



**2022**

# **Town of Berryville**

**Subdivision Ordinance**



**TOWN OF  
BERRYVILLE**  
**VIRGINIA**

**2022 TOWN OF BERRYVILLE SUBDIVISION ORDINANCE**

TABLE OF CONTENTS

**ARTICLE I CONSTITUTION AND PURPOSE**

A.	Title and Application .....	1
B.	Purpose and Intent .....	1
C.	Authority for Ordinance.....	1
D.	Severability and Validity .....	1
E.	Conflicting Ordinance .....	2
F.	Minimum Requirements.....	2
G.	Effective Date.....	2

**ARTICLE II GENERAL REGULATIONS**

A.	General Effect .....	3
B.	Prior Approvals.....	3
C.	Administration and Enforcement .....	3
D.	Application and Compliance .....	4
E.	Waiver of Ordinance Requirements .....	4
F.	Cluster Subdivisions .....	5
G.	Condominiums.....	6
H.	Erosion and Sedimentation Control Regulations.....	6
I.	Parks, Schools, Open Space and Public Land.....	6
J.	Dedication for Public Use.....	6
K.	Phasing.....	7
L.	Boundary Line Adjustments.....	7

**ARTICLE III SUBDIVISION IMPROVEMENTS REQUIRED**

A.	General.....	8
B.	Transportation Improvements.....	9
C.	Construction of Sidewalks and Trails .....	10
D.	Utilities .....	10
E.	Stormwater Management Facilities .....	10
F.	Water and Sewerage Facilities.....	11
G.	Miscellaneous Improvements.....	13

**ARTICLE IV SUBDIVISION DESIGN STANDARDS**

A. General..... 17  
B. Streets..... 18  
C. Blocks ..... 21  
D. Lots..... 21  
E. Monuments and Corners ..... 22  
F. Easement Widths..... 22  
G. Storm Drainage Systems..... 23  
H. Water Supply..... 25  
I. Sewerage Facilities..... 26  
J. Fire Protection ..... 27  
K. Floodplains..... 27  
L. Sinkholes and Karst Features..... 28

**ARTICLE V PRELIMINARY AND FINAL PLATS**

A. Sketch Plan Conference ..... 32  
B. Application Procedures for Preliminary and Final Plats ..... 32  
C. Public Notice and Hearing Requirements for Preliminary  
and Final Subdivision Plats..... 33  
D. Agency Review Procedures for Preliminary and Final Plats ..... 34  
E. Preliminary Plat Approval Procedures..... 35  
F. Final Plat Approval and Recordation Procedures ..... 35  
G. Appeal Procedures..... 36  
H. Preliminary Plat Procedures ..... 36  
I. Final Plat and Plan Information Requirements..... 39

**ARTICLE VI SUBDIVISION LOT GRADING REQUIREMENTS AND PLANS**

A. Introduction ..... 45  
B. Lot Grading Requirements..... 45  
C. Lot Grading Plans ..... 46

**ARTICLE VII PERFORMANCE SURETY**

A. General..... 48  
B. Construction and Bonding Agreement ..... 48  
C. Maintenance Bond..... 48

**ARTICLE VIII VIOLATIONS, PENALTIES AND LEGAL REMEDIES**

A. Transfer of Land Before Final Plat Approval..... 49  
B. Violations, Cumulative Fines..... 49  
C. Unlawful Acts ..... 49  
D. Injunctions, Notice of Violation ..... 49  
E. Remedies Are Cumulative..... 49

**ARTICLE IX DEFINITIONS**

Definitions..... 50

**ARTICLE X Fees**

A. Payment of a Fee Required..... 55  
B. Fee Schedule ..... 55  
C. Deposit for Consulting Services ..... 55

ARTICLE I. CONSTITUTION AND PURPOSE

A. TITLE AND APPLICATION

The regulations embraced in this Article shall be known, cited, and referred to as the “Subdivision Ordinance of the Berryville Area, Virginia.” The provisions of this subdivision ordinance shall apply to all land which is under the incorporated jurisdiction of the Town of Berryville and to that land identified as “Area B” in the Clarke County/Town of Berryville Annexation Agreement.

B. PURPOSE AND INTENT

The Subdivision Ordinance of the Berryville Area, Virginia (hereinafter “Ordinance”) is intended to guide and facilitate the orderly and beneficial growth of the community, to assure the orderly subdivision of land and its development and for the general purpose of promoting the health, safety, and general welfare of the public and of further accomplishing the objectives of Section 15.1-465 of the Code of Virginia, as amended.

It is hereby declared to be the policy of the Town of Berryville to consider the subdivision of land as subject to the power of the Town to implement the Berryville Area Plan and the Town Comprehensive Plan. This Ordinance is adopted for the following purposes:

1. To ensure the growth of the community is consonant with the efficient and economical use of public funds;
2. To ensure that residential areas are provided healthful surroundings for family life;
3. To improve the public health, safety, convenience, and welfare of the citizens of the County and Town;
4. To clearly establish the procedures which must be followed in order to subdivide land in the County and Town, subject to this Ordinance; and
5. To ensure that this process includes appropriate and applicable reviews.

C. AUTHORITY FOR ORDINANCE

The Berryville Town Council, pursuant to recommendation of the Berryville Planning Commission and public hearings held in accordance with Section 15.1-431 of the Code of Virginia, does, by the adoption of this Ordinance, hereby exercise the police power conferred by Sections 15.1-465 through 15.1-485 of the Code of Virginia to assure the orderly subdivision of land, and the police power conferred by Section 15.1-447 of the Code of Virginia to implement the comprehensive plans of the County and Town, and the general police power as conferred by Section 15.1-510 of the Code of Virginia.

D. SEVERABILITY AND VALIDITY

Should any article, section, or part of this Ordinance be decided by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held unconstitutional or invalid.

E. CONFLICTING ORDINANCES

All other County/Town ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed. If another state or federal statute or Town/County ordinance or regulation contains conflicting provisions with this Ordinance, the more restrictive of the provisions, ordinances, or regulations shall govern.

F. MINIMUM REQUIREMENTS

In interpreting and applying this Ordinance, the provisions herein shall be considered as the minimum requirements for the promotion of the public safety, health, or general welfare. It is not the purpose of this Ordinance to interfere with, abrogate, or annul any subdivisions, recorded lots, easements, covenants, or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the subdivision and use of land, buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

G. EFFECTIVE DATE

This Ordinance was adopted on March 27, 1990 by the Town Council of Berryville, Virginia, and became effective at 12:00 a.m. on March 28, 1990, at which time all previous subdivision provisions and ordinances applicable to the Town of Berryville and Area B were repealed. A certified copy of the Ordinance, as may be amended from time to time, shall be filed in the Office of the Town Manager and in the Office of the Clarke County Director of Planning.

## ARTICLE II. GENERAL REGULATIONS

### A. GENERAL EFFECT

The effects of this Ordinance shall be consonant with the objectives of the Town to assure the orderly subdivision of land and its development, to coordinate the development of streets within and contiguous to any subdivision, to establish adequate provisions for drainage, flood control and other public purposes, to ensure acceptable physical standards and criteria for subdivision improvements, to provide for the dedication of public rights-of-way, and to serve in implementing the Berryville Comprehensive Plan and Berryville Area Plan, as adopted.

### B. PRIOR APPROVALS

Nothing in this Ordinance shall be deemed to require any change in or invalidation of plats previously approved and of record prior to the effective date of this Ordinance.

### C. ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this Ordinance shall be vested in the Berryville Town Council.

#### 1. The Administrative Body

The Berryville Area Development Authority is hereby designated as the Administrative Body of the Town Council for the subdivision of land in that area known as Area B which is the subject of the subdivision application and for which no final certificates of occupancy have been granted. The Berryville Planning Commission is hereby designated as the Administrative Body of the Town Council for the subdivision of all other land subject to this Ordinance. In so doing, the Berryville Area Development Authority and the Berryville Planning Commission (hereinafter collectively referred to as the "Administrative Body") are hereby delegated the power to administer this Ordinance in their respective areas as indicated above. The Administrative Body shall review and act to approve or disapprove preliminary and final plats and plans within its jurisdiction as noted above. In the performance of its duties, the Administrative Body shall request and consider the review and comments of the Town, selected County staff, and applicable public agencies in making recommendations on all subdivision plats and plans. The Administrative Body may employ or engage additional assistance required for the technical review of subdivision plats and plans.

#### 2. The Administrative Body's Agent

The Administrative Body may act through the Town's Subdivision Administrator (hereinafter referred to as the "Agent") and/or planning staff duly appointed as provided in Section 15.1-442 of the Code of Virginia, to the extent that the Administrative Body finds appropriate for the administration of this Ordinance; provided, however, that no person may act for the Administrative Body in approving, conditionally approving, or disapproving any preliminary plan, final plan, preliminary plat or final plat.

D. APPLICATION AND COMPLIANCE

1. Subdivision conformance with this Ordinance

No person shall divide or subdivide, or cause a subdivision to be made, by deed or plat, of any tract of land located within the Berryville Area (Town of Berryville or Area B), except in conformity with the provisions of this Ordinance. No land shall be subdivided for any use if the Administrative Body, in consideration of applicable criteria, deems such land unsuitable for such purposes.

2. Administrative Body approval required

Whenever the owner of any tract of land located within the Berryville Area desires to subdivide the same, the owner shall submit a plat of the proposed subdivision with reference to known or permanent monuments to the Administrative Body or its Agent in accordance with the requirements of this Ordinance. No owner shall subdivide land without making and recording a plat of such subdivision in the Office of the Clerk of the Circuit Court of Clarke County, and no such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the Administrative Body, in accordance with the regulations set forth in this Ordinance.

3. Subdivision approval required before sale of lots

No person shall sell or transfer any land of a subdivision before a plat of such subdivision has been duly approved and recorded as provided herein.

4. Ordinance relationship with private agreements

This Ordinance bears no relation to any private easement, covenant, agreement, or restriction. The responsibility of enforcing such private easement, covenant, agreement, or restriction is not implied to any public official.

E. WAIVER OF ORDINANCE REQUIREMENTS

1. Division of single lot or parcel of land

Where a single lot or parcel of land is proposed to be divided into not more than two (2) parcels, any one or more of the requirements of this Ordinance may be waived by the Administrative Body, and be subject to staff approval, provided that such subdivision:

- a. conforms in area and street frontage to the regulations and requirements of the zoning district regulations of the governmental entity wherein the land lies;
- b. does not involve any new public street, road or easement of access;
- c. does not, in the opinion of the County, Town or state, obstruct any natural drainage or planned transportation facility;
- d. does not adversely affect any part of any adopted Comprehensive Plan and/or the Berryville Area Plan, as adopted; and



- e. does not in any way violate the intent of this Ordinance, the Zoning Ordinance of the County/Town, the Berryville Erosion and Sediment Control Handbook, or the Berryville Area Stormwater Management Facilities Plan.
2. Unusual situations

The Administrative Body may permit variations in or exceptions to the general regulations of this Ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship, provided, however, that no such variations or exceptions shall be permitted by the Administrative Body unless it finds:

  - a. that the strict application of this Ordinance would produce undue hardship;
  - b. that the hardship is not shared generally by other properties in the same vicinity;
  - c. that the authorization of such variation or exception will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variation or exception; and
  - d. that the condition or situation of the property covered is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

F. **CLUSTER SUBDIVISIONS**

The purpose of the cluster method of subdivision is to permit an alternative to standard subdivision design which will promote flexibility of layout and variety of type in residential dwellings, without sacrificing existing per-acre dwelling densities or changing the character of the neighborhood, and at the same time, preserve scenic and useful open space for common enjoyment. Procedures for plat filing and review shall be the same as for standard subdivisions.

1. However, the application of the cluster method of subdivision shall be subject to the requirements of the applicable Town/County Zoning Ordinance pertaining to:
  - a. cluster development in the respective zoning classifications and
  - b. site plan regulations.
2. A detailed proposal setting forth the post-development utilization of open space areas must be submitted and approved before final plat approval. The detailed proposal shall include covenants, agreements, or other specific documents, showing the ownership of and maintenance and utilization of those areas within the subdivision which are declared to be open spaces for common use. The proposed method of ownership and maintenance in perpetuity of all common spaces must be acceptable to and approved by the Town, and must be set forth in the deed of dedication which shall be recorded with the final plat.

G. CONDOMINIUMS

Insofar as the relationship of condominium development to the provisions of this Ordinance is concerned, condominium development under the Condominium Laws of Virginia shall be subject to the following:

1. Minimum lot size and yard requirements of the district shall be met as if lot lines existed.
2. A Master Development Plan shall be required and subject to review and approval by the Administrative Body and shall govern the location of all site structures and improvements on final plats and plans.
3. Setback, density, and other zoning district provisions shall be met.

H. EROSION AND SEDIMENTATION CONTROL REGULATIONS

1. For the purpose of alleviating the adverse effects of on- and off-site erosion, siltation and sedimentation before, during, and after development, adequate controls, both temporary and permanent, shall be subject to final subdivision plat and plan approval and shall comply with the Virginia Erosion and Sediment Control Handbook and the guidelines set forth by the applicable Town or County Erosion and Sediment control Ordinance.
2. No site improvements may be initiated prior to (a) posting of a performance bond, and (b) approval of the construction and maintenance methods for all vegetative and structural erosion and sediment control measures, which shall be in accordance with the minimum standards and specifications of the Virginia Erosion and Sediment Control Handbook, the Virginia Department of Transportation, and the standards set forth by the applicable Town or County Erosion and Sediment Control Ordinance.

I. PARKS, SCHOOLS, OPEN SPACE, AND PUBLIC LAND

In the subdividing of land, consideration should be given to suitable sites for parks, schools, and other areas of public use as described in the Berryville Area Plan. Such areas should be located and indicated on the preliminary master plan, preliminary plat, and final plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquired by the Town/County for that use. This provision shall not be construed to preclude the dedication of property for public use not included in the Berryville Area Plan, provided such property is acceptable to the Town/County for such dedication and maintenance.

J. DEDICATION FOR PUBLIC USE

No plat of a subdivision showing any public lands, easements, or rights-of-way shall be recorded, nor shall any such lands, easements, or rights-of-way otherwise be accepted for dedication to public use until such dedication shall first be approved and accepted by the Town Council/Board of Supervisors and evidence of such approval shown on the instrument to be recorded. Such approval shall not be given by the Town Council/Board of Supervisors until any such easement or right-of-way complies with all requirements as the Town Council/Board of Supervisors may impose.

K. PHASING

1. Once the design and development plans of a proposed subdivision project have been approved by the Town, the developer may construct the project in phases. The developer shall provide a construction bond for each phase of construction.
2. The developer must provide a schedule of work. If not completed on schedule, the bond for that phase shall be called.
3. After five years, any further work and/or improvements installed shall be subject to review by the Town and may be placed under updated requirements, specifications, and standards.

L. BOUNDARY LINE ADJUSTMENTS

1. The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or re-subdivision and executed by the owner or owners of such land as provided in Section 15.1-477 of the Code of Virginia (1950, as amended), provided:
  - a. that such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas;
  - b. that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein;
  - c. that such action does not create a nonconforming situation according to the Town Zoning Ordinance;
  - d. that such action does not alter a boundary line that is coincident with a zoning district boundary; and
  - e. that such action does not create additional lots beyond those already approved.
2. Boundary line adjustments involving plats approved under the Town Subdivision Ordinance must be approved by the Administrative Body.

## ARTICLE III. SUBDIVISION IMPROVEMENTS REQUIRED

### A. GENERAL

1. Design and specification approval
  - a. No subdivider shall begin the clearing of land, including tree removal, or the construction of any improvements without first submitting plans and specifications to the Town. Such improvements may require the written approval of the Virginia Department of Transportation, or other applicable state or local agency.
  - b. Installation and materials shall conform to adopted Town Design and Construction Standards in effect at the time of construction.
2. Installation of improvements

The Administrative Body shall require that the subdivider show all improvements on the plat as specified herein for final plat approval. Said improvements shall be installed in compliance with the requirements of any or all plans and plats approved by the Administrative Body, Virginia Department of Transportation, or any other applicable state or local agency.
3. Cost of improvements

All required on-site public improvements shall be installed at the expense of the subdivider, unless County/Town cost-sharing or other means of County/Town participation are indicated by the Director of Planning and Town Manager. Such agreements shall be formally entered into prior to final plat approval.
4. Requirements for easements

Easements and lines for water and sewer services shall be subject to approval by the Town Council or its Agent. In cases where specifications have been established, either by the Virginia Department of Transportation for streets, etc., or by this Ordinance, such specifications shall be followed. Drainage easements shall be subject to Town approval and acceptance.
5. Penalties

Any subdivider initiating any construction in violation of this Section shall be guilty of a misdemeanor, and punishable by a fine of not more than that which is allowed by State statute. Any person who should knowingly continue construction after the issuance of a STOP WORK Order by the Zoning Administrator, Building Inspector, or other authorized representative of the Town shall be subject to a penalty of five hundred dollars (\$500) for each day of said construction which should continue after issuance of the STOP WORK Order. The Town Council may require that any construction done after a STOP WORK Order be removed and the area restored to its original condition
6. Bond release

Any required subdivision bond shall not be released until all required construction has been satisfactorily completed and approved by the Town Council, wherein discharge and release of the subdivision bond shall be executed.

## Required Improvements

7. Clearing for surveying  
Limited clearing for the purpose of surveying may be done before preliminary plat application, if the Town is given prior notification in writing and approves such clearing.
8. Public Improvements  
All public improvements shall be completed within one year of recordation of the final plat unless otherwise specified by the Town Council.

### B. TRANSPORTATION IMPROVEMENTS

No final plat or plan shall be approved until the Administrative Body is assured that the following will have been provided:

1. Construction of, and right-of-way dedication for, required vehicular travel lanes, service drives, driveway entrances, or other access connections, which will permit vehicular travel within the subdivision, and to and from adjacent properties.
2. Construction of, or fee dedication for, widening of existing roads, existing roads on new alignments and proposed roads, all as indicated on the adopted Berryville Area Plan and where the need for such roads are substantially generated by the proposed subdivision.
3. Subdividers shall be required to reserve right-of-way for major highways and interstate highways where applicable. Dedication of rights-of-way for any major public transportation improvements shall be as indicated on the transportation element of the adopted Berryville Area Plan.
4. Subdividers shall be required to dedicate and construct off-site streets, or to improve existing streets if, in the opinion of the Town, the subdivision does not have adequate ingress or egress.
5. Where the adopted Berryville Area Plan indicates a right-of-way greater than that existing along a border of a subdivision or lot, such additional right-of-way shall be shown on the plat as dedicated to public use. Where a subdivision has occurred on public streets with less than fifty feet right-of-way width, additional right-of-way shall be dedicated in order that the total public right-of-way shall equal fifty feet in width.
6. Curb and gutter (CG-6, or approved equivalent) shall be required on all new public streets. The Administrative Body may require curb and gutter on private streets and/or private parking areas where traffic conditions warrant and on recommendation from staff. Construction of curb and gutter may be required around all medians that separate travel lanes and service drives from existing streets and that separate off-street parking areas from streets, service drives, and travel lanes. However, the Administrative Body may waive, upon recommendation from staff, the construction of curb and gutter on a travel lane where it would be in keeping with the existing/proposed design of the travel lane or parking aisle on adjacent properties so that adequate and safe traffic circulation between sites can be obtained without curb and gutter.

7. At its discretion, the Administrative Body may waive curb and gutter in any residential subdivision where average lot size exceeds 15,000 square feet and the average lot frontage exceeds 100 feet.

C. CONSTRUCTION OF SIDEWALKS AND TRAILS

1. Sidewalks shall be constructed, at no cost to the Town, as required by Article III, Section 319 of the Berryville Zoning Ordinance. All sidewalks shall be constructed in accordance with Virginia Department of Transportation standards. **(09/05)**
2. The subdivider shall provide all improvements necessary to sidewalks in the subdivision in conformity with Section 15.2-381 of the Code of Virginia, as amended, requiring curb ramps for the handicapped.
3. The subdivider shall construct trails or walkways in accordance with the general location shown on the adopted Berryville Area Plan, together with such other connecting trails or walkways within the limits of the subdivision plan.

D. UTILITIES

All necessary utilities shall be provided and constructed by the subdivider or utility company to serve the proposed subdivision and shall be installed underground in accordance with adopted County/Town standards, and standards and regulations issued by the appropriate regulatory agency; provided, however that

1. Equipment such as the electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed above-ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution.
2. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed.
3. Temporary facilities required for construction purposes may be permitted. The removal of such facilities shall be subject to a schedule approved by the Town of Berryville.
4. Easements and/or rights-of-way shall be dedicated for all utilities and other facilities within subdivisions that are intended to be publicly maintained. Such easements or rights-of-way shall be clearly defined on the plat or plan for the purposes intended.

E. STORMWATER MANAGEMENT FACILITIES

The Town may develop a Comprehensive Stormwater Management Facilities Plan to be applied in conjunction with the Berryville Area Stormwater Management Facilities Plan which addresses development and compliance within the Berryville Area. The plan will assist in determining the necessary structures, easements and costs to provide ultimate drainage facilities to serve County and Town drainage sheds at full development of those sheds. Such facilities plans shall be designed in accordance with the adopted Berryville Area Plan.

## Required Improvements

1. The facilities cost shall be updated annually by applying the Engineering News-Record cost index factor. The facilities plan shall be adopted by the Town Council.
2. Subject to the adoption of a Comprehensive Stormwater Management Facilities Plan, a subdivider or developer of land shall be required to pay a prorata share of the cost of providing reasonable and necessary drainage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of Section 15.1-466(j) of the Code of Virginia and the adopted Comprehensive Plan, the adopted Berryville Area Plan, the Comprehensive Stormwater Management Facilities Plan, as adopted, and this Ordinance.
3. The policy and criteria for determination of a prorata share of total cost, financial, and implementation procedures and other related matters shall be the responsibility of the Director of Planning and Town Manager and adopted by the Town Council as part of the Comprehensive Stormwater Management Facilities Plan, as adopted.
4. The installation of an adequate drainage system for the disposition of storm runoff shall be in accordance with adopted Town Design and Construction Standards and compatible with the adopted Berryville Area Comprehensive Stormwater Management Facilities Plan, for the watershed as defined in the Berryville Area Comprehensive Stormwater Management Facilities Plan, or other state and federal agencies, if applicable.
5. The developer shall install adequate temporary and/or permanent erosion and sedimentation control measures meeting local, state and federal requirements

### F. WATER AND SEWERAGE FACILITIES

All subdivisions of land in the Berryville Area (Town of Berryville and Area B) under the terms of this Ordinance, shall be approved for connection to the Town's water and sewer systems prior to final subdivision approval. No waiver shall be granted where there exists an adopted comprehensive facilities plan to provide future water and sewer service to the area in which the subdivision is located. All easements required by the Town shall be provided for by the subdivider.

1. Extension of service  
Generally, where public water or sewer service is reasonably accessible, such service shall be extended by the developer to all lots within a subdivision, and specifications, easements, and dedications shall be in conformity with requirements of the Town.
2. Facilities plans  
Water and sewerage facilities shall be designed in accordance with facilities plans adopted by the Town of Berryville.
  - a. The Town may develop a Capital Facilities Plan in conjunction with the Berryville Area Plan: Water and Sewerage Program, as adopted, to determine the projected sewage flow, collection mains and

## Required Improvements

- facilities, easements, and costs to provide ultimate sewerage service to the Berryville Area drainage sheds at full development of those sheds within the Town of Berryville and Area B.
- b. The Town may develop a Capital Facilities Plan in conjunction with the Berryville Area Plan: Water and Sewerage Program, as adopted, to determine the projected water requirements, mains and facilities, easements, and costs to provide ultimate water service to the Berryville Area sub-areas, at full development of those sub-areas, within the Town of Berryville and Area B.
3. Cost sharing policies
- a. Subject to the adoption of comprehensive water and sewerage facilities plans, a subdivider or developer of land shall be required to pay the full cost under a reimbursement policy, or a prorata share of, the cost of providing reasonable and necessary water and sewerage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land. Such reimbursement policies shall be adopted by the Town of Berryville.
  - b. The policy and criteria for determination of a prorata share of total costs, financial and implementation procedures, and other related matters shall be the responsibility of the Town.
  - c. The cost of such facilities shall be updated annually by applying the Engineering News-Record cost index factor.
4. Private septic systems
- a. No subdivision shall be approved in the Berryville Area where individual private septic tank systems are to be used.
  - b. Such subdivisions recognizing the utilization of septic systems are not conforming to the provisions of this Ordinance.
  - c. Where, for the convenience of the Town of Berryville, a public sewer line has not been located within 500 feet of a building requiring sewage disposal, or where it is unreasonable or financially impractical to the Town to extend such public sewer lines, said building may be exempted from the requirements of this section. Such exemption may be granted only if it can be shown that the property can be properly served by an on-site septic system. Such exemption shall be authorized by the Town Council.
5. Private water systems
- No subdivision shall be approved in the Berryville Area where individual private water systems are to be used.



G. MISCELLANEOUS IMPROVEMENTS

1. Street lights

Street lights shall be installed to light streets and other public ways.

Street lights shall be completed in accordance with plans prepared for the subdivider or developer and approved by the Town as meeting the required specifications for street lighting.

2. Other improvements (09/05)

Subdivision plat approval may be subject to the installation of other improvements as specified in this Ordinance or the Zoning Ordinance to include, where applicable, but not to be limited to, off-street parking and loading facilities, driveways, private streets, fences, walls, screening, and landscaping.

a. In the unlikely situation where the Administrative Body has determined that residential lots with reverse frontages are warranted on roadways, or where stormwater management facilities have been planned adjacent to roadways, a landscaped buffer area shall provide for plant material screening between adjacent land uses and along public rights-of-way. The buffer areas are required to run the length of adjacent property boundaries and public rights-of-way. Buffer areas shall not be used for buildings, the storage of materials, or vehicular parking. Except for mulched areas adjacent to plant material, buffer areas shall have a living ground cover.

i. buffer area widths for reverse frontage lots shall consist of the following:

- (a) 15 foot buffer area adjacent to streets with rights-of-way less than fifty (50) feet.
- (b) 25 foot buffer area adjacent to streets with rights-of-way between fifty (50) and sixty (60) feet.
- (c) 30 foot buffer area adjacent to streets with rights-of-way greater than sixty (60) feet, and any streets classified as State Primary Roads.

ii. Quantity

(a) Plant material is required per square foot of buffer area as listed below:

- 1. 15-foot buffer areas
  - A. Large canopy tree 1/500 square feet and
  - B. Medium canopy tree none required and
  - C. Small canopy tree 1/1000 square feet and
  - D. Shrub 1/50 square feet.
- 2. 25 foot buffer areas
  - A. Large canopy tree 1/1500 square feet and
  - B. Medium canopy tree 1/1500 square feet and
  - C. Small canopy tree 1/1500 square feet and
  - D. Shrub 1/50 square feet.
- 3. 30 foot buffer areas
  - A. Large canopy tree 1000 square feet and

## Required Improvements

- B. Medium canopy tree 1000 square feet and
  - C. Small canopy tree 1000 square feet and
  - D. Shrub 1/50 square feet.
  - 4. Buffer area trees in 15-, 25-, 30-foot buffers shall be at least fifty percent (50%) evergreens.
- iii. Utility Lines
- Small canopy trees shall be substituted for large canopy trees where buffer areas are under and parallel to overhead utility lines. In other buffer areas, small canopy trees should be used whenever trees are placed under overhead utility lines.
- iv. Plant Material Type and Location Specifications
- (a) Schedule: All plans shall contain a schedule of plants proposed, indicating the number proposed, caliper or gallon size, and both common and botanical names.
  - (b) Condition: All plant material shall comply with the American Standard for Nursery Stock (ANSI Z60.1-1996). All plants shall be well formed, vigorous, healthy and free of disease, sunscald, windburn and insects or their eggs.
  - (c) Diversity: No single species of tree or shrub shall comprise more than 1/3 of the total number of trees or shrubs to be planted.
  - (d) Sight Distance: No tree, shrub, hedge or existing vegetation shall be planted or maintained in a way that interferes with prescribed sight distances.
  - (e) Size:  
Minimum Caliper/Size
    - 1. Large canopy tree two (2) inch caliper
    - 2. Medium canopy tree two (2) inch caliper
    - 3. Evergreen tree six (6) feet tall
    - 4. Small canopy tree six (6) feet tall
    - 5. All shrubs eighteen (18) inches tall
  - (f) Planting: All plant material shall be installed in accordance with good trade practices. Trees shall be planted at least ten (10) feet apart. The Standardized Landscape Specifications for the Commonwealth of Virginia will serve as the basis for minimum acceptable plant installations (Plates 1 and 2). The Zoning Administrator or designee shall be notified seventy-two (72) hours prior to plant installation. The zoning Administrator will schedule a site visit to inspect

## Required Improvements

all plant material to confirm minimum standards. Upon inspection, the Zoning Administrator may reject any plant material due to non-conformance.

- (g) Selection: Disturbed areas not covered by paving, stone, or other solid materials shall be revegetated with plant species that are compatible with the natural vegetation and tree cover that have low water and nutrient requirements. All trees and shrubs will be based on their listing in the Manual of Woody Landscape Plants (Dirr), latest edition.

1. Large canopy trees shall:

- A) Have a mature height over forty-five (45) feet as described in the Manual of Woody Landscape Plants;
- B) be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;
- C) be typical of, but not limited to, maples or oaks;
- D) not include: Female Ginkgo (*Ginkgo biloba*), Poplar (*Populus* spp.), Silver Maple (*Acer saccharinum*), Tree of Heaven (*Ailanthus altissima*) or Black Locust (*Robinia pseudoacacia*).

2. Medium canopy trees shall:

- A) Have a mature height between thirty (30) and forty-five (45) feet with a spread of thirty feet as described in the Manual of Woody Landscape Plants;
- B) be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;
- C) be typical of, but not limited to, Honeylocusts (*Glaeditis triacanthos*), Blackguns (*Nyssa sylvatica*) or American Hornbeams (*Ostrya virginiana*).

3. Small canopy trees shall:

- A) Have a mature height up to thirty (30) feet with an equal spread as described in the Manual of Woody Landscape Plants;
- B) be native to the region, if possible; non-native species are allowed if they will

## Required Improvements

- grow in this region's environmental conditions and are non-invasive;
- C) be typical of, but not limited to, American Arborvitae (*Thuja occidentalis*), American Holly (*Ilex opaca*), or upright Juniper (*Juniperus sp.*).
- 4. Shrubs shall:
  - A) include evergreen varieties for at least 50% of the shrubs planted;
  - B) have a mature height of at least three feet as described in the Manual of Woody Landscape Plants;
  - C) be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;
  - D) be typical of, but not limited to, Inkberry (*Ilex glabra*), Sweetshrub (*Claycanthis floridus*), *Juniperus sp.*, and Cherrylaural (*Prunus caroliniana*).
- v. Enforcement

The enforcement of this Ordinance shall be the responsibility of the Zoning Administrator or designee. The property owner or their agent on which the buffer is located shall be responsible for the general maintenance of all landscape buffer areas.
- b. Subdivision plat approval may be subject to the installation of other improvements as specified by other Town/County ordinances or as may be required to conform to standards of the Virginia Department of Transportation. If no such standards exist, such improvements shall conform to good standard engineering practice and are subject to approval by the Town.

#### IV. SUBDIVISION DESIGN STANDARDS

##### A. GENERAL

The quality of a community is dependent on the quality of the individual subdivisions that are a part of it. A high-quality community is made possible by a well-designed infrastructure, which requires the cooperation of each subdivider and developer of land. Therefore, the design of each subdivision in the Berryville Area shall be prepared in accordance with the principles and recommendations established by the Berryville Area Plan for land use, traffic circulation, community facilities and public services, and in accordance with the following general principles:

1. Size of lots and blocks

The size of lots and blocks and other areas for residential, commercial, industrial, and public uses shall be designed to provide adequate light, air, open space, landscaping, and off-street parking and loading facilities.

2. Solar access and preservation of natural features

The arrangements of lots and blocks and the street system shall be designed to protect solar access and to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees shall, whenever possible and consistent with the provisions of this Ordinance, be preserved. Any system of sidewalks and roadways and lot layout shall be designed to take advantage of the visual qualities of the area.

3. Materials and construction techniques

a. It is the intent of this Ordinance that all plat work, design, and construction work, normally done by Surveyors, Engineers, and Contractors, be performed in accordance with good standard practices, whether specifically addressed in this Ordinance or not. Such “standard practice” shall refer not only to work performed in the installation of necessary improvements and facilities, but also to the work of restoration of existing features and underground facilities.

b. All construction shall conform to the standards of the Town or, in the event no Town standards exist, to the standards of the Virginia Department of Transportation. Unless otherwise shown, all material and construction technique specifications shall be in accordance with the requirements of the Virginia Department of Transportation in effect at the time of the plan and specification submission.

c. All other design criteria and construction standards shall be in accordance with applicable Town Design and Construction Standards. Where standards and criteria are not provided or are found not applicable, the Director of Public Works and/or Town Manager shall provide the governing standards or shall rule upon those standards proposed by the developer.

In furtherance of the purposes of this Ordinance, the following minimum subdivision design standards, as applicable, shall be required and delineated on final subdivision plats.

B. STREETS

1. Street standards and design

- a. All street and highway construction standards and geometric design standards shall be in accordance with those specified by the Virginia Department of Transportation and applicable Town Design and Construction Standards. In certain cases, the Town may modify street geometric design standards for local, collector, and minor loop streets with the provision that sufficient off-street parking be provided to complement the street system and approval for modification is obtained from the Virginia Department of Transportation where applicable.
- b. Specifications for improvements to proposed and planned streets shall be in accordance with the Virginia Department of Transportation and/or Town design standards and criteria established by the Town.
- c. All subdivisions must have direct access to publicly dedicated and publicly maintained roads, except that private roads may be permitted in accordance with the provisions in this Ordinance.
- d. Subdivisions shall be designed so that lots will not front any arterial road unless the physiography, shape or size of the tract would preclude other methods of providing access.

2. Street classifications

The classification of proposed streets shall be determined by an estimate of the anticipated vehicular traffic volume as currently prescribed, or as revised, by the Virginia Department of Transportation and shall apply to streets proposed by a subdivider and to all streets shown on the transportation element of the Berryville Area Plan.

3. Street layout

Streets in predominantly residential subdivisions shall be designed to discourage through traffic, but offset or jog streets shall be avoided.

4. Street width

- a. The right-of-way width for all public streets shall conform to the widths designated on the transportation element of the Berryville Area Plan.
- b. The right-of-way width for streets shall be not less than 50 feet.

5. Street right-of-way lines

Right-of-way lines shall conform to the property lines of lots and shall be parallel to the street center line.

6. Street grades

- a. The grade of streets shall not exceed 8 percent unless approved by the Town Council, and in no case shall a street grade exceed 10 percent.
- b. A minimum street grade of 0.5 percent shall be required.

7. Street approach angle  
Streets shall intersect at near right angles of not less than 80 degrees, unless otherwise approved by the Town Council or its agent, or upon recommendation from the Virginia Department of Transportation for specific reasons of contour, terrain, or matching of existing patterns.
8. Curb and gutter requirements  
Curb and gutter shall be required as provided in Article III Section 320 of the Berryville Zoning Ordinance. All curb and gutter sections shall be constructed in accordance with Virginia Department of Transportation Standards. **(9/05)**
9. Half-street sections  
Half-street sections (streets of less than the full right-of-way required) along the property line of land proposed for subdivision shall not be permitted, unless approved by the Virginia Department of Transportation. When a new subdivision abuts one side of an existing or platted street, the subdivider shall dedicate at least half of the right-of-way necessary to make such street comply with the minimum width fixed for the same by this section. However, where half-streets exist on adjoining property, the provisions of the section may be satisfied by the dedication of the remaining required right-of-way upon which the subdivision in question abuts. No building shall be permitted without such dedication.
10. Cul-de-sacs  
Cul-de-sacs (minor neighborhood streets designed to have one end permanently closed) shall not be longer than 600 feet. All cul-de-sacs must be terminated by a turnaround having a right-of-way radius of 50 feet and a paved radius (face of curb to face of curb) of 43 feet.
11. Coordination and continuation of streets adjacent to subdivision
  - a. Subdivision street layout shall allow for the planned continuation of existing streets in adjoining areas, and must not be such as to cause unnecessary hardship to owners of adjoining property which may be susceptible to future subdivision planning.
  - b. Subdivision streets shall be provided and designed to give access to adjoining acreage in conformance with the Berryville Area Plan and to the satisfaction of the Town.
  - c. Any proposed street that will extend an existing street shall be improved in like manner as the existing street unless as otherwise directed by the Virginia Department of Transportation (VDOT). The type of improvement and the construction materials shall be in accordance with VDOT and/or applicable Town standards and criteria or as otherwise established by the Town.
  - d. There shall be no buffer or reserve strips (“hate strips” or “spite strips”) limiting access from existing or planned through streets, except under such limitations and conditions as may be in the form of a written approval from the Administrative Body. Such limitations and conditions in effect shall secure removal of the buffer or reserve

- strip whenever it is in the public interest that such be converted into a public street as an access or additional access to adjacent lands.
12. Street signs and names
- a. At each street intersection within or adjacent to the proposed subdivision one street identification sign of a design approved by the Town shall be installed by, and at the expense of, the subdivider/developer.
  - b. The Town shall approve all new subdivision street names.
  - c. Proposed streets that are obviously in alignment with other already existing and named streets shall bear the name of the existing streets. In no case shall the names of proposed streets duplicate existing streets irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court.
13. Subdivision entrances
- a. No subdivision shall be approved unless the principle means of access thereto, and all streets within, shall conform to the standards of the Virginia Department of Transportation.
  - b. Each entrance onto any public road for vehicular traffic to and from such subdivision shall be subject to the approval of the Administrative Body upon the advice of the Virginia Department of Transportation Highway Engineer and shall be constructed in accordance with the applicable design standards of the Town of Berryville and/or the Virginia Department of Transportation.
  - c. Where traffic generated from a subdivision exceeds 2,000 vehicle-trips per day, such subdivision shall provide connectors to any existing public road(s) at two locations. Where only one connection is feasible, the entrance roadway must be a four-lane divided road with a length of not less than 250 feet or as otherwise recommended by the Virginia Department of Transportation. There shall be no curb cuts along this four-lane divided entrance road.
14. Alleys
- a. Dead-end alleys and alleys in residential areas will not be permitted.
  - b. Privately maintained and properly documented alley easements in commercial zones may be permitted at the discretion of the town, provided there is documentation acceptable to the Town ensuring the maintenance and upkeep of the alley easement. No such alley easement shall be less than 24 feet in width.
15. Service drives
- a. Whenever a proposed subdivision contains, or is adjacent to a minor or major arterial, sufficient land shall be reserved so as to provide for subsequent construction of service drives or service streets approximately parallel to such right-of-way; but the Administrative Body may, when consistent with the public convenience and necessity, waive the requirement of such provision.
  - b. Except where impractical by reason of topographic hardship, the area between the drive and the major highway shall be sufficient to



provide for scenic planting and screening. The dimension of the area between the service drive and a major highway and the points of access between the same shall be determined after due consideration of traffic safety requirements.

C. BLOCKS

1. Block length  
The length of a block in a proposed subdivision shall be neither less than 400 feet nor more than 800 feet.
2. Block width  
The width of a proposed subdivision block shall be sufficient to allow two tiers of lots of minimum depth, except where fronting on arterial streets. The Administrative Body, upon recommendation by the Planning Director and/or Town Manager, may approve a single tier of lots of minimum depth wherever physiography or Berryville Area Master Plan matters so dictate.
3. Block orientation  
Where a proposed subdivision adjoins an arterial street or a collector street the Administrative Body may require service streets or driveways parallel to such arterial or collector street, or reverse frontage lots, to facilitate safe ingress or egress to the subdivision.
4. Nonconforming blocks  
Any proposed blocks of irregular shape or not conforming to the dimensions required in this Ordinance may be accepted upon special approval of the Administrative Body.

D. LOTS

1. Relationship to street  
Each lot shall abut on a street dedicated by the subdivision plat or deed of dedication, or on an existing public street.
2. Lot width and area  
The minimum width and area of a proposed subdivision lot shall be as set forth in the adopted Zoning Ordinance.
3. Lot frontage
  - a. Except for lots fronting on a cul-de-sac, frontage shall not be less than that required by the Zoning Ordinance. This regulation may be reduced for frontage on a public street or private road cul-de-sacs, provided that driveway separation shall be in accordance with Virginia Department of Transportation standards.
  - b. In establishing the required cul-de-sac lot frontage configurations, the minimum lot frontage as specified for any given zoning district shall be applied at the front setback line of the cul-de-sac lot.
4. Corner lots
  - a. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets upon which the corner lot abuts.

- b. Corner lots shall conform to required building setback lines and Zoning Ordinance requirements.
  - c. Corner lots at intersections shall be rounded, with a minimum 25-foot radius.
5. Out-parcels  
A subdivision shall be designed to preclude any remnant or out-parcel of land below minimum lot size unless such remnant or out-parcel is intended for a specific accessory use for the subdivision or as otherwise approved by the Administrative Body. Otherwise, out-parcels shall be added to adjacent lots or common open space rather than remain as unbuildable or peculiarly shaped parcels.
6. “Flag” lots  
Flag lots or “pipestem” lots shall not be permitted.
7. Double frontage and reverse frontage lots  
Double frontage or reverse frontage lots shall only be permitted where essential to minimize the frontage of residential lots on arterial streets, to overcome disadvantage of topography, or where exceptional site design permits.

E. MONUMENTS AND CORNERS

1. Monument location and type
- a. Permanent reference monuments shall be placed at all boundary points, points of curvature, points of tangency, points of compound curves, reverse curves, and along tangents at intervals of hundred 660 linear feet per block.
  - b. Permanent reference markers shall be constructed using a minimum No. 4 re-bar not less than 28 inches in length set in 4-inch by 4-inch concrete and shall be placed no less than 4 inches, nor more than 6 inches above finished grade.
2. Corner location and type  
All lot corners other than those with permanent reference monuments shall be marked with solid metal pins (or pins of a material approved by the Town) of not less than 5/8-inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, the solid metal monument shall be set and secured in a hole drilled at least 1/2-inch deep in the rock.
3. Visibility  
Upon completion of streets and other public improvements in the subdivision, all reference monuments and pins required shall be clearly visible for inspection and use prior to release of subdivision land.

F. EASEMENT WIDTHS

Minimum easement width shall be delineated on the plat and the width designated as follows, unless otherwise specified by the Administrative Body. The width of an easement containing a combination of utilities shall be the maximum of the overlay of the combined easements.

1. Sanitary sewer: 20 feet
2. Water mains: 15 feet; 20 feet if lines are in excess of 5 feet in depth.
3. Storm sewer: 20 feet
4. Underground telephone, television cable, gas or electric: 10 feet unless otherwise stipulated by applicable utility agency
5. Alleys: 24 feet
6. Stormwater drainage: 20 feet, except that an easement of sufficient width shall be required for the provision of adequate access for maintenance purposes.

G. **STORM DRAINAGE SYSTEMS**

The Town’s stormwater management goal is to limit the rate of stormwater run-off from a developed area to that which existed before development occurred. The policies for attaining this goal are more specifically addressed in the adopted “Berryville Area Stormwater Management Facilities Plan.” In general, on-site stormwater management structures shall be constructed in conjunction with site development activities. In watersheds where the “Berryville Area Stormwater Management Facilities Plan” has required off-site watershed management measures, a prorata monetary contribution towards such comprehensive drainage improvements shall be substituted for on-site stormwater management. All the provisions of this section shall be enforced unless specifically waived by the Administrative Body.

1. Storm drainage facilities - adequacy, size and capacity

- a. In general, adequate drainage facilities possess the hydraulic characteristics necessary to accommodate the expected flow of stormwater from a given watershed, or portion thereof, for a specified duration and intensity of rainfall.
- b. Adequate drainage should be designed to:
  - i. account for both off-site and on-site stormwater;
  - ii. honor natural drainage divides;
  - iii. convey said stormwater to a stream, water channel, natural drainage way, or existing facility;
  - iv. discharge said stormwater into the natural drainage way by tying into the drainage way at natural elevations or by discharging the stormwater into an existing facility of sufficient capacity to receive the same; and
  - v. not to increase flow which would cause more harm than formerly to subservient (downstream) landowners.
- c. The determination of the size and capacity of an adequate drainage system shall take into account the planned development in the watershed or affected portions thereof. The design should not adversely affect adjacent or neighboring properties.

2. Basic design criteria

The basic design criteria for stormwater management facilities employ the 10-year frequency, 2-hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods. Emergency spillways shall be designed to withstand the 100-year frequency, 2-hour storm. Hydrographs, spillway design, embankment design and flow computations shall be submitted with the site plan. Where existing flooding problems are known to exist, the Town may require the subdivider to design its stormwater detention facilities for the 100-year storm event.
3. General design guidelines

Refer to “The Berryville Area Plan: Stormwater Management.”
4. Drainage construction standards

Drainage structures should be constructed in such a manner that they can be maintained at a reasonable cost. To facilitate design, construction, and maintenance, said drainage structures must meet or conform to Town and Virginia Department of Transportation standards.
5. Drainage easements and fencing

Dedicated easements shall be provided for stormwater management facilities. Fencing of storm facilities that retain or detain runoff may be required upon final determination of the Director of Planning and/or Town Manager.
6. Off-site stormwater management

The most recent state guidelines require that properties and waterways downstream from new development sites be protected from erosion due to increases in the volume, velocity, and peak flow rate of storm runoff. To satisfy these requirements, the following criteria, as a minimum, shall apply:

  - a. Concentrated storm run-off leaving a development site must be discharged directly into a well-defined, natural or man-made, off-site receiving channel or pipe. If there is no well-defined off-site receiving channel or pipe, one must be constructed to convey stormwater to the nearest adequate channel.
  - b. Newly constructed channels shall be adequately designed. An adequate channel shall be defined as a natural or man-made channel or pipe which is capable of conveying the run-off from a 10-year, 2-hour storm, without over-topping its banks or eroding, after development of the site in question. A receiving channel may also be considered adequate at any point where the total contributing drainage area is at least 100 times greater than the drainage area of the development site in question or if it can be shown that the peak rate of run-off from the site generated by storms to the 10-year, 2-hour storm will not be increased after development.
  - c. Run-off rate and channel adequacy must be verified with engineering calculations on standard design forms suitable to the Planning Director and/or Town Manager.

- d. If an existing off-site receiving channel is not an adequate channel, the applicant must choose one of the following options:
  - i. Obtain permission from downstream property owners to improve the receiving channel to an adequate condition. Such drainage improvements shall extend downstream until an adequate channel section is reached. (See chapter 5 of the 1980 Virginia Erosion and Sediment Control Handbook.)
  - ii. Develop a site design that will not cause the predevelopment peak run-off rate from storms up to the 10-year, 2-hour storm to increase. Such a design may be accomplished by enhancing the infiltration capability of the site or by providing on-site stormwater detention measures. The estimation of pre-development and post-development peak run-off rates must be verified by engineering calculations.
  - iii. Provide a combination of channel improvement, stormwater detention, or other measures that are satisfactory to the Town to prevent downstream channel erosion.
  - iv. All channel improvements or modifications must comply with all applicable laws and regulations. Modifications to flowing streams should be done in accordance with “Best Management Practices for Hydrologic Modifications,” Virginia SWCB Planning Bulletin 319, 1979.
  - v. Increased volumes of unconcentrated sheet flows that will cause erosion or sedimentation of adjacent property must be diverted to a stable outlet or detention facility.

#### H. WATER SUPPLY

As per Town Code, the Town Council shall have authority over water connections beyond the corporate limits (Annexation Area “B”).

1. General requirements

Standards for water system design, construction and materials for the Town and the Berryville Area, as approved by the Berryville Town Council, shall be followed for all water systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this section shall refer to the latest revision or revised edition of the referenced material.
2. General design guidelines for the water supply

Design guidelines for the water system shall meet, as a minimum, the standards set forth in the “Berryville Area Plan: Water and Sewerage Program.” The authority for discretionary provisions for water system designs shall rest with the Director of Public Works of the Town of Berryville.
3. Materials and construction

All materials and construction shall meet those requirements as specified in the Town of Berryville’s “Construction Specifications and Standard Details.”

- a. In cases where there are no Town specifications covering proposed materials to be used by the developer, all such materials shall conform to the latest edition of AWWA specifications or their approved equivalent.
  - b. All construction shall conform to standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the AWWA specifications or other standard test procedures.
4. Minimum test pressure  
Minimum test pressure for all water lines and appurtenances shall be a minimum of 1.5x working pressure or 150 psi, whichever is greater.

I. SEWERAGE FACILITIES

As per Town Code, the Town Council shall have authority over sewer connections beyond the corporate limits (Annexation Area “B”).

1. General requirements  
Standards for sewer system design, construction, and materials for the Town and the Berryville Area, as approved by the Berryville Town Council, shall be followed for all sewer systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this section shall refer to the latest revision or revised edition of the referenced material.
2. General design guidelines  
For information concerning contributing population, design quantities, hydraulic design criteria, and the location of sewers and appurtenances refer to the “Berryville Area Plan: Water and Sewerage Program.”
3. Materials and construction  
All materials and construction shall meet those requirements as specified in the Town of Berryville’s “Construction Specifications and Standard Details.” The authority for discretionary provisions for sewer system materials and construction shall rest with the Director of Public Works of the Town of Berryville.
  - a. In cases where there are no Town specifications covering proposed materials to be used by the developer, all such material shall conform to the latest edition of the ASTM, ANSI or other applicable specifications and testing procedures.
  - b. All construction shall conform with standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the Virginia Department of Health’s Sewerage Regulations.

J. FIRE PROTECTION

For fire flow requirements refer to “Berryville Area Plan: Water and Sewerage Program.”

1. Fire hydrant location

Where public water is available, the installation of adequate fire hydrants by the developer in a subdivision at locations approved by the Town Council, or its agent, shall be required as necessary to provide adequate fire protection. In the event that sufficient water supply for fire flow is not available, the engineer shall design the development as if sufficient fire flow were available. Refer to the “Berryville Area Plan: Water and Sewerage Program” for additional information regarding fire hydrant locations.

2. Fire hydrant installation

- a. Fire hydrants shall be installed in accordance with the Town’s “Construction Specifications and Standard Details.”
- b. For locations where fire hydrants are required but not yet ready for installation, the contractor shall install an assembly, which shall be made ready for future hydrant installation when water is made available. The fire hydrant itself shall be delivered to the Town’s material yard and stored. The Town will install the hydrant when appropriate.

K. FLOODPLAINS

The Administrative Body, in the interest of health, safety, and general welfare of the present and future inhabitants of the Berryville Area shall control the subdivision for development of any property that lies in a floodplain in accordance with the following provisions:

1. Floodplain studies

- a. Floodplain studies shall be prepared for drainage areas exceeding 100 acres. The 100-year rainfall curve shall be used, with a one-foot freeboard easement added to the computed water level. Flood-plain computations shall be performed using the standard-step method or an equivalent method to achieve a balance of energy. Cross-sections, stream profiles, and support calculations shall be submitted.
- b. If a proposed subdivision is situated along a river, stream, or other watercourse that is subject to periodic flooding and has not had a floodplain specifically delineated by the United States Corps of Engineers or the United States Geological Survey, the subdivider shall be required to show the floodplain on the plat of the property to be subdivided. The limits of such floodplain shall be located by a floodplain study prepared by an engineer or by such other qualified person or method as approved by the Administrative Body.

2. Floodplain easement and uses

- a. In a proposed subdivision which includes property within a flood-plain along a stream or other watercourse that is to be left in its natural state, the floodplain shall be shown on the plat of the

- subdivision as a floodplain easement across the lots located in such floodplain.
- b. No use will be permitted in the floodplain easement area that will obstruct the flow of water or alter flood heights in other areas. The floodplain area may be used for utility lines, storm drainage facilities, and other such facilities as are authorized by the adopted Zoning Ordinance, so long as other such uses do not obstruct the flow of water or alter flood heights in other areas.
  - c. Land within the floodplain easement area may be designated and used as a public park or recreation area, provided it is dedicated to, and accepted by, a responsible public authority or maintained by a means acceptable to the Town Council.
  - d. In determining whether a lot which contains a floodplain easement satisfies the requirements of the adopted Zoning Ordinance with respect to lot size or open space or yard requirements (building setbacks), the area within the floodplain easement may be included if the lot includes a suitable site for a flood-free building (a building in which the lowest floor, including the basement, is above the level of a 100-year flood).

L. **SINKHOLES AND KARST FEATURES (07/04)**

The purpose of this section is to establish review procedures, use limitations, design standards and performance standards applicable to land development activities that encompass or affect sinkholes or other karst features. The intent of this section is to protect the public health, safety and welfare by requiring the development and use of karst areas to proceed in a manner that promotes safe and appropriate construction and stormwater management.

1. Definitions

- a. Geotechnical Engineer – a Virginia-Registered Professional Engineer (PE) engaged in the practice of Geotechnical Engineering, or a Virginia-Registered Professional Geologist (PG) who is engaged in the practice of Engineering Geology.
- b. Karst feature – karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution and caves.
- c. spring – any spring that is depicted on the most recent version of the Virginia Department of Mineral Resources Publication 102, Plate 2, Hydrogeologic Components of Clarke County, Virginia.
- d. stream, intermittent or perennial – any stream that is depicted as intermittent or perennial on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle (scale 1:24,000).

2. Site Review

- a. Investigation by a Geotechnical Engineer

Whenever an application for development is filed, the applicant will hire a Geotechnical Engineer to undertake an inspection of the subject area. The PE or PG shall review available geologic and



engineering data and air-photographs relevant to the site and shall make on-site observations, photographs, and measurements as appropriate. The PE or PG shall provide a written summary of his or her initial findings along with a recommendation to perform a fracture trace analysis, electrical resistivity, cone sounding, core samples, microgravity, and/or other geophysical or intrusive studies as appropriate to determine if the action requested may have a negative impact. The examination for karst features by the engineer shall take place prior to any public hearing process applicable to the parcel in question. The PE or PG will report to the planning staff any findings as to whether there may be significant karst features that apply to the site.

- i. No evidence of karst features. If the PE or PG finds that the site has no evidence of karst features, they shall so indicate in a written report provided to the reviewing body.
- ii. Evidence of karst features. In cases where the PE or PG finds evidence that karst features do exist and which would be impacted by development, electrical resistivity testing, core drilling, microgravity tests or tests as recommended by a PE or PG shall be required within a 100-foot radius of all locations on the property where karst features were identified, and along any linear trend of three or more features. For sinkholes, the 100-foot radius shall be measured from the discernable edge. At the completion of the tests, the applicant shall submit a Karst Plan to the Town's Zoning Administrator and follow specific development procedures.
- iii. The presence of karst features on the site which are not impacted. At the discretion of the planning staff, the karst plan may be simplified if the environmental constraint found to be present on the site is not impacted by the proposed site development.

b. Karst Plan

A karst plan shall be developed for property identified as having evidence of karst features (i.e., sites upon which sinkholes are fully or partially located and/or which drain to sinkholes). The burden of proof for establishing that there will be no significant impacts shall rest with the applicant. A karst plan shall include the following:

- i. An engineering audit that identifies and maps karst features and the limitations that such features impose on site development. The audit shall include:
  - a) the physical location and limits of the area of sinkhole depressions as determined by field survey, the "Soil Survey of Clarke County" (1982), or the "Map of Selected Hydrogeologic Components of Clarke County, Virginia" (1990), or other reliable sources as may be approved by Town's Zoning Administrator;

- b) locations of other karst features (fissures enlarged by dissolution and caves);
  - c) topographic contours at maximum intervals of two feet, and spot elevations sufficient to determine low points and discernable edges; and
  - d) identification of a one-hundred (100) foot zone from the discernable edge of each sinkhole.
- ii. A plan prepared by a PE to ensure structural stability for principle structures proposed within one-hundred (100) feet of the discernable edge of sinkholes or other karst features. Such plan shall identify tests that will be completed to determine sub-surface conditions.
  - iii. The Karst Plan developed for the property shall be reviewed and approved by the Town's Engineer and the Town's Zoning Administrator prior to approval to the development plan or subdivision.
- c. Requirements and Restrictions
- i. All sinkholes or other karst features identified prior to construction shall be either mitigated or separated from construction in accordance with Section 317 of the Berryville Zoning Ordinance.
  - ii. Sinkholes or karst features identified during construction shall be mitigated as described in the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228), or other applicable standard as recommended by a PG or PE and approved by the Town's Engineer and the Town's Zoning Administrator.
  - iii. Stormwater discharge into a karst feature shall not be increased over its predevelopment rate.
  - iv. Stormwater runoff from paved areas or structures shall not directly enter a mitigated sinkhole or other karst features. Stormwater facilities shall be designed to route runoff through approved vegetative filters or other filtration measures before it enters a mitigated sinkhole or other karst features.
  - v. After necessary testing to determine if sinkholes are present on the location of a proposed stormwater basin, stormwater basins in karst areas shall be lined with either impermeable soil or a synthetic membrane to prevent sudden loss of the contents of the basin into the groundwater due to induced collapse. Where native materials are deemed adequate for the purpose, the Geotechnical Engineer shall verify conditions, establish the required parameters, and monitor placement.

- vi. Construction plans shall contain a narrative describing stormwater drainage design, retention, erosion control, and where appropriate, stormwater quality mitigation measures, as these provisions relate to karst features.
- vii. Underground utilities located within 100 feet of sinkholes and karst features shall be laid out so that they do not intersect those features. Along all such underground utilities, a dike of clay or other suitable material shall be constructed across the trench of the transmission lines and pipelines at intervals of 20 feet or less, or as directed by a PE or PG.
- viii. For any tests requiring boreholes, such as air track drilling, the boreholes must be grouted upon completion. Grouting should be done with a mixture of 50% bentonite and 50% portland cement.
- ix. If air track drilling is used to determine the depth of overburden and continuity of bedrock, then these operations must be monitored full time by a geotechnical engineer to confirm the findings of the driller.
- x. Storage tanks shall have impervious secondary containment. Underground fuel storage tanks shall have interstitial monitoring of tanks and piping systems.
- xi. Where applicable, the following Consumer Disclosure Statement that provides information on what review occurred and what was discovered shall be included in the Deed of Dedication and record plat:  
*This property is located in an area identified as having karst features. Karst features are created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution, and caves. Geologic tests were conducted and one or more of these features were identified on this property. Karst features are unstable and collapse may occur. Measures have been taken to ensure structural stability in this area; however, karst areas are dynamic and geologic changes may cause future structural instability. Fertilizers, herbicides, and pesticides should not be applied within 100 feet of any karst feature, whether it has been mitigated or not.*
- xii. Measures to permanently protect karst features that have not been mitigated shall be identified on the site plan. These measures may include fencing and/or signage.

## ARTICLE V. PRELIMINARY AND FINAL PLATS

### A. SKETCH PLAN CONFERENCE

1. Prior to the submission of the preliminary plat, the applicant shall contact the Agent to schedule a sketch plan conference with the Administrative Body. The purpose of the conference is to establish the following:
  - a. Use, scope, type, density, physical characteristics, and phasing of the proposed subdivision
  - b. Coordination of the proposed subdivision with the adopted Berryville Area Master Facilities Plans, the capital improvements program, and plans for development of neighboring properties
  - c. Coordination of transportation improvements with existing and planned streets within the vicinity of the proposed subdivision
  - d. Reasonable regulations and provisions uniquely applicable to the proposed subdivision as related to physiography, public utility and facilities service, drainage and flood control, transportation, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive, and harmonious development
2. The applicant shall provide sketches, exhibits, or other materials as necessary to adequately describe the proposed subdivision.
3. The Agent, upon completion of the sketch plan conference, shall identify those comprehensive planning issues, subdivision and site planning considerations, reasonable regulations, and other provisions which are found to be supportive of the purposes of this Ordinance, as well as contributive to the applicant's understanding of the general requirements for subdivision approval.
4. The sketch plan conference does not negate the requirement for the submission of a preliminary subdivision plat, a final plat, or any other provisions of this Ordinance or the Zoning Ordinance.

### B. APPLICATION PROCEDURES FOR PRELIMINARY AND FINAL PLATS

No property shall be transferred or offered for sale, nor shall a permit be issued on the basis of an approved preliminary plat.

1. Whenever the owner of any tract of land in the Berryville Area desires to apply to subdivide the same, the applicant shall submit a preliminary plat of the proposed subdivision to the Agent. This plat shall be in compliance with the provisions of this Ordinance and in accordance with the proceedings of the sketch plan conference.
2. The subdivider shall pay a fee when preliminary and final plats are filed. The fee shall be in the form of cash or check, the amount thereof to be determined in accordance with a schedule set and adopted by resolution of the Town Council. The fee amount cannot be waived by the Agent.
3. An applicant shall file 15 blue-line or black-line prints of preliminary and final plats with the Agent of the Administrative Body. Preliminary and final plats shall be prepared by a professional engineer or land surveyor. The plat

and other documents comprising an application shall be available for public viewing in an office designated by the Agent.

4. Preliminary or final subdivision plats that lack any information required by this Ordinance shall be deemed to be incomplete and shall be rejected by the Agent within 10 working days of submittal.
5. Upon receipt of the application, the Agent shall submit the request to the Administrative Body at its next regular monthly meeting for formal determination of completeness. At the regular meeting of the Administrative Body at which the application is formally deemed complete, the Administrative Body shall schedule a public hearing within 60 days.

C. PUBLIC NOTICE AND HEARING REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLATS

1. A public hearing shall be held by the Administrative Body on all preliminary and final subdivision applications. At said hearing, all interested persons may appear and state their views.
2. Notice by Administrative Body  
The Administrative Body shall give public notice of a public hearing to consider a proposed subdivision that results in five or more lots or parcels; otherwise, no notice shall be required. Such notice shall be given as required by Section 15.1-431, Code of Virginia, as amended.
3. Notice to abutting owners
  - a. At least 15 days preceding the Administrative Body's public hearing, the applicant shall mail written notices of said public hearing to the owner or owners, or their agent, of abutting properties and properties immediately across a street or road from the property sought to be subdivided. Said notices shall state the date, time, and place of the hearing and shall give a brief location and description of the proposed subdivision.
  - b. At the public hearing, the applicant shall submit an affidavit that he has fully complied with the requirements of this section as to written notice to abutting landowners.
4. Posting of property  
At least 15 days preceding the Administrative Body's public hearing, the applicant shall erect on the property proposed to be subdivided a sign or signs in such number as are furnished by the Agent, indicating that a subdivision of the property is proposed and stating the date, time, and place of the public hearing.
  - a. The sign or signs shall be erected by the applicant within 10 feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road, with the bottom of the sign not less than 2-1/2 feet above the ground. If more than one such road abuts the property, then a sign shall be erected in the same manner as above for each abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two boundaries of the property abutting land not owned by the applicant.

- b. Any sign erected in compliance with this section shall be reasonably maintained from natural hazards until the time of the hearing. The applicant shall not be responsible for the willful destruction or removal of such signs by acts of vandalism. All signs erected under this section shall be removed by the applicant within 15 days following the public hearing for which it was erected.

D. AGENCY REVIEW PROCEDURES  
FOR PRELIMINARY AND FINAL PLATS

1. Within three working days from the date the Administrative Body considers the plat to be formally complete, the Agent shall distribute a copy of the plat to the reviewing agencies for their review and comment on the technical compliance of the plat and its provisions with all applicable standards.
2. The following is a list of reviewing agencies or individuals that may submit comments regarding a proposed subdivision:
  - a. Clarke County Department of Planning
  - b. Town of Berryville Public Works Department
  - c. Berryville Town Manager
  - d. State Fire Marshall
  - e. Virginia Department of Health
  - f. Virginia Department of Transportation
  - g. United States Soil and Conservation Service
  - h. Architectural Review Board (where applicable)
  - i. Historic Preservation Commission (where applicable)
3. All agency review and comments shall be completed within 45 calendar days of the agency's receipt of the preliminary or final plat.
4. The Agent shall provide the applicant with a copy of all agency review comments and recommendations. In cases where modifications in the plat are necessary to satisfy regulations of the various agencies, the applicant shall be so notified in writing within five working days after the Agent receives agency comments.
5. The developer shall respond to all requirements of the reviewing agencies and shall submit any revisions by a date prescribed by the Agent.
6. Nothing contained herein shall obligate the developer to revise the plat to include recommendations of the reviewing agencies. However, the developer shall submit in writing to the Agent, by the revision date, a statement as to the reasons and justification for not incorporating such recommendations into the revised plat.
7. At such time as the Agent determines that the plat is in compliance with the requirements of this section, the Agent shall forward the plat, along with the recommendations of reviewing agencies and the Agent's comments and recommendations to the Administrative Body.

E. PRELIMINARY PLAT APPROVAL PROCEDURES

1. The Administrative Body shall approve or disapprove preliminary plats within 45 calendar days from the date that the Agent receives the approvals from all state agencies, except that preliminary plats shall be approved or disapproved within 90 days of formal acceptance by the Administrative Body.
2. The approval of the preliminary plat by the Administrative Body does not guarantee approval of the final plat; neither does preliminary approval constitute acceptance of the subdivision, or public dedications of areas within, by the Town Council, or establish authorization to proceed with construction or improvements within the subdivision.
3. Applicants shall have not more than 12 months after receiving the preliminary plat approval to submit a final plat for a portion or all of the subdivision. Failure to do so shall render the preliminary plat approval null and void. The Administrative Body may, upon written request by the subdivider, grant an extension beyond the 12 months. Only one such extension shall be granted for any preliminary subdivision plat.

F. FINAL PLAT APPROVAL AND RECORDATION PROCEDURES

1. The Administrative Body shall act to approve or disapprove a final plat within 60 days of submission; however, the final plat shall not be approved until the subdivider has complied with the requirements and standards of design in accordance with this Ordinance.
2. Nothing herein shall require the approval of any subdivision or any part or feature thereof, that shall be found to constitute a nuisance, or to constitute a danger to the public health, safety, or general welfare, or that shall be determined by the Administrative Body, or by its Agent, to be a departure from or a violation of sound engineering design or standards.
3. The approval of the final plat by the Administrative Body does not constitute acceptance of the public dedications of areas within the subdivision by the Town Council.
4. Approval of the final plat shall be indicated by attaching a certificate of approval from the Administrative Body to the final plat. Subdivider must post a performance bond prior to construction to cover the cost of necessary improvements. The bond shall be to the satisfaction of the Town Council, or its Agent if such authority has been so delegated.
5. Approval by the Administrative Body of a final plat submitted under the provisions of this Ordinance, shall expire six months after the date of such approval, unless:
  - a. the final plat has been recorded in the Office of the Clerk of the Circuit Court and a subdivision bond acceptable to the Town Council has been posted with the Town.
  - b. an extension has been granted by the Administrative Body upon receipt of written request by applicant. Such extension granted shall not exceed a period of six months.

- c. a major final plat revision has been submitted. Such revision shall be processed in the same manner as originally approved. Minor plat revisions may be processed administratively, based on the review and recommendations of the Agent.
6. The right of a developer to record approved final plats of sections of a subdivision based on the approval of a preliminary plat expires five years from the recordation of the final plat of the first section of the subdivision. This right to record is subject to the full review and approval process in effect at the time each remaining section is to be recorded.

G. APPEAL PROCEDURES

1. An applicant may appeal any adverse decision or failure to act by the Administrative Body according to the provisions of Section 15.1-475 of the Code of Virginia, 1950, as amended.

H. PRELIMINARY PLAT INFORMATION

Preliminary plats shall include the following:

1. Preliminary Plat Title Sheet
  - a. Title block
    - i. subdivision or site name;
    - ii. Town of Berryville file number;
    - iii. name and address of surveying or engineering firm;
    - iv. Magisterial District, Town, County, and State;
    - v. scale of preliminary plat;
    - vi. date of preparation; and
    - vii. subdivision land use description.
  - b. Fees in accordance with fee schedule
  - c. Surveying and mapping control information
  - d. A vicinity map at a scale of one inch equals not more than two thousand (2000) feet showing the relationship of the proposed subdivision to the adjoining property and the area within one mile radius, Town corporate limits, neighboring subdivisions, and other landmarks, and describing all adjoining roads and their names and numbers
  - e. Sheets comprising the preliminary plat and an index showing the location of the various sheets
  - f. A copy of proffers, Special Use Permit conditions, and waivers or variances granted
  - g. Seal and signature (on each sheet) by a Virginia registered professional engineer or land surveyor
  - h. Title under which the subdivision is proposed to be recorded and the names, addresses, and signatures of the owner(s) and subdivider
  - i. Name and address of the individual or firm who prepared the preliminary plat



2. General information on preliminary plats
  - a. North arrow, match lines and sheet numbers
  - b. Certified boundary survey and topographic mapping with a horizontal scale of one inch equals not more than one hundred feet
  - c. Contour intervals of not greater than two feet describing the area covered by the proposed subdivision
  - d. Boundary survey of record
  - e. Property owners, Town Tax Map and Parcel Number, present zoning and use of all abutting or contiguous parcels
  - f. Number of lots, total site acreage of each lot, approximate acreage of each lot, approximate dimensions of all lots and approximate right-of-way acreage
  - g. Estimated average daily trips and typical street sections
  - h. Anticipated sewerage flows (gallons per day)
  - i. Distance to nearest school or school site
  - j. Typical front, side, and rear building setback lines
  - k. Holders of any easements affecting the property
  - l. Sources of data used in the preliminary plat, including, but not limited to, plats of record and the deed book and page number citation of the last instrument in the chain of title
  - m. Location and dimension of proposed streets, rights-of-way, alleys, and lot lines
  - n. Location of all pertinent natural and historic features and landmarks
  - o. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels indicated by dashed lines, and identification of the respective parcels
  - p. County Tax Map and Parcel Number, zoning classifications, and proposed use for the area being subdivided
3. Existing features to be shown on preliminary plats
  - a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.)
  - b. Existing easements showing width and use
  - c. Existing stormwater management and BMP locations
  - d. Watercourses and their names
  - e. 100-year HUD/FEMA floodplain limits
  - f. 100-year floodplain boundaries with bearings and distances
  - g. Open spaces, recreation areas and buffer areas
  - h. Location, width and names of all existing or platted streets within or adjacent to the subdivision
  - i. Location of all existing lot lines and total acreage in each use
  - j. Location of all existing buildings within the subdivision
4. Proposed features to be shown on preliminary plats
  - a. Proposed travel ways, pedestrian systems and bike trails
  - b. Proposed major drainage structures
  - c. Proposed stormwater management and BMP location(s)
  - d. Location, width and names of all proposed streets to be platted within or adjacent to the subdivision

- e. Adequate utility and drainage easements
  - f. Satisfactory lot arrangement, design and shape
  - g. Parcels of land and their acreages intended to be dedicated or reserved for public use or to be reserved in deed for the common use of property owners in the subdivision
  - h. Preliminary sketch plans indicating the provisions for utilities, accomplishing the water supply, sewerage disposal, stormwater management, and preliminary sketch plans for any bridges or culverts that may be required
5. Berryville Area Plan recommendations to be shown on preliminary plats
- a. Berryville Area Plan recommendations for the subject property
  - b. Highway Tourism Corridor setbacks and design review applicability
  - c. Historic Design Review applicability
  - d. Additional setbacks reserved in keeping with the Berryville Area Plan
  - e. Dedication of 50 feet right-of-way or greater if required
  - f. Areas presented in the Berryville Area Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided
  - g. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed and the anticipated timing to achieve the same
  - h. Gross acreages of various physical and environmental-related characteristics shall be graphically identified for every property subject to this Ordinance and shall be computed to the nearest tenth-acre. These shall include, among others, the following:
    - i. Slopes in the fifteen (15) to twenty-five (25) percent range
    - ii. Slopes greater than twenty-five (25) percent
    - iii. Sinkholes
    - iv. Flood plains
    - v. Established drainage channels
    - vi. Flood plain soils
    - vii. Existing water bodies
    - viii. Stormwater management facilities
    - ix. Utilities
    - x. Other sensitive areas defined by the Town or its Agent
    - xi. Net developable area
  - i. Computation of “net developable acres” as needed to meet zoning requirements. Net developable acreage is the area of a parcel that results following application of “Effective Capacity Ratings” to the parcel’s gross acreage. The effective capacity ratings are ratios establishing the percentage of the physical land unit qualifying for allocable density credit and are as follows:

i.	Flood plains and established drainage channels	0.0
ii.	Slopes (15 percent to 25 percent)	0.5
iii.	Slopes greater than 25 percent	0.1
iv.	Sinkholes and major outcroppings	0.1
v.	Public rights-of-way	0.0

- |       |                      |                   |
|-------|----------------------|-------------------|
| vi.   | Public facilities    | Performance-based |
| vii.  | Utility easements    | Performance-based |
| viii. | Stormwater retention | Performance-based |

I. FINAL PLAT AND PLAN INFORMATION REQUIREMENTS

The final subdivision plat and related improvements plan shall be submitted to the Agent in clearly legible blue- or black-line copies and shall indicate the following information:

1. Final plat title sheet
  - a. Title block
    - i. Subdivision or site name (must be same as preliminary)
    - ii. Town of Berryville file number
    - iii. Name and address of surveying or engineering firm
    - iv. Magisterial District, Town, County and State
    - v. Scale of final plat
    - vi. Date of preparation of final plat
    - vii. Subdivision land use description
  - b. Fees in accordance with fee schedule.
  - c. Surveying and mapping control information. A certified boundary survey with an error of closure within the limit of one foot in ten thousand feet related to the state grid north and showing the location of all permanent reference monuments and their type of material. The survey may be related to the United States Coast and Geodetic Survey, state grid north, if the coordinates of two adjacent corners of the subdivision are shown.
  - d. Location of proposed subdivision by an insert map at a scale of not less than one inch equals two thousand (2000) feet, describing thereon north point, adjoining roads and their names and identifying numbers, city corporate limits, neighboring subdivisions, and other landmarks.
  - e. General information section provided, including the number of sheets comprising the preliminary plat and an index showing the location of the various sheets.
  - f. A copy of proffers, Special Use Permit conditions and waivers or Variances granted.
  - g. Seal and signature (on each sheet) by a Virginia registered professional engineer or land surveyor.
  - h. Surveyor's certificate.
  - i. Owner's dedication and consent, properly worded and notarized.
  - j. Name and address of individual or firm who prepared the final plat.
  - k. A blank space three inches by three inches shall be reserved for the use of the approving authority.
  - l. Title under which the subdivision is proposed to be recorded and the names, addresses and signatures of the owner(s) and subdivider.

2. General information to be shown on final plats
  - a. North arrow and designation of north orientation used for survey.
  - b. An index to multiple sheets (when applicable).
  - c. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.
  - d. All final plats of subdivisions shall be prepared at a scale of one inch equals not more than one hundred feet. Letters and figures shall be not less than one-tenth inch in height. The plat sheet or sheets shall not exceed 24 inches by 36 inches.
  - e. Contour intervals of not greater than two (2) feet.
  - f. All dimensions shown in feet to the nearest one-hundredth foot; all bearings in degrees, minutes and seconds to the nearest second.
  - g. Boundary survey of record.
  - h. A definite bearing and distance tie shown between not less than two permanent monuments on the exterior boundary of the subdivision and further tie to existing street intersection where possible and reasonably convenient.
  - i. Parcel and subdivision boundaries with bearings and distances.
  - j. Location of all monuments placed, type of monument set, and positions referenced to Virginia State Plane Coordinates.
  - k. County Tax Map and Parcel Number, zoning classifications and proposed use for the area being subdivided.
  - l. Number of lots as proposed by the subdivider.
  - m. Numbers and areas of all building sites.
  - n. Total site acreage.
  - o. The name and number of section, if part of a larger tract.
  - p. Right-of-way acreage.
  - q. Area of each new parcel (in acres or square feet).
  - r. Separate parcels or units shall be individually identified with a separate and sequential number (Address numbers or alpha identifiers shall not be used to identify parcels or units.) Blocks shall also be identified.
  - s. Property owners, County tax map and parcel number, deed book and page citation, present zoning and use of all contiguous parcels.
  - t. Holders of any easements affecting the property.
  - u. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels shall be indicated by dashed lines, and identification of the respective parcels shall be placed on the preliminary plat.
  - v. Estimate of daily vehicle trips generated by the site.
  - w. Typical roadway and parking area pavement and design section.
  - x. Distance to the nearest school or school site.
  - y. The front, side, and rear building setback lines.
  - z. Street right-of-way boundaries with bearings and distances.
  - aa. Location of all pertinent natural and historic features and landmarks.
  - bb. All curve data in a complete curve table.

- cc. Sources of data used in the final plat, including, but not limited to, plats of record and the deed book and page number citation of the last instruments in the chain of title.
  - dd. Certificate signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the places of record of the last instrument in the chain of title.
  - ee. A statement that “The division of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, and shall be signed and duly acknowledged before the Town office authorized to take acknowledgement of deeds. All statements affixed to this plat are true and correct to the best of my knowledge.”
  - ff. Additional information specific to proposed use as deemed necessary by the Agent for adequate subdivision plat and improvements review.
  - gg. All applicable notes.
3. Existing features to be shown on final plat
- a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.).
  - b. Existing storm drainage systems.
  - c. Existing easements showing width and use.
  - d. Existing stormwater management and BMP locations.
  - e. Watercourses and their names.
  - f. HUD/FEMA 100-year floodplain limits and the source of the floodplain information shall be delineated where applicable.
  - g. Open spaces, recreation areas and buffer areas.
  - h. Location, width and names (or route numbers) of all existing or platted streets within or adjacent to the subdivision.
  - i. Parks and school sites or other public areas.
  - j. Vacated streets or parcels showing areas vacated and area amounts reverted to adjacent parcels
  - k. All existing streets adjacent to or providing access to the subdivision, including center line and right-of-way.
  - l. Location of all existing land lot lines and total acreage in each land use.
  - m. Location of all existing buildings within the subdivision.
4. Proposed features to be shown on final plat
- a. Proposed travel ways, pedestrian systems, and bike trails
  - b. Proposed major drainage structures.
  - c. Proposed stormwater management and BMP location(s).
  - d. Location, width and names of all proposed streets to be platted within or adjacent to the subdivision.
  - e. Adequate utility and drainage easements.
  - f. Satisfactory lot arrangement, design, and shape.
  - g. Area of each lot shown within the parcel.

- h. Compatibility with the preliminary sketch plans indicating the provisions for all utilities, including but not limited to, the proposed method of accomplishing water supply, sewage disposal, stormwater management, and preliminary sketch plans for any bridges or culverts that may be required shall be submitted.
- i. Proposed finished grading by contours, to be supplemented where necessary by spot elevations.
- j. A geotechnical report prepared by, or under the direction of, a professional engineer experienced in soil and foundation engineering shall be submitted for subdivisions located in areas where special soil or water conditions are deemed by the Town to be potentially injurious.
- k. Location and method of garbage and refuse collection.
- l. Streets shall be named but shall not duplicate existing or platted street names unless the new street is a continuation of an existing or platted street. All dimensions, both linear and angular, for the location of lots, streets, alleys, public easements, and private easements shall be given. The linear dimensions shall be expressed in feet to the nearest one-hundredth-foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten seconds. All curves shall be defined by their radius, central angle, tangent, distances, tangent bearing, and arc lengths. Such curve data shall be expressed by a curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
- m. Centerline and right-of-way for proposed roadways.
- n. Plans and profiles for all public streets, including center line elevations computed to nearest one-hundredth at fifty horizontal station intervals and at other locations of geometric importance.
- o. Ingress-egress easements.
- p. All off-street parking, related driveways, entrance types, loading spaces, and walkways, indicating type and dimensioning of surfacing, size, stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required by the provisions of the Zoning Ordinance.
- q. Location and method of lighting provisions for private driveways, streets, and parking areas.
- r. Plans of contributing drainage area and the computed limits of the 100-year floodplain, with drainage way cross-sections and water surface elevations plotted on profile of the pre- and post- development conditions, where required by the Director of Planning and/or Town Manager.
- s. Plans and profiles detailing the provisions for the adequate disposition of natural and stormwater in accordance with adopted Town Design and Construction Standards, indicating the location, size, type, and grade of ditches, catch basins, and pipes and connections to existing drainage system, and on-site pipes and connections to existing

- drainage system, and on-site stormwater retention where deemed appropriate and necessary to the Town, and with supporting contributing area and design computations as may be required.
- t. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction, as required by the Town Erosion and Sediment Control Ordinance and design standards of the United States Soil Conservation Service.
  - u. Location, width and names of all proposed rights-of-way and easements, other than streets, within and adjacent to the subdivision.
  - v. Geometric location data and areas for all private or public rights-of-way, common areas, utility center lines and easements, structures, and lot lines.
  - w. Plans and profiles detailing all existing and proposed utilities, including water and sanitary sewer facilities, indicating all pipe sizes, types, and grades, with supporting capacity calculations and where connection is to be made to the Town or to other utility system.
  - x. Right-of-way dedication.
  - y. If any land is being dedicated or reserved for streets, easements, parking space, or for the common use of future property owners of the subdivision, the Record Plat shall so state and indicate which.
  - z. Areas to be dedicated must be labeled as such.
  - aa. Locations for all open spaces, identifying areas for and improvements to all recreation facilities, tot lots, natural areas, and related pedestrian accommodations.
  - bb. Area of new dedicated street right-of-way (in acres or square feet).
  - cc. Sufficient information to show how the physical improvements associated with the proposed subdivisions are compatible with existing or proposed development of record on adjacent properties, which may include schematic plans for stormwater management, sanitary sewer, water supply, and future transportation improvements.
  - dd. Location and dimension of proposed streets, rights-of-way, alleys, and lot and building lines.
5. Berryville Area Plan recommendations to be shown on final plats
- a. Berryville Area Plan recommendations for the subject property.
  - b. Highway Tourism Corridor setbacks and design review applicability.
  - c. Historic Design Review applicability.
  - d. Additional setbacks reserved in keeping with the Berryville Area Plan.
  - e. Dedication of 50-foot right-of-way, or greater if required.
  - f. Areas presented in the Berryville Area Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided.
  - g. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed, and the anticipated timing to achieve the same.

- h. Gross acreage of various physical and environmental-related characteristics shall be graphically identified for every property subject to this Article and shall be computed to the nearest tenth-acre. These shall include, among others, the following:
    - i. Slopes in the 15 to 25 percent range
    - ii. Slopes greater than 25 percent
    - iii. Areas of geologic rock outcroppings
    - iv. Sinkholes
    - v. Floodplains
    - vi. Established drainage channels
    - vii. Floodplain soils
    - viii. Existing water bodies
    - ix. Stormwater management facilities
    - x. Utilities
    - xi. Other sensitive areas defined by the Town or its Agent
    - xii. Net developable area
  - i. Computation of “net developable acres” as needed to meet zoning requirements
    - i. Floodplains and established drainage channels 0.0
    - ii. Slopes (15 to 25 percent) 0.5
    - iii. Slopes greater than 25 percent 0.1
    - iv. Sinkholes and major outcroppings 0.1
    - v. Public facilities performance-based
    - vi. Utility easements performance-based
    - vii. Stormwater retention performance-based
6. A special note shall appear on any final plat of subdivision or any plat of condominium that property owners are liable for the maintenance of stormwater improvements.



## ARTICLE VI. SUBDIVISION LOT GRADING REQUIREMENTS AND PLANS

### A. INTRODUCTION

The subdivision lot grading plan is intended to assure and promote consistency between the individual lot development process and the overall subdivision site improvement process as governed by the final plat and plans. Further, it is used to check the final grading and drainage on a given lot prior to the issuance of the occupancy permit. The occupancy permit will be refused if the plan and the on-site grading do not substantially agree, unless such deviation has been approved by the Town. Subdivision lot grading plans may be incorporated into the final plat and plans when these documents are submitted for approval. However, in no case shall a building permit be approved prior to submission and approval of the lot grading plan.

### B. LOT GRADING REQUIREMENTS

It shall be the responsibility of the developer and his contractor to perform all earth work necessary to accomplish not less than 95 percent of the final grade contours.

1. Lot, drive, and parking pad grades

To assure adequate overall drainage, the minimum lot grade should be two percent. Any swales on a lot must be at a minimum two percent slope, but preferably should be at three percent. On single-family subdivision lots a driveway parking pad shall be installed to accommodate the off-street parking requirement. This parking pad should be at a grade no greater than five percent and no less than one percent. The drive connecting the street to the parking pad should be on a grade of no more than fifteen percent and no less than one percent. A waiver request shall accompany any plans that do not conform to these driveway standards.
2. Drainage swales and pipes
  - a. Subdivision lot grading plans for subdivision houses shall be so designed that if stormwater run-off is collected in a mid-block swale along the rear yards and routed toward the street in an open swale between two adjacent houses, the maximum allowable watershed for such a surface swale passing between two adjacent houses shall be one acre with the average (C x A) factor not to exceed 0.50.
  - b. In cases where exhaustive hydraulic analysis indicates that natural drainage swales between houses are insufficient to route stormwater, an underground piped system shall be developed as an alternative.
3. Erosion controls
  - a. Erosion controls are required for all areas on a lot where the ground will be disturbed. The original subdivision erosion controls may suffice if satisfactory for those areas for which they are intended to serve.
  - b. Erosion controls shall not be removed, nor the erosion control bond escrow released, until all the construction on the lot is completed and the ground cover has been stabilized.
4. Ditches in single-family detached dwelling developments

Paved, concrete, or riprap ditches shall be discouraged in single-family detached dwelling unit developments.

5. Earth coverage of underground utilities  
At the completion of the earth grading, all utility services shall be left with sufficient cover and depth to serve the respective lot needs.

C. LOT GRADING PLANS (11/04)

Three copies of the subdivision lot grading plan must be submitted to and approved by the Director of Planning/Town Manager prior to the issuance of a building permit.

1. Plan specifications

The lot grading plan shall be prepared on a sheet not to exceed 8.5 inches by 14 inches. The subdivision name, lot number of record, lot area, and boundary data and adjoining lot numbers and street names shall be indicated.

2. Scale

Subdivision lot grading plans shall be to scale of one inch is equal to 30 feet, or greater, on all lots.

3. Revisions

- a. Minor Revisions: Minor revisions to an approved lot grading plan may be approved by the Zoning Administrator. Minor revisions may be requested by submitting a description of the proposed minor revisions in letter form. Once approved, these revisions become a part of the approved lot grading plan.

- b. Major Revisions

- i. Major revisions to an approved lot grading plan shall include changes to a structure's floor elevations, including basement floor elevations of more than six (6) inches; addition of a basement level; removal of a basement level; additions to a structure; removal of portions of a structure; change to the drainage pattern of a lot; changes which affect the ground elevation at the property line; and changes which affect the grading or construction of adjacent lots.

- ii. Major revisions to an approved lot grading plan shall require submittal of a revised lot grading plan, meeting the requirements of this Section B, for approval by the Zoning Administrator.

- c. Determination: The determination as to whatever proposed revisions to an approved lot grading plan are minor or major shall be made by the Zoning Administrator.

- d. The cost of review of revisions by the Town's engineer shall be paid by the applicant.

4. Certification of grading plans

Lot grading plans shall be certified by an engineer, architect, surveyor, or landscape architect registered and authorized by the state to practice as such.

5. Items to be shown on grading plans

The following items shall be included on the lot grading plan for each lot:

- a. All physical improvements on the lot shall be graphically indicated. Spot elevations are required to be shown at all house entrances, at the driveway entrance, and at all changes in grade of the driveway. Spot elevations shall be shown at each corner of the house. Walkout

basements shall be indicated on the plans, showing the entrance and the appropriate spot elevations.

- b. The lead walk and all risers must be shown on the plan, and the elevation of the risers must be specified.
  - c. All existing water, storm drainage, sanitary sewer, and other utility connections and easements shall be indicated. Utility connection points to the lot shall be indicated. Existing drainage easements must be honored and additional easements provided, for all areas of concentrated flow in lot grading plans and subdivision plans. These areas include natural drainage ways (swales) concentrating flow from several lots, swales leading into culverts, and those stabilized existing drainage ways handling the outfall of other drainage structures.
  - d. To ensure the maintenance of the original intent for subdivision stormwater management, lot grading plans should either delineate the drainage divide within the applicable area of the subdivision, or a notation by the engineer on the lot grading plan to the effect that it conforms to the approved overall drainage plan for the subdivision.
  - e. Where no curb and gutter street section is planned or exists, minimum size allowed for a driveway culvert is 12 inches, and the inverts for the pipe must be shown. In any case, culvert computations must be submitted.
  - f. Other items deemed applicable by the Zoning Administrator.
6. Violation of Lot Grading Plan
- a. Any construction or grading which varies from the approved grading plan and which would have required approval of a minor revision under Section B.3.a., above, shall be subject to a fine of \$500.00.
  - b. Any construction or grading which varies from the approved grading plan and which would have required approval of a revised lot grading plan as a major revision under Section B.3.b., above, shall be subject to a fine of \$2,500.00.
  - c. In addition to the aforesaid fines, any construction or grading in violation of an approved lot grading plan shall be subject to the regulations as set forth in Article VIII, Section D, of this Ordinance.

## ARTICLE VII. PERFORMANCE SURETY

In order to obtain guarantee of performance to assure timely completion and competent construction of subdivision physical improvements, the applicant is required to post a bond or other acceptable surety.

### A. GENERAL

Prior to approval of a final subdivision plat, the owner shall furnish to the Town a cashier's check, cash escrow, bond, or letter of credit, in accordance with the provisions of Section 15.2-2241(5), Code of Virginia, conditioned upon the timely and proper construction of all physical improvements required as a condition of the approval of the final subdivision plat. The amount of such cashier's check, cash escrow, bond, or letter of credit shall not be less than the estimated cost of such construction based on unit prices, plus twenty-five (25) percent for inflation, potential damage to existing roads or utilities, and administrative costs, including, without limitation, costs incurred by the Town for cost estimates and other expenses in the event the construction is not timely or properly performed.

### B. CONSTRUCTION AND BONDING AGREEMENT

The Town Council may adopt the form of a construction and bonding agreement for public improvements pursuant to this Ordinance.

### C. MAINTENANCE BOND

The developer, at the completion and request for acceptance of the improvements by the Town, shall first furnish a bond acceptable to the Town in the amount of ten percent of the total cost of construction of the subdivision improvements. Said bond is to be furnished solely as a guarantee against faulty materials and workmanship and shall remain in force for a minimum of one year following the date of acceptance of the improvements by the Town.

## VIII. VIOLATIONS, PENALTIES, AND LEGAL REMEDIES

### A. TRANSFER OF LAND BEFORE FINAL PLAT APPROVAL

Any person who sells or transfers any land of a subdivision before such plat has been duly approved and recorded as provided herein shall be subject to a fine, as provided by law, for each lot or parcel of land so subdivided, transferred, or sold; and otherwise in accordance with the Code of Virginia governing penalties for misdemeanors.

### B. VIOLATIONS, CUMULATIVE FINES

Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who subdivides any land, constructs and makes improvements, erects any building, or uses any land in violation of any preliminary or final subdivision plat or plan submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each lot that constitutes a violation and each day that a violation continues shall be deemed a separate offense, subject to cumulative fines and other penalties.

### C. UNLAWFUL ACTS

Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is constructed, operated, or maintained contrary to any of the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.

### D. INJUNCTIONS, NOTICE OF VIOLATION

1. The Town may initiate an injunction, mandamus, or any other appropriate action to prevent, enjoin, abate, or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of the Ordinance.
2. Upon its becoming aware of any violation of any provisions of this Ordinance, the Town shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Town has specified in such notice, it shall institute such action as may be necessary to terminate the violation.

### E. REMEDIES ARE CUMULATIVE

The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by the law.

## ARTICLE IX. DEFINITIONS

**alley** - A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Area B** - That land which is in Clarke County, contiguous to the Town of Berryville and described in Attachment "B" of the Clarke County/Town of Berryville Annexation Agreement.

**Berryville Area** - That land that lies within Area B and that lies within the corporate boundaries of the Town of Berryville.

**Berryville Area Plan** - The comprehensive planning document for Area B and sub-areas within the Town of Berryville.

**Berryville Comprehensive Plan** - The Comprehensive Plan as adopted by the Town of Berryville in January, 1976.

**block** - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**buffer** - A strip of land established to protect one type of land use from another with which it is incompatible.

**building setback line** - An imaginary line beyond which a building cannot extend (excluding uncovered steps), that is fixed at a specific distance from the front, side, or rear boundaries of a lot.

**catch basin** - An inlet designed to intercept and redirect surface waters.

**cluster** - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

**Commission** - The Planning Commission of the Town of Berryville, Virginia.

**Comprehensive Plan** - See **Berryville Comprehensive Plan**.

**condominium** - A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**covenant** - A private agreement between the buyer and seller of real estate, which is normally contained in the property deed or otherwise formally recorded, and which asserts legal requirements on the use of that real estate.

**cul-de-sac** - A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

**dedication** - Under subdivision regulations, the transfer of property from private to public ownership.

**density** - Number of dwelling units per unit of land area.

**detention basin (pond)** - A storage facility for the temporary storage of stormwater run-off.

**developer** - The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

**development** - The division of a parcel of land into two or more parcels; or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

**Director of Planning** - The Town Planner of Berryville or other agent, as designated by the Berryville Town Council.

**drainage easement or drainage right-of-way** - Assignable rights-of-way across land to provide for the alignment and maintenance of a drainage course, installation of drainage facilities, enlargement of existing drainage ways, or for similar or related storm drainage purposes.

**drainage structures** - pipes, swales, natural features, and man-made improvements designed to carry drainage.

**drainageway** - any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

**easement** - a grant by a property owner to another party for the use of, non-use of, or limited use of land for a specific purpose on a repeating or continuous basis.

**easement, drainage** - an easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**egress** - an exit.

**engineer** - an engineer licensed by the Commonwealth of Virginia.

**flood, 100-year** - the highest level of flooding that, based upon an analysis of past floods, is likely to occur once in every 100 years.

**floodplain** - the channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

**Geotechnical Engineer** – a Virginia-Registered Professional Engineer (PE) engaged in the practice of Geotechnical Engineering, or a Virginia-Registered Professional Geologist (PG) who is engaged in the practice of Engineering Geology. (7/04)

**highway engineer** - the Resident Engineer employed by the Virginia Department of Highways and Transportation.

**homeowners association** - a community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities in and for open space or facilities within a designated area.

**improvement** - streets, sidewalks, curbs, gutters, water mains, drainage facilities, landscaping, recreational facilities, and all other such betterment as may be required under the provisions of this Ordinance.

**ingress** - access or entry.

**karst feature** – karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution and caves. (7/04)

**landscaping** - changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**lot** - a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

**lot, double-frontage** - See **lot, through**.

**lot, through** - a lot which fronts on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

**lot, width of** - the horizontal distance between the side lot lines, measured along the building setback line.

**net developable area** - the estimated net portion of a land area which can be developed, minus the restrictions imposed by floodplains, drainage channels, slopes, sinkholes, certain soil types, and rock outcroppings.

**off-site** - pertaining to areas and/or functions not included within the boundaries of a subdivision or proposed subdivision.

**off-street parking space** - a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.



## Definitions

**open space** - any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

**parking aisle** - the traveled way by which cars enter and depart parking spaces.

**performance bond** - any security that may be accepted by a municipality as guarantee that improvements required as a part of an application for development are satisfactorily completed.

**plan** - the map or plat illustrating or describing a subdivision or land development.

**plat** - a map, generally of a subdivision, showing the location, boundaries, and ownership of individual properties.

**plat, final** - the final map of all or a portion of a subdivision or site plan which is presented to the proper review authority for final approval.

**plat, preliminary** - a map of a proposed land subdivision showing the character and proposed layout of the tract in conformance with the regulations set forth in this Ordinance to indicate the suitability of the proposed subdivision land.

**plat, record** - a final map of all or a portion of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and shall be in a form suitable for recording.

**private street** - a way which is intended to afford the principal means of access to abutting lots and is not owned or controlled by a government entity.

**prorata** - according to a calculated share.

**Resident Engineer** - the Resident Engineer of the Virginia Department of Highways and Transportation assigned to Clarke County, or his designee.

**right-of-way** - a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, waterline, sanitary storm sewer, and other similar use.

**road** - see **street**.

**screening** - a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**solar access** - the availability of direct sunlight to land and buildings and in particular to solar collection systems.

## Definitions

**spring** – any spring that is depicted on the most recent version of the Virginia Department of Mineral Resources Publication 102, Plate 2, Hydrogeologic Components of Clarke County, Virginia. (7/04)

**storm sewer** - a conduit that collects and transports run-off.

**stream, intermittent or perennial** – any stream that is depicted as intermittent or perennial on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle (scale 1:24,000). (7/04)

**street** - the principal means of public access to any lot in a subdivision. The term “street” shall include road, drive, place, avenue, highway, boulevard, or any other thoroughfare for a similar purpose, but shall not include any private access easement.

**service road or drive** - a public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way and by providing safe and orderly points of access to the highway.

**subdivide** - to voluntarily divide any tract, parcel, or lot of land into two or more parts for the purposes of sale, development, or lease in a manner consistent with the requirements of this Ordinance.

**subdivider** - any person, persons, firm, corporation, partnership, or other entity, and the agent or agents thereof, subdividing or proposing to subdivide land as herein defined.

**subdivision** - the process (and the result) of dividing a property or parcel of land into smaller individual parcels, lots or buildable sites.

**surety bond** - See **performance bond**.

**swale** - a depression in the ground which channels run-off.

**Town** - the Town Council of Berryville, Virginia, or its designated staff or appointees.

**Town Manager** - the Town Manager of Berryville, Virginia.

**tract** - an area, parcel, site, piece of land, or property which is the subject of a development application.

**watershed** - a basin in which all surface water drains to a centrally located stream, river, or other body of water.

**Zoning Administrator** - the Zoning Administrator of the Town of Berryville, Virginia.

**Zoning Ordinance** - the Zoning Ordinance of the Town of Berryville, Virginia.

## ARTICLE X. FEES

### A. PAYMENT OF A FEE REQUIRED

The developer shall pay a fee to the Town of Berryville for the examination and approval or disapproval of preliminary or final plats and improvement plans submitted pursuant to this Ordinance.

### B. FEE SCHEDULE

A schedule of fees for the examination and approval of preliminary and final subdivision plats and the inspection of all required improvements shall be determined by Town Council resolution, which schedule may be changed from time to time. Before the submittal of any subdivision plat, such fee shall be made payable to the Town of Berryville.

### C. DEPOSIT FOR CONSULTING SERVICES

In addition to the fee, the applicant shall provide the Town Council with a deposit in an amount the Administrative Body, after consultation with staff, deems sufficient to cover any expenses connected with review of preliminary or final subdivision plats and improvement plans. The Town Council is authorized to retain a registered professional consultant to advise the Administrative Body on any or all aspects of subdivision plats and improvement plans. The costs of this service shall be borne by the applicant. Any unexpended funds shall be returned to the applicant when the Administrative Body makes a final decision.

This page intentionally left blank.