 30 inches long. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, or one-sixteenth corner, to a pre-existing monument or known lot corner or boundary corner of a recorded Subdivision Plat.
<i>Surety:</i>	Certified check, cash escrow, letter of credit, or performance bond in an amount and form approved by the town attorney and held by the governing body.

Subdivision Ordinance

<i>Town:</i>	The Town of Colonial Beach, Virginia, or any authorized representative thereof.
<i>Underdeveloped Roadways:</i>	Gravel roads and similar type roadways, as identified in the Colonial Beach Comprehensive Plan. Underdeveloped roadways may also be paper streets or roadways that have not been developed, but are identified for future construction in a recorded, final, Subdivision Plat or in the Colonial Beach Comprehensive Plan.
<i>VDOT</i>	The Virginia Department of Transportation.

SECTION 3 - ADMINISTRATION & ENFORCEMENT

3-1. ADMINISTRATION

- 3-1-1. The Director of Planning and Community Development or their designee is the Subdivision Agent to administer this ordinance. All Final Plats for Subdivision must be submitted to the Town for approval or disapproval, which submission must carry the recommendation for approval or disapproval of the Director.
- 3-1-2. The authority to amend the Town of Colonial Beach Subdivision Ordinance, shall be vested in the governing body, upon receipt of a recommendation by the Planning Commission.
- 3-1-3. The right is reserved in the governing body to elect, by resolution entered on record, whether it will or will not accept the dedication of any proposed subdivision street or alley into the Town's street system for maintenance.
- 3-1-4. Nothing in this ordinance shall be construed to authorize the impairment of any vested right.

3-2. DUTIES

The Subdivision Agent, and the Planning Commission for Preliminary Subdivision Plat reviews as outlined in Section 3-4-1, shall perform their duties in accordance with this Ordinance and the Code of Virginia for subdivision plat reviews, including the timeliness and processes for such reviews.

3-3. To CONSULT

In the performance of their duties, the Subdivision Agent and the Planning Commission may call for or request verbal or written opinions or decisions from other departments of the Town, as well as pertinent reports from State agencies and consultants, where deemed necessary or convenient.

3-4. REVIEW AUTHORITY

General Process. In the examination of Preliminary Subdivision plats as required and permitted below, the Planning Commission and/or Subdivision Agent shall take into consideration applicable laws and regulations, zoning, proffers, approval conditions, the land being subdivided and provisions of this chapter. Attention shall be given to items, including, but not limited to, rights-of-way widths, location of streets, private pavement, water and wastewater sanitary utilities, stormwater management and environmental protection, lot arrangement internally and, where applicable, as part of a larger master

planned or phased development, and public facility requirements such as parks, schools, and other facilities.

- 3-4-1. The Subdivision Agent shall have the authority to approve Final and Record Plats for Subdivisions of more than 50 lots, or for Subdivisions of 50 or fewer lots when the subdivider voluntarily submits the Preliminary Plan to the Planning Commission for review and approval, provided the plat is consistent with the Preliminary Plat approved by the Planning Commission, as required for Subdivision Plats for more than 50 lots. The Subdivision Agent shall also have the authority to approve Final and Record Plats for Subdivisions of 50 or fewer lots where the subdivider decides not to submit a Preliminary Plat to the Planning Commission for review and approval provided such plat(s) are prepared in accordance with the requirements of this Ordinance, the Town's Zoning Ordinance, and other applicable laws.
- 3-4-2. The Subdivision Agent shall have the authority to approve through the Final Plat review all Boundary Line Adjustment, Family Subdivision and Re-subdivision Plats, as defined in this Ordinance.
- 3-4-3. All Subdivision Final Plats shall have the approval of the Subdivision Agent as a Record Plat prior to recordation of said plat in Westmoreland County's Circuit Court Clerk's office, and prior to the development or sale of any Lot.
- 3-4-4. In addition to the regulations herein contained for the platting of Subdivisions, the Subdivision Agent may, from time to time, establish any reasonable additional administrative procedures and policies deemed necessary for the proper administration of this Ordinance.
- 3-4-5. The approval or disapproval of a plat shall be in writing with specific reasons given in writing for any disapproval.

3-5. RIGHT OF PETITION

- A. If the Planning Commission or Subdivision Agent fails to approve or disapprove a plat within the timeframe prescribed in Section 3-2 above, the Subdivider, after 10 days' written notice to the Subdivision Agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et. seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plan.
- B. If the Planning Commission or Subdivision Agent disapproves a plat and the Subdivider contends that the disapproval was not properly based on the

ordinance applicable thereto, or was arbitrary or capricious, the Subdivider may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that the appeal is filed with the circuit court within 60 days of the written disapproval by the Planning Commission or Subdivision Agent.

SECTION 4-GENERAL STANDARDS

4-1. MUTUAL RESPONSIBILITY

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

4-2. SUBDIVISION AND DEVELOPMENT

All subdivision and development, including all improvements, shall be installed by the subdivider at their cost and in compliance with the provisions of this Subdivision Ordinance, the Town's Zoning Ordinance, and other applicable local, State, and federal codes and regulations and the determinations of governing State departments and agencies, including, but not limited to, VDOT.

4-3. STANDARDS AND SURETY

All improvements shall be in accordance with the requirements set forth herein and in all other Town ordinances. This Ordinance includes, by reference, all mandatory provisions of Virginia. Code §15.2-2241 through 15.2-2269, as amended.

4-3-1. All Streets. All streets and alleys in the proposed subdivision shall be designed and constructed in accordance with the VDOT road specifications and requirements, except as may otherwise be approved by the Town in conjunction with approval of a Planned Unit Development (PUD) District or within a townhouse or business park development.

4-3-2. New Streets. All new streets shall have a minimum of a fifty (50) foot right-of-way, unless otherwise provided for as part of a PUD zoning approval.

4-3-3. Alleys. Dead end alleys must have turn-arounds or cul-de-sacs of at least one hundred (100) feet in diameter, except as may be provided for in a PUD zoning designation.

4-3-4. Coastal Flood Plain and Coastal High Hazard Areas. Areas which are shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map which are subject to flooding, the streets and sidewalks of the subdivision therein shall be designed to minimize their potential for increasing and aggravating

the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood depths.

- 4-3-5. Alignment and layout of streets. The arrangements of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. When, in the opinion of the Subdivision Agent, it is necessary to do so, the connection of existing streets to access the adjoining property(ies) shall be required. Proposed streets shall be extended and constructed to the boundary line of adjoining property(ies). Signage shall be posted at locations within a subdivision where such streets terminate. The signage shall state: *"This street may be extended to serve future development and is not a permanent cul-de-sac."* A reference to this notification shall be placed upon all Record Plats and within the deeds of the individual lots within the subdivision.

Half streets along the boundary of land proposed for subdivision will not be permitted. Wherever possible, streets should intersect at right angles. Streets running with contours shall be required to intersect at angles of not less than eighty (80) degrees, unless approved by the Subdivision Agent upon recommendation of VDOT.

- 4-3-6. Secondary Roadways and Local Streets. Except as provided in Section 5-2-2, whenever a proposed subdivision with four (4) or more lots contains or is adjacent to a primary or main roadway, a provision shall be made for a secondary roadway or local street approximately parallel to such right-of-way at a distance suitable for buffering the residential properties from such primary or main roadway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the primary or main roadways.

- 4-3-7. Right-of-way Crossings. The right-of-way of any primary or main roadway 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. Any such local street or secondary roadway shall be constructed in accordance to plans and specifications of the VDOT, to include its right-of-way requirements.

- 4-3-8. Approach angle of streets. Streets shall approach intersecting streets at an angle of not less than eighty (80) degrees, unless the Subdivision Agent, upon recommendation of VDOT, shall approve

a lesser angle of approach for reasons of contour, terrain, or matching of existing traffic patterns.

- 4-3-9. Cul-de-sac. Terminal streets (cul-de-sacs) shall not exceed a length of five hundred (500) feet to the beginning of the turn-around. Cul-de-sacs shall not provide access to more than twelve (12) lots. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter, except as may be provided for in Planned Unit Development District.
- 4-3-10. Reserve strips. There shall be no reserve strips controlling access to streets.
- 4-3-11. Private streets. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street except as may be provided for in Planned Unit Development Districts or within a Townhouse Development.
- 4-3-12. Names of streets. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the Preliminary and Final Plats and shall be subject to approval by the Subdivision Agent. Names of existing streets shall not be changed except by approval of the governing body.
- 4-3-13. Monuments. As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications (as described in this ordinance.) Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the Subdivision Agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Subdivision Agent before any improvements are accepted by the governing body. The area immediately surrounding a monument (a radius of at least five (5) feet) shall be shown on the Record Plats as common area/easements dedicated to the property owners' association.
- 4-3-14. Location - Concrete. Concrete monuments four (4) inches in diameter or square, three (3) feet long (deep), 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 right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify property

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location and shall be set flush with finished grade.

4-3-15. 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.

4-3-16. Water facilities. Public water facilities shall be extended by the subdivider to all lots within a subdivision. Every subdivision lot shall be provided by the subdivider with a satisfactory and sanitary means of central water distribution in accordance with the design standards and specifications of the Town for water construction and improvements and meeting the approval of the Director of Public Works and the Subdivision Agent. All costs shall be borne by the subdivider.

Water facilities in Coastal Flood Plain and Coastal High Hazard Areas as shown on the FEMA Flood Insurance Rate Map shall be designed to minimize or eliminate infiltration of flood waters into the public system and shall be located and constructed to minimize or eliminate flood damage.

4-3-17. Sewerage facilities. Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision. Every subdivision lot shall be provided by the subdivider with a satisfactory and sanitary means of central sewage collection and disposal in accordance with the design standards and specifications of the Town for sewage construction and improvements meeting the approval of the Director of Public Works and the Subdivision Agent. All costs shall be borne by the subdivider.

All new or replacement sanitary sewer facilities, (including all pumping stations and collector systems) within Coastal Flood Plain and Coastal High Hazard Areas as shown on the FEMA Flood Insurance Rate Map, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

4-3-18. Private sewer. Private sanitary sewer systems are not permitted to be installed on private property within the corporate limits of the Town. Where such a system is pre-existing and such system fails, the property owner shall connect the improvement(s) previously served by the failed system to the Town's sanitary sewer system.

All costs for construction and connection shall be the responsibility of the property owner.

4-3-19. Lot size. The minimum Lot size shall be in accordance with standards set forth in the Zoning Ordinance of the Town of Colonial Beach.

4-3-20. Storm drainage. Storm drainage facilities shall be designed and constructed in accord with the facility design and construction standards of the Town of Colonial Beach. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans, flood control devices, and surface water quality protection. The subdivider shall also provide plans for all such improvements, and when properly installed, the improvements will be adequate for appropriate development. Low Impact Development (LID) methods should be used to the maximum extent possible to manage storm water runoff and drainage. The Subdivision Agent shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the VDOT resident engineer.

All storm drain facilities shall be designed to convey the flow of surface water without damage to persons or property, and to minimize off-site impacts, which may require retention on-site. The system shall insure drainage away from buildings and on-site waste disposal sites. The Director of Public Works and/or the Subdivision Agent may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans, including those of VDOT, and the Chesapeake Bay water quality protection objectives. All costs for storm drainage shall be borne by the subdivider.

4-3-21. Fire protection. Fire Protection facilities shall be designed and constructed in accordance with the facility design and construction standards of the Town of Colonial Beach, the installation of adequate fire hydrants in a subdivision at locations approved by the Subdivision Agent may be required, The Subdivision Agent shall consult with the Director of Public Works before approving such location. All costs shall be borne by the subdivider.

4-3-22. Easements. The Subdivision Agent, in consultation with Director of Public Works and/or Town Engineer, may require easements for drainage or stormwater management facilities. When required by the Subdivision Agent, the construction easement shall be no less than forty (40) feet in width and permanent easements shall not be less than twenty (20) feet in width. Easements shall be provided for water, sewer, power lines, and other utilities in the subdivision. Easements shall be designed and located in accordance with the facility design and construction standards of the Town of Colonial Beach. All easements shall be shown on the Final Plat. Developer shall convey the shown easement, which may be common or shared easements, to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the subdivision consistent with Va. Code § 15.2-224 I(A)(6), as amended; however, the Town shall not be responsible to enforce such requirement.

4-3-23. Surety

A. Prior to approval of a Final Subdivision Plat, the subdivider shall complete, or shall provide for completion, all required public improvements all at the subdivider's expense. To provide for completion, the subdivider shall provide the Subdivision Agent with a surety payable to the Town of Colonial Beach, in a form acceptable to the Town Attorney. All bonds and letters of credit must be issued by a bank that has a physical location in Virginia that is within one hundred (100) miles of the Town. The amount of such surety shall not exceed the total of the estimated cost of construction as determined by the Town, based on unit prices for new public or private sector construction in the Town and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten (10) percent of the estimated construction costs. The subdivider shall obtain the Subdivision Agent's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the Subdivision Agent, the Subdivision Agent may arrange for completion of the improvements using the surety. If the subdivider defaults on construction of public improvements, and such improvements are constructed by the obligated party providing the surety, or with funding from the surety, the Town shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs.

- B. Upon the subdivider's written request, the Subdivision Agent shall make periodic partial releases of the Surety in a cumulative amount equal to no more than ninety (90) percent of the original amount for which the Surety was taken, based upon the percentage of facilities completed and approved by the Town or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty (30) percent of the facilities covered by any surety. The Subdivision Agent shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period.
- C. Within thirty (30) days of receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the Subdivision Agent shall notify the subdivider of any specified defects or deficiencies in construction and suggested corrective measures. Written notice under this subsection shall consist of a letter from the subdivider to the Subdivision Agent requesting reduction or release of the surety along with a set of as-built plans and a certificate of completion by an engineer or land surveyor, as appropriate, licensed by the Commonwealth of Virginia. If no action is taken by the Subdivision Agent within the thirty (30) day period, the request shall be deemed approved, and a partial release granted to the subdivider. No final release shall be deemed approved and granted until after such thirty (30) day period has expired and there is an additional request in writing sent by certified mail, return receipt requested, to the Town Manager. The Subdivision Agent shall have ten (10) working days after receipt of the second request for final release to act, and, if no action is taken, the request shall be deemed approved and final release granted to the subdivider.
- D. The Subdivision Agent shall not grant final release for the remaining ten (10) percent of the surety until the public facilities covered by the surety are complete and have been accepted by and taken over for operation and maintenance by the state agency, Town department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.
- 4-3-24. Developer/Subdivision Agreements. Facilities shown on the final and/or Preliminary Plats which are required by Town ordinances and are not proposed to be dedicated to the Town but are owned by the property owners' association shall also be referenced via an agreement with the Town as it relates to the construction and maintenance of such facilities. Such facilities may include, but are not limited to, landscaping, stormwater management structures, entrance signs, parks, trails, sidewalks, and other similar facilities.

- 4-3-25. Utilities. All utilities, such as gas lines, electrical lines, cable TV lines, telephone lines, and similar facilities shall be buried and constructed to minimize the chance of impairment during a flood event. This requirement applies to pre-existing distribution lines along a subject property's frontage with an existing state highway. The costs of burying and construction shall be borne by the property owner or developer.

4-4. UNSUITABLE LAND

Land deemed topographically unsuitable shall not be platted for residential occupancy or for any other use where such use is likely to increase the danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the Record Plat as common area(s) which may be designated and used as open space or passive recreational area(s). Such area(s) shall not produce conditions contrary to the public welfare.

SECTION 5 DESIGN STANDARDS

5-1. LOT REQUIREMENTS FOR ALL SUBDIVISIONS

- 5-1-1. Lot Shape- Lots with a depth greater than four (4) times their width should be avoided to the greatest extent possible unless the subdivider can show to the satisfaction of the Planning Commission for preliminary plat reviews for more than fifty (50) lots, or if voluntarily submitted to the Planning Commission for fifty (50) or fewer lots, and to the Subdivision Agent for all other plat reviews, that the depth of the lot(s) is necessary to due to unique topography, terrain, or other physical characteristics of the land which render the dimensional restrictions impracticable and such a lot lowers the environmental impacts on sensitive environmental areas.
- 5-1-2. Side Lot Lines - Side lot lines shall be approximately at right angles or radial to the street line.
- 5-1-3. Lot Remnants - All remnants of lots below the minimum lot size left over after subdividing of a tract of land must be added to adjacent lot or lots or otherwise disposed of and shall not remain as unusable parcel(s).
- 5-1-4. Corner Lots - Corner lots shall have sufficient width for maintenance of the building restriction lines (setbacks) on both streets.
- 5-1-5. Flag Lots - These types of lots should be avoided to the greatest extent possible unless the subdivider can show, to the satisfaction of the Subdivision Agent, that the use of such a lot lowers the environmental impact(s) on sensitive environmental areas. In such cases, these types of lots may be utilized provided that the sensitive environmental area is placed in common ownership of the community and shown on the Record Plat as "passive open space."

- 5-1-6. Separate Ownership - Where land covered by a subdivision includes two (2) or more parcels in separate ownership and the Lot arrangement is such that a property ownership line divides one (1) or more Lots, the land in each lot shall be transferred by deed to single ownership, which deed shall be recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia either before, or contemporaneously with the Final Plat.

5-2. ACCESS REQUIREMENTS

- 5-2-1. Controlled Access Points - Whenever a proposed subdivision contains four (4) or more lots and is adjacent to a primary or main roadway, as identified in the Town's Comprehensive Plan, then provisions shall be made for a local street or secondary roadway, as identified in the Town's Comprehensive Plan, that is approximately parallel to such right-of-way at a distance suitable for the establishment of screening and buffering the residential lots from such primary or main roadway. The size of the buffer shall be determined with due consideration of the minimum distance required for ingress and egress to the primary or main roadway.
- 5-2-2. Shared Driveway Entrances Required - If a subdivision contains fewer than four (4) lots, all lots shall be served by a single, shared, vehicular driveway when vehicular access to the subdivision is taken from a primary or main roadway.
- 5-2-3. Internal Streets Required - A tract of land proposed to be Subdivided shall be served by an internal street constructed to the standards of the Virginia Department of Transportation (VDOT) unless a private street is authorized by way of a PUD zoning.
- 5-2-4. A subdivision or re-subdivision involving any previously platted lots in the Town of Colonial Beach which take access from an underdeveloped road where there are no existing houses, shall be required to satisfy Sec. 4-3. In such locations, the subdivision roads and infrastructure shall be brought up to the minimum standards contained herein. All costs shall be borne by the developer.
- 5-2-5. VDOT Permit Required - All subdivisions or individual lots installing a new access point to the state road network shall first obtain a Land Use Entrance Permit from VDOT. If three (3) or more lots are using the same access point, then a paved entrance with a minimum of twenty-four (24) feet in width shall be installed by the subdivider in accordance with VDOT standards.
- 5-2-6. Boulevard Spine Road Required - All subdivisions which contain more than fifty (50) lots shall be served by a road designed as a boulevard. Such boulevard roadways shall have a raised, landscaped median and utilize curb, gutter, and sidewalks along both sides or utilize a six (6) foot wide asphalt trail along one (1) side of the boulevard with connections to

sidewalks along local streets in the subdivision. Additionally, this trail option shall allow for engineered ditches to manage stormwater, incorporating low impact development (LID) techniques.

5-3. STREETLIGHTS, SIGNS, AND SIDEWALKS FOR SUBDIVISIONS

- 5-3-1. Streetlights. All subdivisions in the Town of Colonial Beach with twenty lots or greater shall have streetlights installed by the subdivider. The streetlights, at a minimum, shall be located at each intersection and at mid-block points on the backside of the sidewalk(s). At a minimum, all cul-de-sac streets shall have a streetlight at the entrance and terminus of the street. The streetlights shall be of a consistent design and color. Where applicable, streetlights shall be energy star compliant. Streetlights shall be no taller than fifteen (15) feet above finished grade, all light sources (bulbs) shall be shielded as not to be visible from public rights-of-way, and the streetlights shall be shielded to reflect light to the ground. All costs shall be borne by the subdivider.
- 5-3-2. Street identification signs. Street identification signs shall be of a design approved by the Virginia Department of Transportation and/or the Subdivision Agent. The subdivider shall be responsible for the cost to acquire and the cost to install all street signs. Street signs may incorporate route numbers on sign blades to prevent excessive signage at intersections. Street signs shall be located at all intersections. If the Developer wishes to use a decorative street identification sign, the design shall be submitted to the Subdivision Agent for approval if it is consistent with the Colonial Beach Design Guidelines. Repair and maintenance of decorative street identification signs shall be the responsibility of the property owners' association.
- 5-3-3. Curb, gutter and sidewalks. All subdivisions within the Town of Colonial Beach shall contain curb, gutter, and sidewalks along both sides of subdivision streets in a design that meets the requirements of the Virginia Department of Transportation unless otherwise altered under the terms of the Planned Unit Development provisions in the zoning ordinance or as specified above in Section 5-2-6 of this ordinance. Subdivisions constructed with frontage along an existing state road(s) shall install such improvements for their respective frontage.
- 5-3-4. Subdivision Entrance Signs - All new subdivisions in the Town of Colonial Beach shall have a masonry monument style sign/entry feature. Such sign/entry feature may be illuminated with shielded lighting reflecting all light to the ground. A decorative/ornamental landscape perimeter shall be installed around the sign/entrance feature by the Subdivider which shall be a maximum of sixty-four (64) square feet in area and comply with all applicable landscaping provisions contained in Articles 12 and 24 of the Colonial Beach Zoning Ordinance. This area shall be shown on the Preliminary Plat and the Final Plat as common area which is to be owned and maintained by the property owners' association.

5-4. LOW IMPACT DEVELOPMENT (LID)

- 5-4-1. Low Impact Development - To the maximum extent possible, Low Impact Development (LID) methods shall be incorporated into the design of the stormwater management systems and facilities within all subdivisions in the Town of Colonial Beach. Such methods may include infiltration trenches, bio-retention areas, green roof systems, or other recognized methods.
- 5-4-2. Retention Ponds - These stormwater management structures are also referred to as Best Management Practices (BMPs). Generally, a wet aquatic basin is preferred over a dry basin provided there is sufficient hydrology to support the basin's ecology. Wet aquatic basins are the most effective in removing containments to meet Chesapeake Bay Act requirements. Additionally, when an aquatic basin is required, such structures shall be designed to appear as a naturally occurring body of water with a curvilinear shape. By using this shape, the basin blends into existing landform(s) and appears to fit naturally on the site. Along the banks, native Virginia hydrological or wetland plants shall be installed to aid in the treatment and filtering of the water to improve water quality and management of water quantity, consistent with Chesapeake Bay Act. Finally, security fencing shall be installed to protect the public's health, safety, and welfare, all such fencing shall be of a tubular aluminum and/or steel or wrought iron form no greater than six (6) feet in height.
- 5-4-3. Porous Pavers/Concrete. To provide for adequate drainage and flood control, porous pavers and/or porous concrete shall be used to the greatest extent practical as determined by the Subdivision Agent to lower the environmental impact(s) on sensitive environmental areas and to further the goals of the Chesapeake Bay Preservation Act in the construction of paths, walkways, driveways, and similar facilities within the subdivision, provided such use does not conflict with other applicable laws, such as accessibility.
- 5-4-4. LID & BMP Locations. All stormwater management facilities installed by the subdivider shall be shown on the Preliminary Plat and identified as common area, which shall be dedicated to the property owners' association upon completion of the subdivision. In addition, easements to access such facilities shall also be shown on the Preliminary Plat and identified as common area.
- 5-4-5. Maintenance of Common Areas. The maintenance of common areas and the facilities therein shall be the responsibility of the subdivider until such time that those facilities are transferred to the property owners' association ownership and control, which shall then become responsible for such maintenance.

SECTION 6 PLAT TYPES AND REQUIREMENTS

6-1. PRELIMINARY PLATS

6-1-1 All proposed lot subdivisions involving more than 50 lots must submit a preliminary plat for approval as outlined in Section 3-4. When a preliminary plat is not required, such plat may be submitted voluntarily by the subdivider.

6-1-2 Approval Terms. An approved preliminary subdivision plat shall be valid for a period of five years and in accordance with the provisions of the Code of Virginia.

6-1-3 Preliminary Plat Requirements.

The subdivider or their agent shall submit sixteen (16) paper copies and one (1) electronic copy of the Preliminary Plat prepared on sheets having a size of 18 inches by 24 inches, or other size as approved by the Subdivision Agent to ensure readability. The Preliminary Plat shall include the lots, streets, and utilities layout and shall meet the following submittal requirements :

1. Scale of one (1) inch equals 100 feet or other scale approved by the Subdivision Agent to ensure readability
2. Name of subdivision, owner, date of drawing, numbers of sheet(s), north point, and scale. If true north is used, the method of determination must be shown
3. The certified professional engineer or land surveyor's name, address, telephone number, e-mail address, and fax number, along with their signed, professional, seal and certificate number on each plat
4. Boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in twenty-five hundredths of a foot
5. The total gross and net acreage of the proposed subdivision, including the area of each lot within the subdivision
6. The approximate street frontage of all building sites
7. Existing buildings and structures within the boundaries of the proposed subdivision and their respective distances to all property lines. The Preliminary Plat shall identify if such buildings and structures are to be retained or demolished
8. Names of owners and their property lines within the boundaries of the tract and adjoining such boundaries
9. All existing, platted, and proposed streets, their names, numbers, and widths (rights-of-way). The Preliminary Plat shall also identify the width and location of all proposed sidewalks, trails and other public and/or private rights-of-way within the proposed subdivision
10. All existing and proposed utility, public, and private easements within the subdivision as well as all easements to be abandoned or relocated
11. The location and size of all proposed public gathering areas/spaces

- such as, but not limited to, recreational facilities, community centers, multi-purpose buildings, parks, and parking facilities. All proposed and required on-site parking facilities shall be detailed on the preliminary plan in compliance with the Colonial Beach Zoning Ordinance
12. Location(s) and dimension(s) of all proposed driveways on each lot
 13. Culverts, drains, and water courses, with their names, location(s), elevations, and other related data
 14. The complete drainage layout showing all proposed storm water and water quality protection facilities, including all pipe sizes, types, drainage easements, and means of transporting the drainage to a well-defined open stream which is considered natural drainage
 15. The location and design details for low impact development (LID) facilities and Best Management Practices (BMPs) that are required or proposed for the project
 16. A cross section showing the proposed street construction, including, but not limited to, depth and type of base, type of surface, and curvature radii
 17. Topographic contours at intervals of two (2) feet for the entire property, showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith
 18. A location map tying the subdivision into the Town's present road system, either by aerial photographs or topographic maps of the U. S. Department of the Interior, or other acceptable maps
 19. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply, and drainage outfalls and adequate outfall conditions
 20. All parcels of land to be dedicated for public use (including street rights of way) and the conditions of such dedication
 21. Proposed building setback lines on each parcel, shown as dotted lines, including the lot width at the setback lines
 22. Proposed block, section, and lot numbers
 23. A note on the plat stating "All land within the Town of Colonial Beach not otherwise located within Resource Protection Areas is designated as Resource Management Areas (RMA)"
 24. Resource Protection Area (RPA) boundaries, including differentiation between wetland core and buffer areas as defined by the Chesapeake Bay Act protection regulations
 25. A signature block for the Subdivision Agent to sign for approval of the plat, in accordance with the certifications found in Section 9 of this Ordinance
 26. An executed owner's consent and dedication provided on the plat in accordance with Section 9 of this Ordinance
 27. An executed surveyor's certificate in accordance with Section 9 of this ordinance.
 28. An executed owner's consent and dedication provided on the plat in accordance with Section 9 of this Ordinance.
 29. The Preliminary Plat shall illustrate all adjacent parcels abutting the

- proposed subdivision and identify any on-site improvements on these parcels for context with the proposed subdivision plat. If the proposed subdivision is part of a larger master planned or phased development, the adjacent properties should be identified as part of that planned development and a copy of the approved master or phased plan of development should be submitted with the preliminary subdivision plat.
30. The proposed building pad area and pad elevation for each lot within the proposed Subdivision Plat.
 31. All proposed freestanding walls, fences and retaining walls on each lot within the proposed subdivision, including the height of each freestanding wall, fence and retaining wall. The height of all freestanding walls, fences and retaining walls shall be measured from the top of wall to the ground immediately below it.
 32. A photometric plan for the proposed subdivision illustrating the location and height(s) of all, on-site, lighting serving the subdivision and the anticipated illumination intensity of the development upon the adjacent properties abutting the proposed subdivision.
 33. Identify and illustrate all important environmental characteristics associated with the property that comprises the proposed subdivision such as, but not limited to, all on-site improvements, water features, shorelines, wetlands, flood zones, impounding structures, inundation zones, forested areas/tree groves, outcroppings, ravines, slopes, hillsides, recorded archeological sites, eligible and designated historic resources, rare or endangered plant, tree, and animal habit(s) etc. The Preliminary Plat shall also identify and illustrate how such features will be preserved, modified, integrated, or removed as part of the proposed subdivision.
 34. Boundaries of all costal flood plains and costal high hazard areas associated with the subdivision.
 35. The Subdivision Agent reserves the right to require professional land-use, environmental, and infrastructure studies to determine short-term and long-term impacts associated with the proposed subdivision in the interest of protecting the public's health, safety, and welfare and
 36. Any additional information deemed necessary by the Subdivision Agent to understand and process the proposed subdivision to protect the public's health, safety and welfare.

NOTE: PRIOR TO FINAL PLAT APPROVAL FINAL SITE CONSTRUCTION PLANS MUST BE APPROVED BY THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT FOR ANY IMPROVEMENTS, SUCH AS ACCESS, WATER AND SEWER, AND DRAINAGE, WITH REQUIRED SURETY PROVIDED TO THE TOWN.

6-2 FINAL PLATS

Whenever any subdivision of land is proposed, and before any plat can be recorded or permit for the erection of a structure shall be granted, the subdivider or their agent shall apply in writing to the Subdivision Agent for the approval of the Final Plat. The final plat, once approved and recorded with the Circuit court, serves to modify, create or transfer property as provided by the individual plat and in accordance with this Ordinance.

6-2-1 The Subdivision Agent shall review the Final Plat and ensure that all requirements from the Preliminary Plat, if required or voluntarily submitted for review are reflected on the Final Plat.

6-2-2 If the development is to be constructed in phases, the Subdivision Agent shall approve each plat for each phase. Subsequent phases shall be required to submit Preliminary Plats, when required or if submitted voluntarily, prior to proceeding to a Final Plat approval.

6-2-3 No lot shall be sold or construction of structures commenced until the Final Plat for the subdivision has been approved and recorded.

6-2-4 No construction shall be commenced until all sureties are approved and submitted to the Subdivision Agent. All public improvements shall be secured by a surety acceptable to the Town Attorney.

6-2-5 Roads, water, sewer, drainage, utilities, and all other public improvements shall be constructed or guaranteed with updated surety, approved by the Town, prior to issuance of building permits for the individual lots within the subdivision.

6-2-6 Roads to be constructed shall meet VDOT standards and topped with a minimum of least two (2) inches of asphalt after compression.

6-2-7 Final Plat Requirements

The following requirements shall be adhered to in preparing final plats for family subdivisions, boundary line adjustments, re-subdivisions and all other subdivisions:

~~1. The subdivider or their agent must submit four (4) paper copies, and one~~

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- (1) electronic copy of the Final Plat. At least one (1) paper copy and one (1) electronic copy shall be retained by the Subdivision Agent for the Town.
2. The Subdivision Plat submitted for final approval by the Subdivision Agent and subsequent recording shall be clearly and legibly drawn in ink at a scale of one inch equals 100 feet or other reasonable scale, if approved by the Subdivision Agent, to ensure readability.) The plat shall be prepared on sheets having a size of 18 inches by 24 inches, or other size if approved by the Subdivision Agent to ensure readability.
 3. In addition to the requirements of the Preliminary Plat, the Final Plat shall include the following:
 - a. When the subdivision consists of land acquired from more than one source of title, the approximate outlines of various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat
 - b. The accurate location and dimensions by bearings and distances with all curve data on all lots, street lines, and center lines of existing and proposed streets showing their names, numbers, and right-of-way widths
 - c. A table showing the maximum impervious surface ratios in percentages and square feet for each lot and the entire tract as a whole
 - d. Boundaries of all phases (if any)
 - e. Boundaries of all proposed or existing easements, parks, school sites, or other public areas
 - f. The number and area of all building sites (square feet and acres or fraction thereof)
 - g. The building restriction lines of each lot
 - h. The existing and proposed easements for utilities such as sanitary sewers, storm drains, storm water management facilities, water mains, manholes, and underground conduits, including their size
 - i. Any type of water courses, their names, elevations, and names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries
 - j. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousandth (10,000) of a foot
 - k. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, and tangent, chord, and chord bearings.
 2. Prior to approval of the Final Plat, the subdivider shall provide the Subdivision Agent the following:
 - a. Executed covenants and restrictions for the community and all common areas, if applicable
 - b. The organizational documentation for the property owners' association

- c. The by-laws of the property owners' association, if applicable
- d. A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the property owners' association
- e. A recommended time schedule for the maintenance of major facilities, including BMPs, streets, street signs, pools, sidewalks, parking areas, and buildings
- f. A copy of the proposed notice that will be given to prospective buyers regarding the property owners' association, assessments, and fiscal program
- g. A copy of the deed of conveyance and title certificate or, at the discretion of the Subdivision Agent, a commitment for a policy of title insurance, issued by an insurance company authorized to do business in the Commonwealth of Virginia confirming the ownership over all associated lands
- h. An executed deed of dedication and easement conveying land in fee simple to the Town and easements for public/Town purposes which are depicted on the Final Plat, and
- i. An executed subdivision agreement and improvement guarantees acceptable to the Town Attorney.

SECTION 7 SUPPLEMENTAL REQUIREMENTS

7-1. PLATTING & CERTIFICATIONS REQUIRED

- 7-1-1. Any owner or Developer of any tract of land situated within the Town of Colonial Beach who subdivides the same shall cause a plat of such subdivision to be made and recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the Subdivision Agent, and site construction plans have been approved by the Town of Colonial Beach, 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.
- 7-1-2. Every such plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him/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. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat within an insert block or by means of a dotted boundary line upon the plat.
- 7-1-3. Every such plat, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned

owners, proprietors, and trustees, if any.," which statement shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before an officer authorized to take acknowledgments of deeds; and when thus executed and approved as herein specified shall be filed and recorded in the Circuit Court Clerk's Office of Westmoreland County, Virginia and indexed under the name(s) of the land owners signing such statement and under the name of the subdivision.

- 7-1-4. This ordinance bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement, or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contract, the provisions of this ordinance shall control.
- 7-1-5. No change, erasure, or revision shall be made on any Preliminary Plat nor accompanying data sheets as required herein for approval by the Planning Commission, unless authorization for such changes has been granted in writing by the Commission with the approval of a new revised Preliminary Plat submitted to the Planning Commission. No change, erasure, or revision shall be made on any Final or Record Plat, nor on accompanying data sheets, after approval by the Subdivision Agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Subdivision Agent. For Preliminary, Final and Record Plats changes, erasures or revisions as described here shall not be made unless such changes comply with these subdivision regulations in every respect.

7.2. MISCELLANEOUS REQUIREMENTS

- 7-2-1 Pro-Rata Share Payments -0- In cases where a subdivider/developer extends an existing road located outside the property limits of the land owned or controlled by the subdivider/developer to service their development, the need for which is substantially generated and reasonably required by the construction or improvement of their subdivision or development, the subdivider/developer shall receive a reasonable and rational share of the cost of the installation of the existing road on a pro-rata-share basis if accepted as part of a pro-rata plan adopted by the Town Council. The subdivider/developer shall only receive reimbursement in accordance with a pro-rata plan adopted by the Town Council determining the propionate share of such costs to be reimbursed by each subsequent subdivider or developer within the area, with interest at a rate equal to the rate of interest on bonds most recently issued by the Town Council. Such pro-rata plan shall be in accordance with Va. Code§ 15.2-2242(4), as amended.
- 7-2-2. Extension of Sidewalks - Where a subdivider or developer proposes to subdivide a lot, re-subdivide a lot, or where a platted lot is developed or re-developed which fronts on an existing street and the adjacent property on either side has an existing sidewalk, or when the provision of a sidewalk, the need for which is substantially generated and reasonably required by the proposed development, is in accordance with the Town's adopted Comprehensive Plan, the subdivider or developer must dedicate the land and

- construct a continuation of the sidewalk across the lot being developed (as provided in Va. Code § 15.2242, as amended). Any new or replacement sidewalks shall be constructed to current VDOT standards.
- 7-2-3. Phase I Assessments - Unless waved by the Subdivision Agent, a subdivider shall provide a Phase I Environmental Site Assessment (as provided in Va. Code § 15.2242, as amended) which meets generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials. Based upon the findings of the Phase I Assessment, the Subdivision Agent may require the subdivider to conduct a Phase II Assessment. The cost for any/all assessments, as well as the review for any/all assessments by the Town, shall be borne by the subdivider. The subdivider shall also be required to disclose and remediate any/all on-site contamination, including any/all other adverse environmental conditions associated with the subdivided property, consistent with all local, State and Federal laws/regulations using best professional practices.
- 7-2-4 Owners shall notify the Westmoreland County Commissioner of the Revenue for all improvements to real property situated in platted subdivisions.
- 7-2-5 The Town may, by ordinance, adopt fees and charges for the review of plats and plans, and for the inspection of facilities required by this Subdivision Ordinance, the subdivider shall remit all Town fees and charges associated with the administration and enforcement of their subdivision pursuant to Va, Code 15.2-2241 (A) (9)

SECTION 8 • EFFECTUAL

CLAUSES 8-1. VIOLATIONS/CIVIL PENALTIES

Any subdivider, owner of any parcel of land, person, firm, or corporation, whether as principal, agent, employee or otherwise who violates any provision of this Subdivision Ordinance or Article 6 of Chapter 22 of Title 15.2 of the Code of Virginia, as amended ("Article 6") shall be subject to a fine of \$500 for each lot or parcel of land so subdivided, transferred, or sold and shall be required to comply with all provisions of Article 6 and the Subdivision Ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

8-2. SEVERABILITY

Should any article, section, subsection, or provision of this Subdivision Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Subdivision Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

8-3. REPEAL

All ordinances or portions of ordinances in conflict with this Ordinance are hereby repealed to the extent of their conflict.

SECTION 9 • CERTIFICATIONS

9-1. CERTIFICATIONS ON PLATS

All plats for subdivision, re-subdivision, boundary line adjustments, plat of vacation, plat of right(s)-of-way, vacation, and/or lot consolidations shall have each of the following certifications placed on the plat and signed prior to Town approval of the plat.

OWNERS CONSENT AND DEDICATION (NAME OF SUBDIVISION)

THE PLATTING OF THE FOLLOWING DESCRIBED LAND IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES, IF ANY. THE STREETS, STORM DRAINAGE EASEMENTS, SLOPE, GRADING AND DRAINAGE EASEMENTS, SIGHT DISTANCE EASEMENTS, STORMWATER MANAGEMENT FACILITY ACCESS EASEMENTS, TEMPORARY TURNAROUND EASEMENTS, AND CONTROL MONUMENT ACCESS EASEMENTS ARE HEREBY DEDICATED TO PUBLIC USE.

_____ Date _____
Property Owner

_____ Date _____
Property Owner

SURVEYOR'S CERTIFICATE

I, _____, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON WAS DRAWN FROM AN ACTUAL SURVEY UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON AND THE PROPERTY IS NOW IN THE NAME OF _ AND WAS ACQUIRED BY DEED DATED _____ OF , 20_ AS RECORDED IN DEED BOOK ___ AT PAGE _____/INSTRUMENT NUMBER _____ AMONG THE LAND RECORDS OF WESTMORELAND COUNTY, VIRGINIA.

CERTIFICATE OF APPROVAL

THE (INSERT SUBDIVISION NAME) IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION ORDINANCES OF THE TOWN OF COLONIAL BEACH, VIRGINIA AND MAY BE COMMITTED TO RECORD. IF THIS PLAT IS NOT RECORDED WITHIN SIX (6) MONTHS OF THE APPROVAL DATE, UNLESS OTHERWISE EXTENDED BY THE COLONIAL BEACH SUBDIVISION ORDINANCE OR BY THE COMMONWEALTH OF VIRGINIA, THE PLAT IS NULL AND VOID.

Approval Date_____

Approval Signature_____

Subdivision Agent

SECTION 10- VALIDITY OF APPROVED PLANS

10-1. FINAL PLATS TO BE RECORDED WITHIN SIX (6) MONTHS

All approved final plats shall be recorded in the Westmoreland County Circuit Court Clerk's Office within six (6) months of approval. Unless otherwise extended by state law or the Town Council, if a Final Plat is not filed for recordation within six (6) months after final approval thereof, such approval shall be withdrawn, and the plat marked void and returned to the Subdivision Agent. In any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Town Council or its designated agency, or where the developer has furnished surety to the Town Council or its designated agency 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 or to the time limit specified in the surety agreement, whichever is greater.

10-2. PRELIMINARY PLAT TO REMAIN VALID

10-2-1. Once a Preliminary Plat is approved, it shall be valid for a period of five (5) years, provided the subdivider (i) submits a Final Plat for all or a portion of the property shown on the Preliminary Plat within one (1) year of such approval, and (ii) thereafter diligently pursues approval of the Final Plat. If a Final Plat is not submitted within one (1) year of approval of the Preliminary Plat, the Preliminary Plat is automatically null and void and of no effect.

10-2-2. If a Final Plat has not been approved within three (3) years following such Preliminary Plat approval, and upon ninety (90) days' written notice by certified mail to the subdivider, the Subdivision Agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat in accordance with Sec. 10-2-1.

10-2-3. If a developer records a Final Plat, which may be a section of a subdivision as shown on an approved Preliminary Plat and furnishes to the Town a surety 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 developer shall have the right to record the remaining sections shown on the Preliminary Subdivision Plat for a period of five (5) years from the recordation date of any section, or for such longer period as the Planning Commission or Subdivision Agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

10-3. RECORDED PLAT TO REMAIN VALID

10-3-1. Once an approved Final Plat is recorded, it shall be valid in perpetuity, except if vacated.

10-3-2. An approved Final Plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or the Town), or a Recorded Plat dedicating real property to the Town or other public body that has been accepted by such grantee, shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in Virginia Code §§ 15.2-2270 through 15.2-2278, as amended.

Tab C

DRAFT



TO: Town Council
FROM: Angela Lawrence, Director, Planning & Community Development
COPY: Natasha Tucker, Town Manager; Kyler Brower, Assistant Town Manager; Powell Duggan, Town Attorney
SUBJECT: **PUBLIC HEARING - ZONING TEXT AMENDMENT 26-01 TO ADD COMMUNICATION FACILITY, WITH A MAXIMUM HEIGHT OF 100 FEET AS PERMITTED USE IN THE C-1 GENERAL COMMERCIAL DISTRICT**
DATE: February 4, 2026

SUMMARY:

Planning Commission initiated an amendment to the Zoning ordinance of the Town of Colonial Beach, Virginia, to add “communications facility, with a maximum height of 100 feet” as a permitted use in the C-1 General Commercial District with the approval of a Conditional Use Permit (CUP). A public hearing before Town Council is needed.

BACKGROUND:

The Town of Colonial Beach Zoning Ordinance Section 20-2 defines Communications Facility as “Structures, including towers, where the principle use is to provide point-to-point communication services whether by wire or radio, either aurally or visually, including radio, telephone, television broadcasting and the exchange or recording of messages.”

The Zoning Ordinance only permits communications facilities and/or towers in the Agricultural (A-1) Zoning District with the approval of a Conditional Use Permit (CUP). Height regulations for A-1 state, “Permitted structures may be erected up to thirty-five (35) feet from grade with the following exceptions: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, silo (used for agricultural products - grain, corn, etc.), television antennas, and radio aerials are exempt. There are currently no properties zoned A-1 in the Town.

Residents and businesses have expressed a desire for enhanced cell phone coverage and internet options in town.

ISSUE:

A business has made an initial inquiry about locating a telecommunications tower, with a height of one hundred feet (100’), in the General Commercial (C-1) Zoning District, one lot off McKinney Boulevard in the vicinity of New Monrovia Road. There currently is no permitted use allowed for a communications tower in the C-1 District.

By allowing communications facilities and/or towers in the C-1 district, with approval of a Conditional Use Permit, the Town would be able to determine where a tower may be appropriate and impose conditions for approval to assist in mitigating impacts of a proposed facility/tower on the surrounding area. Such conditions may include, but not limited to: antenna use, height, size; prohibition of commercial advertisement; prohibition of signals, lights, or illumination except as required by FCC; total gross floor



area; equipment structure height and color; minimum yard requirements co-location requirements; de-commissioning requirements; and design requirements.

ALTERNATIVES:

There are currently no properties within the town zoned agriculturally. Therefore, to permit a communications facility and/or tower in town:

- The property would need to be rezoned to A-1 and a CUP approved to permit a communications facility/tower; or
- A text amendment initiated by the Planning Commission or Town Council to permit the use in a zoning district other than A-1 is necessary.

FISCAL IMPACT:

There is no cost to the Town; however, it would generate tax revenue. Information regarding tax revenue will be available by meeting time.

RECOMMENDATION:

The planning commission held a public hearing on Thursday, January 29, 2026. They recommended approval of ZTA 26-01 to allow “communications facility, with a maximum height of 100 feet” as a permitted use in the C-1 General Commercial District with the approval of a Conditional Use Permit. to Town Council by a vote of 6-1 in favor.



Attachment 1 - Initiate Zoning Text Amendment (ZTA 26-01)

AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF COLONIAL BEACH, VIRGINIA, TO ADD “COMMUNICATIONS FACILITY, WITH A MAXIMUM HEIGHT OF 100 FEET” AS A PERMITTED USE IN THE C-1 GENERAL COMMERCIAL DISTRICT WITH THE APPROVAL OF A CONDITIONAL USE PERMIT

Section 8-2 Conditional Uses (Conditional Use Permit Required)

Notwithstanding 8-1 of this Article, the following uses require a Conditional Use Permit with an approved site plan:

9. Communications facility, with a maximum height of 100 feet

The amendment would result in Items 9 - 29 being renumbered as Items 10 - 30

DRAFT

Tab D

DRAFT



TO: Town of Colonial Beach Town Council

FROM: Darla Orr Odom, Zoning Official

COPY: Natasha Tucker, Town Manager; Kyler Brower, Assistant Town Manager; Powell Duggan, Town Attorney; and Angela Lawrence, Director of Planning and Community Development

SUBJECT: AUTHORIZE PUBLIC HEARING – CONDITIONAL USE PERMIT, CUP 26-01 – REQUEST BY EXECUTIVE PROPERTIES, LLC TO ALLOW MIXED RESIDENTIAL/COMMERCIAL USE IN A COMMERCIAL-RESIDENTIAL (CR) ZONING DISTRICT

DATE: February 18, 2026

BACKGROUND:

Conditional Use Permit, CUP 26-01 is a request by Executive Properties, LLC for approval of a CUP to allow residential and commercial mixed use in a Commercial-Residential (CR) Zoning District. A mixed use building is planned that would accommodate first floor retail/commercial tenants and up to a four (4) unit multi-family residential dwelling on the second floor.

The subject property is identified as Tax Map Parcel 3A (2) 2 79 8 and is currently vacant. The property fronts approximately 250 feet along Washington Avenue and Hawthorn Street and is located in the northwest quadrant of the intersection of these roads.

The Zoning Ordinance defines Mixed Residential/Commercial Use as one or more buildings which provide commercial or office space together with one or more residential units. The Ordinance requires approval of a Conditional Use Permit (CUP) in the Commercial-Residential (CR) Zoning District to allow a mixed residential and commercial development.

DISCUSSION:

The proposed mixed use development would include a total of approximately 5,456 square feet of commercial and/or retail use on the first floor and four (4) multi-family residential units on the second floor.

Uses that the Zoning Ordinance designates as conditional uses are those uses that are generally compatible with other land uses permitted in the district but which, due to their unique characteristics or potential impacts on surrounding properties and the town, require individual consideration of their design, configuration and/or operation at the particular location being proposed. These individual considerations may call for the imposition of individualized conditions to ensure that the use is appropriate in the proposed location.

The Applicant has included with their CUP application a Conceptual Plan to identify the planned site layout, Building Rendering and Elevations which portray proposed architectural details and materials, and a Narrative document. These items are found as Attachments B-D in Attachment 1.

Town Council is required by state code to make a decision on whether to grant approval of a CUP application following a duly advertised public hearing and after receiving a recommendation from the Planning Commission after they also conduct a duly advertised public hearing. The Zoning Ordinance provides considerations to be given in granting a CUP. The Ordinance states that a CUP may be issued provided that the governing body finds that the use will not: 1) affect adversely the health or safety of persons residing or working in the area of the proposed use; 2) be detrimental to the public welfare or injurious or incompatible to property or improvements in the area; and 3) be in conflict with the purposes of the Comprehensive Plan.

PLANNING COMMISSION ACTION:

Following a public hearing at their meeting on January 29, 2026, the Planning Commission voted unanimously to recommend approval to Town Council of Conditional Use Permit CUP 26-01 subject to the three (3) conditions on page 6 of the staff report. (Attachment 1)

RECOMMENDED COUNCIL ACTION:

Direct staff to advertise a public hearing for Conditional Use Permit CUP 26-01 for the Council's March 4, 2026, meeting.

ATTACHMENTS:

Attachment 1 – Staff Report for CUP 26-01 from Planning Commission's January 29, 2026, Public Hearing



**TOWN OF COLONIAL BEACH
PLANNING COMMISSION**

PUBLIC HEARING

Meeting Date: January 29, 2026

Item Number: Case CUP 26-01

REQUEST:

Executive Properties, LLC requests approval of a Conditional Use Permit (CUP) to allow Mixed Residential/Commercial Use in a Commercial-Residential (CR) Zoning District.

PROPOSED LAND USE:

A mixed-use building is planned that would accommodate first floor retail/commercial tenants (total of approximately 5,456 square feet) and up to a four (4) unit multi-family residential dwelling on the second floor. (Attachment B)

STAFF RECOMMENDATION:

Staff recommends approval of this request, subject to the conditions in Attachment A, for the following reasons:

- As conditioned, the proposed mixed use development complies with the future land use recommendations of the Town's Comprehensive Plan which suggests the property is appropriate for business opportunities and mixed use.
- As required by the Comprehensive Plan, the building's design includes quality materials and a design that would preserve the historic integrity of the downtown commercial area.
- The proposed development will not adversely affect the health or safety of persons residing or working in the area of the proposed use, or be detrimental to the public welfare or injurious to property or improvements in the area. The proposed development will enhance Colonial Beach's Main Street corridor and business district.

LOCATION AND ZONING:

The subject property is zoned Commercial-Residential (CR) and identified as Tax Map Parcel 3A (2) 2 79 8. The property fronts approximately 250 feet along Washington Avenue and Hawthorn Street and is located in the northwest quadrant of the intersection of these roads. The site is currently vacant.

Properties to the north, south and west are also zoned Commercial-Residential (CR) and are occupied by commercial uses to the north, the Town Center and Library to the south and residential use (single family dwelling) to the west. Properties to the east, across Washington Avenue, are zoned Resort Commercial (RC) and occupied by commercial uses and the Museum. (See Maps 1 and 2 on the following page)



COMPREHENSIVE PLAN AND AREA LAND USE



The subject property is located within an area designated as a Historic Resort Commercial district by the Town's Comprehensive Plan Future Land Use Map. The Plan provides that the Historic Resort Commercial area is an area located in the town's Central Area, and encompassing parcels along Washington Avenue, areas to the boardwalk and a smaller section on Colonial Avenue. Future land uses in this area are intended to provide recreational and business opportunities designed to foster tourism. The Plan adds that mixed use development with commercial and residential uses should preserve the historical integrity of the area.

The area has always had a wide range of land uses and is the historic commercial area of the Town. The subject property and the Historic Resort Commercial area are part of the town's designated Main Street area where long-term economic growth should be stimulated and pride in the historic resort community area encouraged. There is a mix of commercial establishments (mostly retail, restaurants, and hospitality businesses) and residential units in this area. With new investments in this area, efforts are ongoing to target this area for continued revitalization and as a key focus of economic development. The Plan further provides that the Colonial Beach Commercial Historic District designation will incentivize rejuvenating much of the Central Area.

ZONING ORDINANCE:

Use Permission: The Zoning Ordinance defines Mixed Residential/Commercial Use as one or more buildings which provide commercial or office space together with one or more residential units. The Ordinance requires approval of a Conditional Use Permit (CUP) in the Commercial-Residential (CR) Zoning District to allow a mixed residential and commercial development.

Uses that the Zoning Ordinance designates as conditional uses are those uses that are generally compatible with other land uses permitted in the district but which, due to their unique characteristics or potential impacts on surrounding properties and the town, require individual consideration of their design, configuration and/or operation at the particular location being proposed. These individual considerations may call for the imposition of individualized conditions to ensure that the use is appropriate in the proposed location.

Granting a Conditional Use Permit: In addition, the Zoning Ordinance provides considerations to be given in granting a CUP. The Ordinance states that a CUP may be issued provided that

the governing body finds that the use will not: 1) affect adversely the health or safety of persons residing or working in the area of the proposed use; 2) be detrimental to the public welfare or injurious or incompatible to property or improvements in the area; and 3) be in conflict with the purposes of the Comprehensive Plan.

Development/Design Standards: This CUP application includes a conceptual plan which identifies the location of proposed buildings and parking (Attachment B) and a condition is recommended herewith that requires the property development to be in substantial conformance with the conceptual plan. Prior to commencing construction of any of the improvements on the property, the Developer will be required to submit a site plan in compliance with Article 14 of the Zoning Ordinance for review and approval to ensure the development meets applicable local and state codes relative to setbacks, parking, provision of utilities and trash collection, sidewalks, site ingress and egress, erosion and sediment control, stormwater and Article 22, the Chesapeake Bay Preservation Overlay.

APPLICANTS' PROPOSAL:

The Applicant intends to develop the property in substantial compliance with the conceptual plan submitted with the application (Attachment B). Four (4) second story multi-family residential dwelling are proposed on the second story, with balconies overlooking Washington Avenue. The Applicant has indicated that he intends for these units to be long-term rentals. The first floor of the building is reserved for commercial/retail use.

The Applicant has offered an architectural rendering and preliminary architectural elevations to articulate their proposal (Attachment C). Conditions are recommended that would guarantee the building elements and materials the Applicant has committed to provide (Attachment A). The Applicant's full application narrative is located in Attachment E.

PARKING:

Off-street parking is proposed by the Applicant with access from Hawthorne Street, behind the proposed mixed use building (Attachment A). Article 13 Parking of the Zoning Ordinance was recently amended to provide more flexibility in the downtown commercial area, which includes the subject property, to permit on-street parking located within 600 feet of a lot on which the use is located to be credited toward meeting parking requirements for any use that is transitory in nature. The proposed commercial/retail uses would be considered transitory and therefore on-street parking spaces would be allowed to be counted towards the minimum required number of parking spaces. Amendments to the parking standards also added minimum parking standards for residential units in a mixed use building. These parking standards now require 0.5 space for each bedroom, in addition to any spaces required for associated commercial uses. Parking for the proposed development would be permitted provided it is substantially in accordance with parking as shown on the Conceptual Plan. (Attachment B)

PUBLIC UTILITIES:

The proposed development will be served by public water and sewer. Final connections will be approved by the Public Works Department at the time of site plan review.

STAFF DISCUSSION:

The Town’s Comprehensive Plan encourages new economic development within the downtown/Main Street area of Colonial Beach. The proposed development complies with the recommendations of the Town’s Comprehensive Plan.

The subject property is part of an area that has always had a wide range of land uses and is within the historic commercial area of the Town. The Plan identifies that this area is also experiencing new investments and efforts are targeting this area for continued revitalization and as a key focus of economic development.

Conditions are recommended that will ensure that the proposed development is designed and constructed in a manner that will complement the central beach area by providing a quality mixed use development that should preserve the historic business district. The quality of this proposed development at a critical corner in the downtown area will boost the vitality of the Town’s central tourism-focused beach area.

With the imposition of the draft conditions, staff recommends approval of this request for the reasons outlined herein.

ATTACHMENTS:

Recommended Draft Conditions of Approval – Attachment A

Conceptual Plan – Attachment B

Building Rendering and Elevations - Attachment C

Applicant’s Narrative – Attachment D

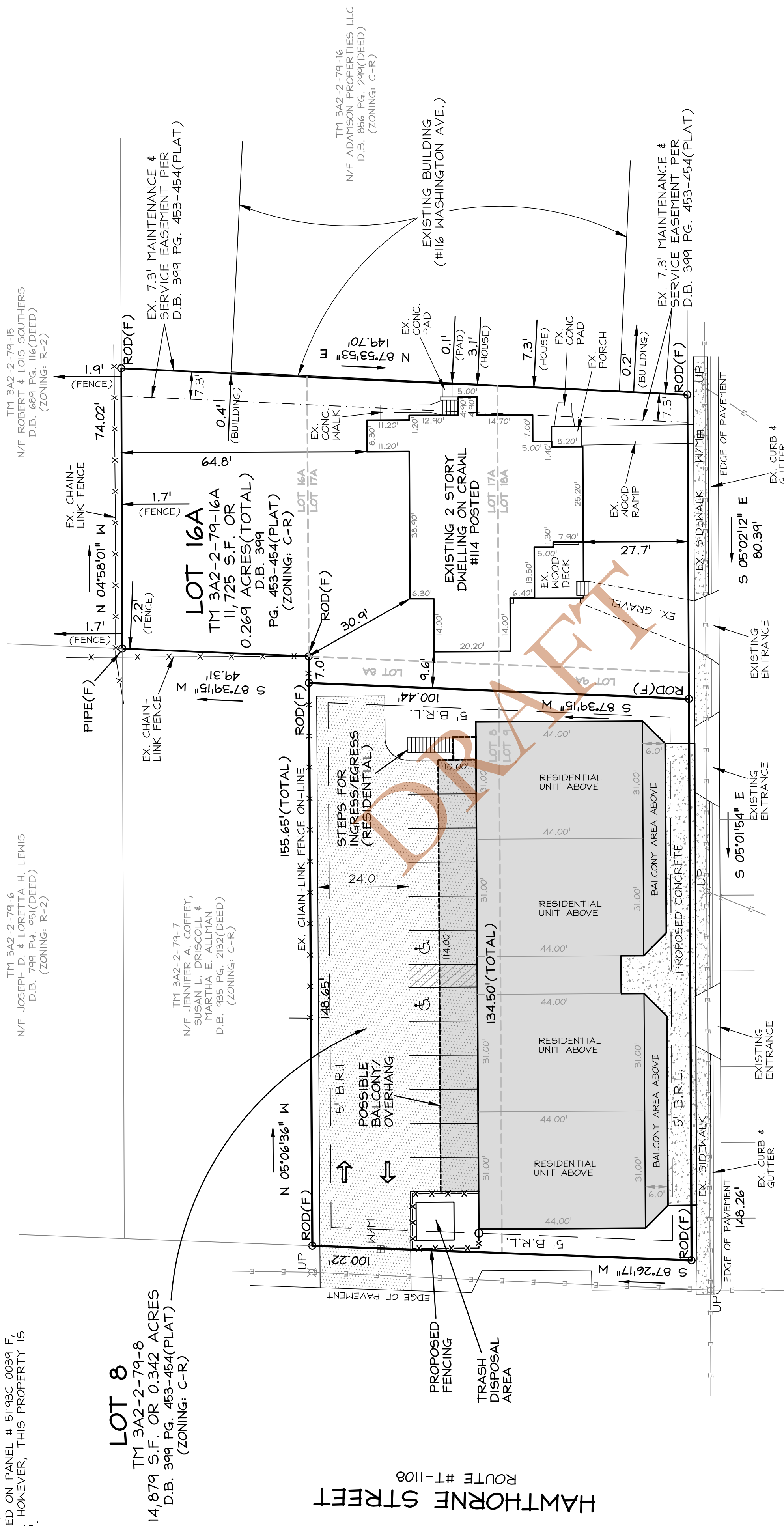
**RECOMMENDED CONDITIONS OF APPROVAL – CASE CUP 26-01
EXECUTIVE PROPERTIES, LLC.**

This Conditional Use Permit (CUP) shall be granted on the subject properties identified as Tax IDs: 3A (2) 2 79 8 and shall run with the land, subject to the following conditions:

1. The site shall be developed in substantial accordance with the Conceptual Site Plan, entitled “Preliminary Layout Lot 8 – TM 3A2-2-79-8 #110 Washington Avenue,” prepared by the Benchmark Group and dated July 11, 2025. Minor modifications may be approved by the Director of Planning and Community Development at the time of site plan review. (Attachment B)
2. Architecture and Building Materials:
 - A. The architectural design of the building shall be in general conformance with the Building Elevations, entitled “110 Washington Avenue Lots 8 & 9 Mixed-Use Development Preliminary Elevations,” prepared by Jackie Steward and dated August 29, 2025 and the Building Rendering entitled Mixed-Use Development submitted by Executive Properties, LLC and dated January 2025.
 - B. The facades of the building facing Washington Avenue and Hawthorne Street shall include glass storefronts with balconies along the Washington Street façade. Balconies and glass storefronts along other building sides would be permitted.
 - C. The facades of the building facing Washington Avenue and Hawthorne Street and the facades of the north and south sides of the building (facing Hawthorne Street and visible from Washington Avenue) shall be constructed a combination of masonry and Hardi-Plank materials arranged to accent the pedestrian character on the first floor, break up the mass of the building and avoid monotonous building facades. The exact design and materials shall be approved by the Director of Planning and Community Development at the time of site plan review.
3. Due to the proximity of the overhead power lines and to enhance pedestrian areas and walkability, In lieu of street trees along Washington Avenue and Hawthorne Street, decorative planters with landscaping shall be installed and maintained along these roads. The exact design and location of these planters and landscaping shall be approved by the Director of Planning and Community Development at the time of site plan review.

- NOTES:**
1. NO TITLE REPORT FURNISHED.
 2. EASEMENTS AND RESTRICTIONS MAY EXIST WHICH DO NOT APPEAR ON THIS PLAT.
 3. BOUNDARY INFORMATION TAKEN FROM A FIELD RUN SURVEY. ADDITIONAL BOUNDARY INFORMATION TAKEN FROM DEEDS & PLATS REFERENCED HEREON.
 4. NO PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN THE F.I.R.M. 100 YEAR SPECIAL FLOOD AREA ZONE "A" AS INDICATED ON PANEL # 51193C 0039 F, DATED MAY 17, 2022. HOWEVER, THIS PROPERTY IS LOCATED IN ZONE "X".

NAD 83



LOT 8
 TM 3A2-2-79-8
 14,879 S.F. OR 0.342 ACRES
 D.B. 399 PG. 453-454 (PLAT)
 (ZONING: C-R)

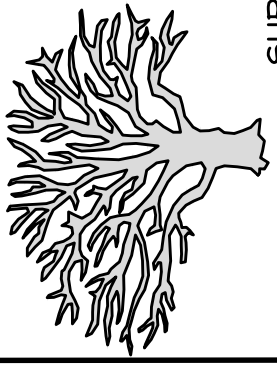
HAWTHORNE STREET
 ROUTE #T-1108

WASHINGTON AVENUE
 ROUTE #T-1102

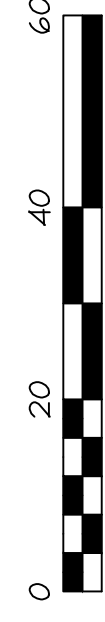
LEGEND:

ROD(F)	IRON ROD FOUND
PIPE(F)	IRON PIPE FOUND
EX. UP	EXISTING UTILITY POLE
CONC.	CONCRETE
B.R.L.	BUILDING RESTRICTION LINE
TM	TAX MAP NUMBER
D.B.	DEED BOOK
PG.	PAGE
N/F	NOW/FORMERLY
S.F.	SQUARE FEET

PRELIMINARY LAYOUT
 LOT 8 - TM 3A2-2-79-8
 #110 WASHINGTON AVENUE
 TOWN OF COLONIAL BEACH
 WESTMORELAND COUNTY, VIRGINIA
 JULY 11, 2025 SCALE: 1" = 20'
 JOB# 24244 CSS



THE BENCHMARK GROUP
 "LAND DEVELOPMENT CONSULTANTS"
 5321 WHELAN WAY, PARTLOW, VA 22534
 540-785-3118
 bmarkgroup@aol.com
 SURVEYING * ENGINEERING * LAND PLANNING



Conditional Use Permit Application

Mixed-Use Development

110 Washington Avenue (Corner of Washington Ave & Hawthorn St)



Submitted By: Executive Properties, LLC
Date: January 2025
Town of Colonial Beach
Westmoreland County, Virginia

— Cover Page —

1110 WASHINGTON AVENUE

LOTS 8 & 9

MIXED-USE DEVELOPMENT

PRELIMINARY ELEVATIONS

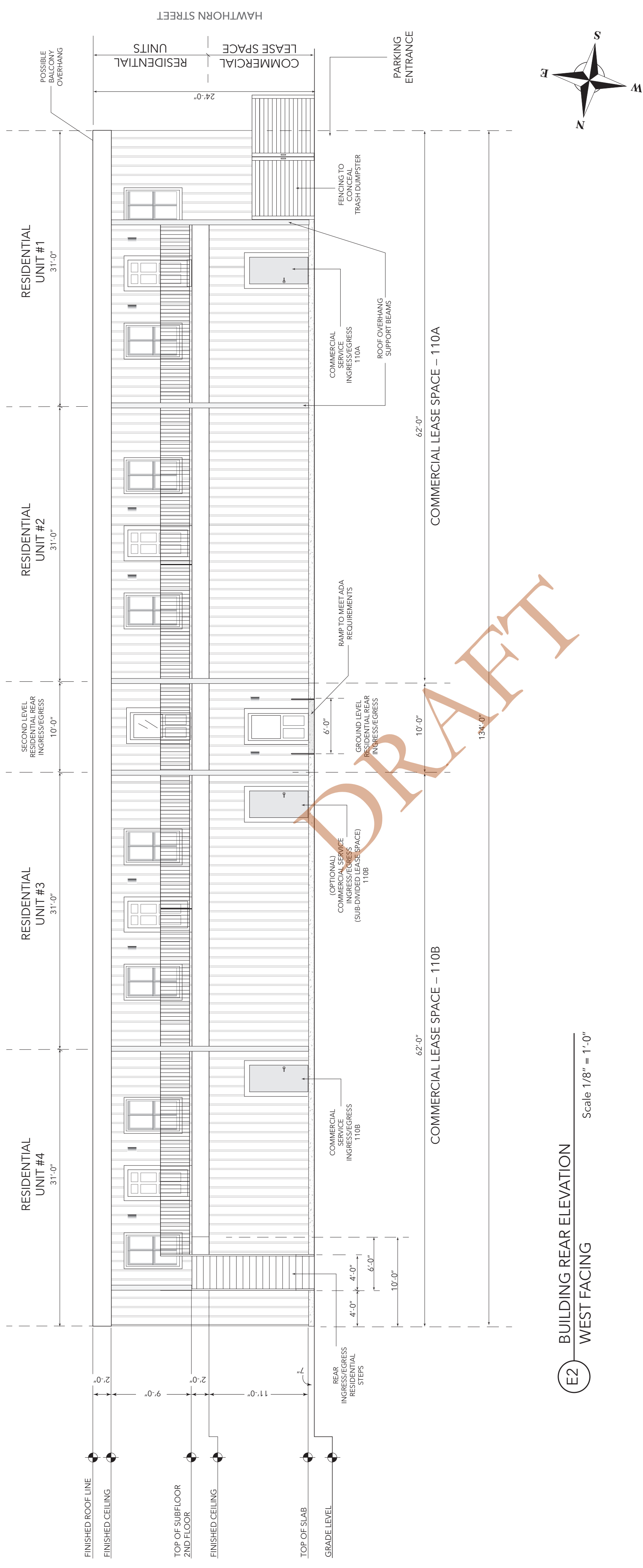
LOT 8 TM 3A2-2-79-8 | 110 WASHINGTON AVENUE
TOWN OF COLONIAL BEACH | WESTMORELAND COUNTY, VIRGINIA
AUGUST 29, 2025 | SCALE 1/8" = 1'-0"

Building Footprint Measurements are based on site plan measurements created by The Benchmark Group, Land Development Consultants. Drawings are provided for the purpose of obtaining a Conditional use Permit and to assist with the design and planning of the proposed mixed-use project. Drawings subjected to modifications based on the Owner, Architect and Engineers modifications and changes to final drawings.

110 Washington, Avenue Colonial Beach, Westmoreland County, VA
Legal Description: PT OF LOTS 8 & 9 BK 79 DB 978 PG 1799.



Jackie Steward
Graphic Design | Architectural Drawings
Design Consultation
202.997.9235
graphicinteriors1@mac.com



E2 BUILDING REAR ELEVATION
WEST FACING
Scale 1/8" = 1'-0"

110 WASHINGTON AVENUE LOTS 8 & 9

REAR ELEVATION

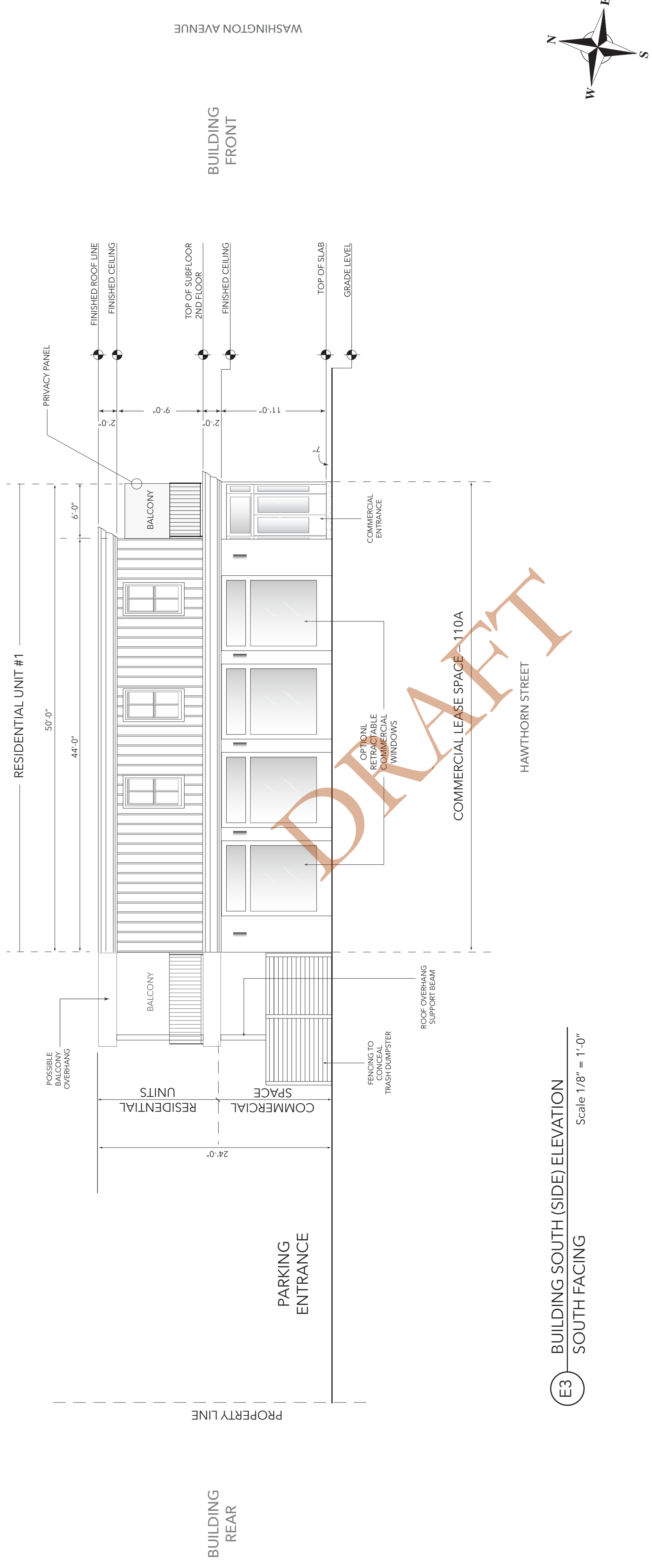
Building Footprint Measurements are based on site plan measurements created by The Benchmark Group, Land Development Consultants. Drawings are provided for the purpose of obtaining a Conditional use Permit and to assist with the design and planning of the proposed mixed-use project located at 110 Washington, Avenue Colonial Beach, Westmoreland County, VA
Legal Description: PT OF LOTS 8 & 9 BK 79 DB 978 PG 1799.

MIXED-USE DEVELOPMENT

PRELIMINARY ELEVATIONS
LOT 8 TM 3A2-2-79-8 | 110 WASHINGTON AVENUE
TOWN OF COLONIAL BEACH | WESTMORELAND COUNTY, VIRGINIA
AUGUST 29, 2025 | SCALE 1/8" = 1'-0"




Jackie Steward
Graphic Design | Architectural Drawings
Design Consultation
202.997.9235
graphicinteriors1@mac.com



E3 BUILDING SOUTH (SIDE) ELEVATION
Scale 1/8" = 1'-0"

110 WASHINGTON AVENUE LOTS 8 & 9

(SOUTH) SIDE ELEVATION

Building Footprint Measurements are based on site plan measurements created by The Benchmark Group, Land Development Consultants. Drawings are provided for the purpose of obtaining a Conditional use Permit and to assist with the design and planning of the proposed mixed-use project located at 110 Washington, Avenue Colonial Beach, Westmoreland County, VA
Legal Description: PT OF LOTS 8 & 9 BK 79 DB 978 PG 1799.

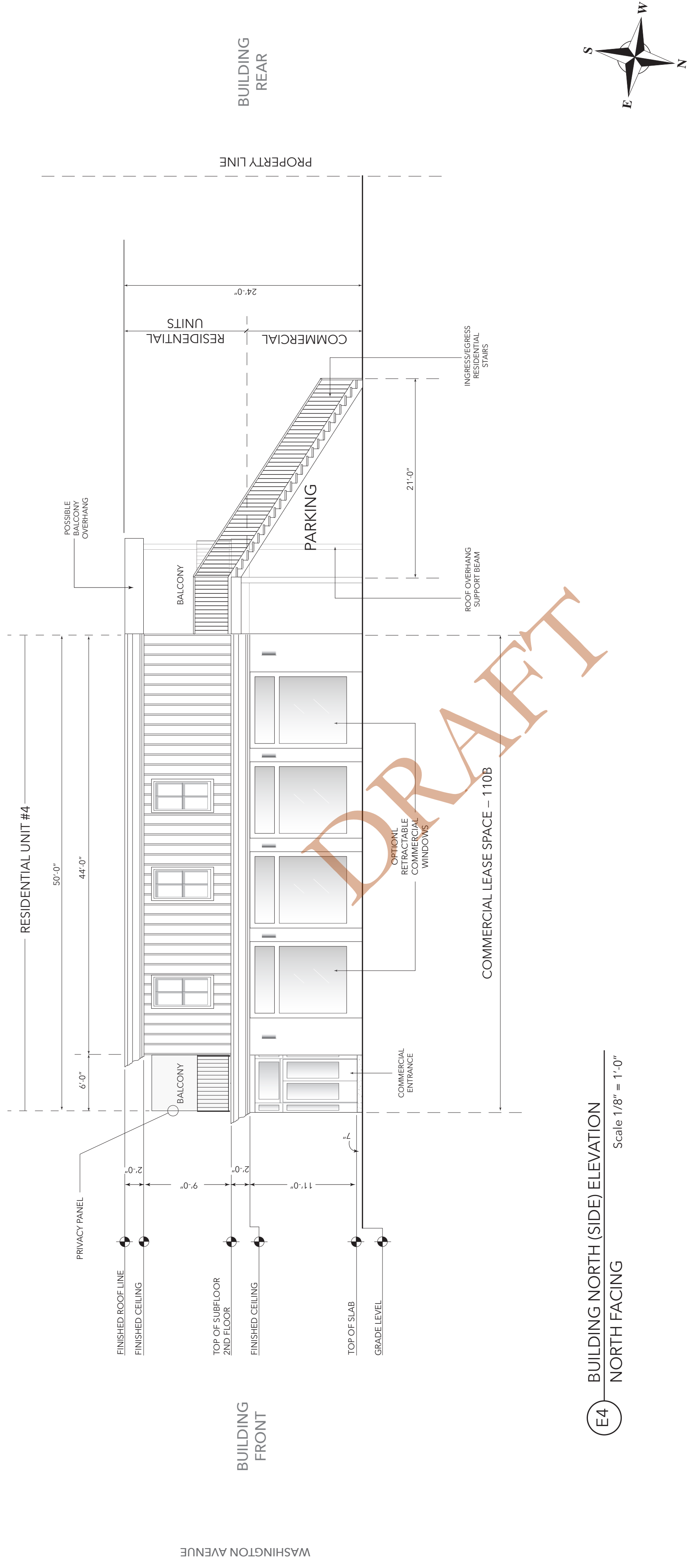
MIXED-USE DEVELOPMENT

PRELIMINARY ELEVATIONS

LOT 8 TM 3A2-2-79-8 | 110 WASHINGTON AVENUE
TOWN OF COLONIAL BEACH | WESTMORELAND COUNTY, VIRGINIA
AUGUST 29, 2025 | SCALE 1/8" = 1'-0"



Jackie Steward
Graphic Design | Architectural Drawings
Design Consultation
202.997.9235
graphicinteriors1@mac.com



E4 BUILDING NORTH (SIDE) ELEVATION
Scale 1/8" = 1'-0"

1110 WASHINGTON AVENUE LOTS 8 & 9

(NORTH) SIDE ELEVATION

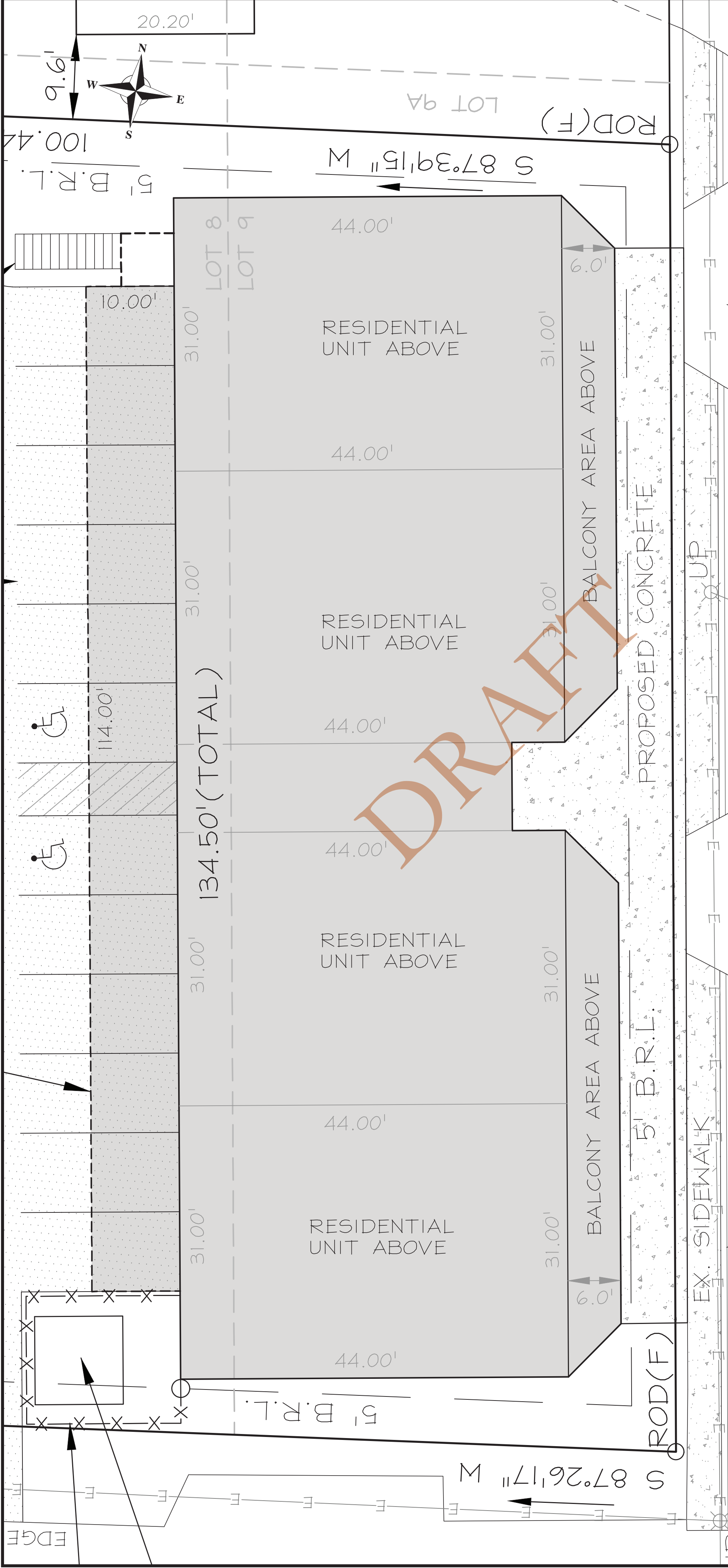
Building Footprint Measurements are based on site plan measurements created by The Benchmark Group, Land and Development Consultants. Drawings are provided for the purpose of obtaining a Conditional use Permit and to assist with the design and planning of the proposed mixed-use project located at 110 Washington, Avenue Colonial Beach, Westmoreland County, VA
Legal Description: PT OF LOTS 8 & 9 BK 79 DB 978 PG 1799.

MIXED-USE DEVELOPMENT PRELIMINARY ELEVATIONS

LOT 8 TM 3A2-2-79-8 | 110 WASHINGTON AVENUE
TOWN OF COLONIAL BEACH | WESTMORELAND COUNTY, VIRGINIA
AUGUST 29, 2025 | SCALE 1/8" = 1'-0"



Jackie Steward
Graphic Design | Architectural Drawings
Design Consultation
202.997.9235
graphicinteriors1@mac.com



110 WASHINGTON AVENUE LOTS 8 & 9

PRELIMINARY SITE PLAN

Building Footprint Measurements are based on site plan measurements created by The Benchmark Group, Land Development Consultants. Drawings are provided for the purpose of obtaining a Conditional use Permit and to assist with the design and planning of the proposed mixed-use project located at 110 Washington, Avenue Colonial Beach, Westmoreland County, VA
 Legal Description: PT OF LOTS 8 & 9 BK 79 DB 978 PG 1799.

MIXED-USE DEVELOPMENT

PRELIMINARY SITE PLAN
 LOT 8 TM 3A2-2-79-8 | 110 WASHINGTON AVENUE
 TOWN OF COLONIAL BEACH | WESTMORELAND COUNTY, VIRGINIA
 AUGUST 29, 2025 | SCALE 1/8" = 1'-0"



Note: Drawing reflects partial view of full site.
 Full Site Plan available upon request.

Conditional Use Permit Application

Executive Summary

Project: Mixed-Use Development

Location: 110 Washington Avenue (Corner of Washington Ave & Hawthorn St)

Submitted By: Executive Properties, LLC

Executive Summary – Conditional Use Permit Request

Project: Mixed-Use Development

Location: 110 Washington Avenue (Corner of Washington Ave & Hawthorn St), Colonial Beach, VA



Project Overview

The applicant seeks approval of a Conditional Use Permit to construct a two-story mixed-use building consisting of: Two ground-floor commercial spaces fronting Washington Avenue. Four residential units on the second floor. This project reactivates a key downtown corner, supports small business opportunities, and provides much-needed housing in a walkable setting.

Key Benefits

Economic Growth: Creates new commercial space for local businesses, broadening the tax base and attracting visitors. **Housing Supply:** Adds four quality housing units within walking distance of shops, restaurants, and the waterfront. **Smart Growth:** Promotes infill development and sustainable land use,

reducing pressure on undeveloped areas. **Community Vibrancy:** Enhances the character of Washington Avenue with attractive storefronts and residential activity above.

Impacts on Public Services

Schools: Minimal impact—only four residential units, negligible student generation. **Utilities:** Modest demand, fully supported by existing Town water and sewer systems. **Traffic & Parking:** Off-street parking provided via Hawthorn Street, with easy access and minimal congestion. **Public Safety:** Designed to meet Fire and Building Code standards, ensuring safe access for emergency services.

Environmental Considerations

Stormwater management compliant with regulations to protect Monroe Bay. Energy-efficient construction meeting modern building codes. Landscaping and screening to soften visual impact and support sustainability.

Conclusion

The proposed mixed-use development is consistent with the Town's Comprehensive Plan, aligns with community goals for a vibrant downtown, and provides economic, housing, and environmental benefits with minimal impact on schools and public services.

Approval of this Conditional Use Permit is respectfully requested.

Narrative in Support of Conditional Use Permit

Project Description

The applicant seeks approval of a Conditional Use Permit (CUP) to construct a two-story mixed-use development on the property located at the corner of Washington Avenue and Hawthorn Street. The proposed building includes: Two ground-floor commercial lease spaces (110A and 110B), designed to support retail, office, or service-based businesses that will enhance the commercial vitality of downtown Colonial Beach. Four residential units on the second floor, providing high-quality housing opportunities within walking distance of the Town's waterfront, shops, and cultural amenities. This investment reflects the Town's goals of encouraging sustainable growth, enhancing its commercial base, and promoting a vibrant, walkable community.

Compatibility with Comprehensive Plan & Zoning Intent

The Colonial Beach Comprehensive Plan envisions downtown as a mixed-use hub, integrating residential, commercial, and cultural activity. This project is directly aligned with that vision.

Architectural Design and Neighborhood Character

Architectural drawings demonstrate a structure designed to enhance the visual character of Washington Avenue, with attractive storefronts, private residential entries, balconies, and screened service areas.

Community and Economic Benefits

Economic Development: By creating leasable retail/office space, the project will attract entrepreneurs and small businesses, broadening the Town's tax base. **Housing Supply:** The addition of four residential units enhances local housing availability. **Smart Growth:** The project reduces pressure on undeveloped land by utilizing infill. **Vibrancy:** Activation of a prominent corner will increase pedestrian activity and contribute to a lively, attractive downtown environment.

Impacts on Public Services and Infrastructure

Schools: Minimal impact with negligible student generation.

Public Utilities: Supported by existing Town water and sewer systems.

Transportation & Parking: Off-street parking provided via Hawthorn Street.

Public Safety: Designed to meet Fire and Building Code standards.

Environmental Considerations

Stormwater management will comply with regulations to protect Monroe Bay. Energy-efficient construction reduces long-term resource consumption. Redevelopment of an existing parcel reduces sprawl and conserves open space. Landscaping will soften the building's footprint and enhance streetscape appeal.

Conclusion

The proposed mixed-use development at 110 Washington Avenue and Hawthorn Street represents an appropriate, sustainable, and beneficial use of the property. Its integration of commercial and residential uses reflects the Town's Comprehensive Plan, strengthens the downtown economy, enhances housing options, and contributes to a vibrant, walkable community. Impacts to schools, utilities, and public services are minimal, while economic and environmental benefits are significant.

For these reasons, the applicant respectfully requests approval of the Conditional Use Permit.

Vacant Lot - Washington Ave. & Hawthorn St. Intersection



JACKIE STEWARD

GRAPHIC DESIGN | INTERIOR DESIGN | ARCHITECTURAL DRAWINGS | HISTORIC PRESERVATION

202.997.9235 | GRAPHICINTERIORS1@MAC.COM



Downtown Colonial Beach | Design & Marketing Project

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Narrative in Support of Conditional Use Permit

Applicant: Executive Properties, LLC Project Location: 110 Washington Avenue, Colonial Beach, VA (Corner of Washington Avenue & Hawthorn Street)
Legal Description: PT of Lots 8 & 9 BK 79 DB 978 PG 1799

Project Description

The applicant seeks approval of a Conditional Use Permit (CUP) to construct a two-story mixed-use development on the property located at the corner of Washington Avenue and Hawthorn Street. The proposed building includes:

- Two ground-floor commercial lease spaces (110A and 110B), designed to support retail, office, or service-based businesses that will enhance the commercial vitality of downtown Colonial Beach.
- Four residential units on the second floor, providing high-quality housing amenities.

This investment reflects the Town's goals of encouraging sustainable growth, enhancing its economical base, and providing a vibrant and walkable community.

Compatibility with Comprehensive Plan & Zoning Intent

The Colonial Beach Comprehensive Plan envisions downtown as a mixed-use hub, integrating residential, commercial, and cultural activity. This project is directly aligned with that vision by:

- Strengthening the Washington Avenue corridor as a destination for commerce and tourism.
- Providing housing opportunities in close proximity to retail and recreational amenities, reducing reliance on automobiles.
- Supporting infill development on a key corner lot, rather than promoting sprawl into undeveloped areas.

The scale, design, and function of the building are appropriate for the site's location and surrounding uses, which already exhibit a mix of commercial and residential activity.

Architectural Design and Neighborhood Character

Architectural drawings prepared by *Jackie Steward Graphic Design* and *The Benchmark Group* demonstrate a structure designed to enhance the visual character of Washington Avenue. Features include:

- Street-facing storefronts with optional retractable windows, promoting pedestrian activity and outdoor engagement.
 - Separated residential and commercial entrances, ensuring both convenience and privacy.
 - Balconies and privacy panels for upper-level residents, balancing livability with neighborhood respect.
 - Screened service areas and dumpsters, maintaining a clean and orderly appearance.
 - ADA-compliant access to ensure inclusivity and long-term functionality.
-

Community and Economic Benefits

Approval of this CUP will provide significant benefits to Colonial Beach, including:

- Broadening of Town's Tax base
- Enhance Economic Vitality of Downtown area
- Promotes entrepreneurial growth in Colonial Beach
- Provides affordable housing options in Downtown area
- Enhances retail options for tourism and economic growth

Economic Development: By creating leasable retail/office space, the project will attract Housing Supply: The addition of four residential units enhances local housing availability, especially in walkable, downtown settings where demand is strong.

Smart Growth: The project reduces pressure on undeveloped land by utilizing infill, aligning with principles of sustainable land use.

Vibrancy: Activation of a prominent corner will increase pedestrian activity and contribute to a lively, attractive downtown environment for residents and visitors alike.

Impacts on Public Services and Infrastructure

School System:

The project proposes only four residential units (eight total bedrooms,) resulting in a minimal impact on the Colonial Beach school system. Based on regional housing-to-student ratios, the anticipated increase in student enrollment is negligible, and well within the capacity of existing facilities.

Public Utilities:

The project will be fully connected to Town water and sewer systems. Given the modest scale of four residential units and two small commercial spaces, the additional demand is minor relative to system capacity. Coordination with the Department of Public Works will ensure compliance with all utility connection standards.

Transportation and Parking:

Access to residential parking is provided via Hawthorn Street, reducing congestion on Washington Avenue. The site plan provides adequate off-street parking for both commercial tenants and residents, supplemented by the walkability of downtown Colonial Beach. Ample residential parking will

Public Safety:

Ingress/egress points are designed to meet Fire and Building Code requirements. Adequate street access is available for fire and rescue services. The modest scale of the project ensures no undue burden on police, fire, or EMS.

Environmental Considerations

The proposed development has been designed with sensitivity to environmental concerns:

Stormwater Management: The project will comply with all stormwater regulations, utilizing best management practices (BMPs) to control runoff and protect water quality in Monroe Bay.

Energy Efficiency: The building will be constructed to modern energy code standards, reducing long-term resource consumption compared to older structures.

Sustainable Land Use: By redeveloping an existing parcel within town limits, the project reduces sprawl, conserves open space, and directs growth where infrastructure already exists.

Landscaping:

Proposed landscaping and fencing will soften the building's footprint and contribute to shade and stormwater absorption, and improve the streetscape of both Washington Avenue and Hawthorn Streets.

Conclusion

The proposed mixed-use development at 100 Washington Avenue and Hawthorn Street represents an appropriate, sustainable, and beneficial use of the property. Its integration of downtown economy, enhances housing options, and contributes to a vibrant, walkable community. Impacts to schools, utilities, and public services are minimal, while economic and environmental benefits are significant. The project demonstrates thoughtful design, compatibility with surrounding uses, and a long-term investment in the quality of life in Colonial Beach.

For these reasons, the applicant respectfully requests approval of the Conditional Use Permit.

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