

Chapter 19 - SUBDIVISIONS

***Cross reference** – Planning commission, § 2-19 et seq.; buildings and building regulations, ch. 6; erosion and sediment control, § 10-27 et seq.; zoning ch. 24.

***State law reference** – Subdivisions generally, Code of Virginia, § 15.2-2240 et seq.; authority to adopt regulations, Code of Virginia, § 15.2-2240; mandatory provisions of subdivision ordinances, Code of Virginia, § 15.2-2241.

ARTICLE I. - IN GENERAL

Sec. 19-1. - Purpose.

The purpose of this chapter is to:

- (1) Promote public health, safety and welfare;
- (2) Improve the orderly layout and use of land;
- (3) Avoid undue concentration of population and overcrowding of land;
- (4) Lessen congestion in streets and highways;
- (5) Provide for proper ingress and egress;
- (6) Ensure proper legal description and monumenting of subdivided land;
- (7) Provide for adequate light and air;
- (8) Provide for transportation, water, sewage facilities, drainage, schools, parks, playgrounds and other public needs;
- (9) Increase safety from fire, flood and other dangers;
- (10) Facilitate proper resubdivision of lots or parcels of land;
- (11) Preserve outstanding natural or cultural features and historic sites and structures;
- (12) Protect and improve the water quality of the Chesapeake Bay and its tributaries; and
- (13) Promote development in accordance with the comprehensive plan.

(Code 1980, § 19-1; Code 1995, § 19-1)

Sec. 19-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public way designed to provide vehicular access to or from the rear or side of property.

Board means the board of supervisors.

Buffer means a natural or landscaped area or screening device intended to provide a horizontal distance and open space, to preserve vegetation, to lessen the impact and adverse relationship between dissimilar, unrelated or incompatible land uses or to provide an area of natural or planted vegetation to protect Chesapeake Bay Preservation Areas and county and state waters from degradation due to land disturbances or uses.

Chesapeake Bay Preservation Area means any land designated by the county pursuant to section 24-106.3. Chesapeake Bay Preservation Areas shall consist of resource protection areas (RPAs) and resource management areas (RMAs).

Commercial use means any use in a business, office, office service, or institutional district as classified and defined in chapter 24.

County engineer means the director of public works/county engineer or other person designated by the county manager to oversee the construction of streets and the installation of utilities or other improvements.

Dam means a manmade structure across a watercourse used to restrain water.

Dam break inundation zone means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the state department of conservation and recreation.

Dead area means any area in or adjoining a proposed subdivision which might be left undeveloped because of topography or other features.

Expressway means a public way designed to handle heavy volumes of vehicular traffic with limited access.

Family subdivision means a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. For the purpose of this chapter, the term "member of the immediate family" is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner.

Floodplain means any land area susceptible to being inundated by water from any source other than a dam break.

Geodetic Control Network means the system of survey monuments installed by the county to create a common coordinate reference for control points used in making measurements.

Impounding structure means a dam or a manmade structure outside a watercourse used or to be used to retain or store waters or other materials as defined by Code of Virginia, § 10.1-604.

(1) The term "impounding structure" includes:

- a. All dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater; and
- b. All dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater.

(2) The term "impounding structure" shall not include:

- a. Dams licensed by the State Corporation Commission that are subject to a safety inspection program;
- b. Dams owned or licensed by the United States government;
- c. Dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet;
- d. Water or silt retaining dams approved pursuant to Code of Virginia, § 45.1-222 or 45.1-225.1; or
- e. Obstructions in a canal used to raise or lower water.

Intersection means the area where two or more streets join.

Major street means a street carrying arterial traffic with direct access to abutting property and having

intersections at grade.

Minor street means a street providing access to abutting property without large volumes of through traffic.

Resource management area or *RMA* means that component of the Chesapeake Bay Preservation Area not classified as the resource protection area, as more fully described in section 24-106.3.

Resource protection area or *RPA* means that component of the Chesapeake Bay Preservation Area consisting of lands at or near the shoreline that have intrinsic water quality value due to the ecological and biological processes they perform or that are sensitive to impacts which may result in significant degradation to the quality of state waters, as more fully described in section 24-106.3.

Reverse corner lot means a lot bordering on two streets that intersect at an angle not greater than 135 degrees which is turned, with reference to an adjoining lot, to front on the intersecting street.

Street means a highway, street, avenue, boulevard, road, lane or alley, or any public way.

Subdivide means the process of dividing land so as to establish a subdivision.

Subdivider means the person who subdivides land.

Subdivision.

(1) The term "subdivision" means a division of a lot or parcel of land situated wholly or partly within the county into three or more lots or parcels for the purpose of transferring ownership or building development. The term shall also include any division of a lot or parcel of land:

a. If a new street or an extension of an existing street is involved in such division; or

b. If a lot or parcel of land was created by a division or subdivision occurring after July 28, 1987.

(2) The term "subdivision" shall not include a family subdivision unless the subdivision requires a new public street or extension of an existing public street, a new water distribution line, or a new sanitary sewer main.

(3) The term "subdivision" shall not include division of the lot or parcel of land for commercial, business, industrial or office development for which a plan of development (POD) has been approved in accordance with the provisions of chapter 24; provided, however, that any new public street or extension of an existing public street which is involved in such division shall be included within the term "subdivision."

Toll road means an expressway requiring the payment of a toll for use.

Tree protection plan means a plan for the protection and replacement of trees in accordance with section 24-106.2.

Virginia State Plane Coordinate System means the Virginia Coordinate System of 1983 as described in Code of Virginia, § 55-287 et seq.

(Code 1980, § 19-2; Code 1995, § 19-2; Ord. No. 997, § 1, 2-22-2000; Ord. No. 1116, § 2, 11-27-2007; Ord. No. 1138, § 1, 11-10-2009)

Cross reference – Definitions and rules of construction, § 1-2.

State law reference – Definitions, Code of Virginia, § 15.2-2201; mandatory that subdivision ordinance contain provisions similar to the single lot exception in the definition of subdivision in this section, Code of Virginia, §§ 15.2-2241(10), 15.2-2244.

Sec. 19-3. - Penalty; injunctive relief.

The violation of any provision of this chapter shall be punished by a fine of not more than \$500.00 for each lot or parcel of land subdivided, transferred or sold. The county may also seek equitable relief to enjoin any violation of this chapter.

(Code 1980, § 19-46; Code 1995, § 19-3)

State law reference – Mandatory that subdivision ordinance contain provisions for administration and enforcement, Code of Virginia, § 15.2-2241(A)9; penalties, Code of Virginia, § 15.2-2254.

Sec. 19-4. - Granting of exceptions.

(a) *Generally.* When the planning commission, as agent for conditional plat approval, or the director of planning, as agent for final plat approval, finds that extraordinary hardship may result from development of a particular parcel in strict compliance with this chapter, either may grant an exception, provided:

- (1) The exception substantially complies with the provisions of this chapter, does not defeat the chapter's purposes, and protects the public interest;
- (2) The exception will not be detrimental to public safety, health or welfare or injurious to surrounding property or improvements;
- (3) The conditions on which the exception request is based are unique to the property, are not generally applicable to other property and do not create mere inconvenience; and
- (4) The exception is not based exclusively on financial considerations.

(b) *Exceptions to water quality standards.* Requests for exceptions to the water quality provisions of section 24-106.3, pertaining to Chesapeake Bay preservation, shall be filed with the county engineer in accordance with section 24-106.3(l).

(c) The planning commission may approve double frontage lots on minor streets of less than 60 feet of right-of-way or stem lots which do not meet the minimum lot width and frontage requirements of chapter 24, provided:

- (1) The applicant meets the enumerated tests contained in subsection (a) of this section;
- (2) The lots meet all other requirements of chapter 24; and
- (3) The requirements of section 19-133 are met.

(Code 1980, § 19-47; Code 1995, § 19-4; Ord. No. 989, § 1, 8-10-1999)

State law reference – Exceptions authorized, Code of Virginia, § 15.2-2242(1).

Secs. 19-5 – 19-26. - Reserved.

ARTICLE II. - PLAT APPROVAL PROCEDURE

DIVISION 1. - GENERALLY

Sec. 19-27. - Agents for approval.

The planning commission shall be the agent of the board of supervisors for conditional approval of subdivision plats, and the director of planning shall be the agent for final approval.

(Code 1980, § 2-6; Code 1995, § 19-31)

Sec. 19-28. - Extension of approvals to address housing crisis.

(a) Notwithstanding the time limits for validity set out in this article, any approved subdivision plat valid and outstanding as of January 1, 2017, shall remain valid until July 1, 2020. Any other plan or permit associated with such plat extended by this subsection shall likewise be extended until July 1, 2020.

(b) The extension of validity provided in subsection (a) of this section shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. No. 1138, § 2(19-38), 11-10-2009)

State law reference – Similar provisions, Code of Virginia, § 15.2-2209.1.

Secs. 19-29 – 19-59. - Reserved.

DIVISION 2. - PRELIMINARY PLAT

***State law reference** – Authority to require preliminary plat, Code of Virginia, § 15.2-2260.

Sec. 19-60. - When required.

Except for family subdivisions as provided in sections 19-97 through 19-101, whenever an owner or developer desires to subdivide land into more than 50 lots, he shall submit and obtain the planning commission's conditional approval of a preliminary plat meeting the requirements of this chapter and other chapters of this Code in effect at the time the plat is submitted. The subdivider shall submit the number of copies required by the director of planning with an application for conditional approval by the planning commission. The subdivider shall have the option of submitting for conditional approval a preliminary plat for 50 or fewer lots that meets the same requirements.

(Code 1980, §§ 19-3, 19-4; Code 1995, § 19-51)

Sec. 19-61. - Application for approval.

The subdivider shall provide the following information with the application for conditional approval of a preliminary plat:

- (1) *Vicinity map.* The vicinity map on the preliminary plat shall indicate the location of the proposed subdivision in relation to existing community facilities. It shall include the subdivision name and location, main traffic arteries, schools, parks and playgrounds, scale, north arrow and date.
- (2) *Preliminary plat.* The preliminary plat shall show the proposed layout of streets, lots and other features in relation to existing topography. The preliminary plat shall have a horizontal scale of 100 feet to the inch or other scale approved by the director of planning, and it shall be prepared by a registered professional engineer, certified landscape architect or registered land surveyor authorized to do business in the state. The plat shall clearly show the following:
 - a. The subdivision name and location and the boundary lines of the land to be subdivided.
 - b. The name and address of the subdivider and record owner of the land to be subdivided, the source of title with deed book references, and the name of the person who prepared the plat.
 - c. The location and names of adjoining subdivisions or of the owners of adjoining parcels of land.
 - d. The location, width and names of all streets proposed for the subdivision; and the location,

width and names of all existing or platted streets in the subdivision and within 300 feet of the subdivision.

- e. The location, width and purpose of other rights-of-way and easements.
- f. The topography at vertical intervals of at least two feet; the location of physical features, such as buildings, streams, drainage ditches, floodplains, mapped dam break inundation zones, wetlands and Chesapeake Bay Preservation Areas; data showing base flood elevations as defined in section 24-3; features of the property controlled by proffered conditions; and other information required by article II of chapter 10, chapter 18, chapter 23 and chapter 24.
- g. The exact boundaries of all property to be dedicated for public use, all property to be reserved for the common use of residents, and all property otherwise reserved, along with the purposes and reasons for the reservations.
- h. The layout, lot lines, lot numbers, block letters and approximate dimensions of proposed lots.
- i. The proposed use of the property and the zoning of the property and adjacent land.
- j. Scale of the plat, north arrow (true meridian, where practicable), date of the plat, and tax parcel number.
- k. The proposed building setback lines and buildable area plans, dwelling placement and orientation for any stem, flag or cul-de-sac lots.
- l. Four points with coordinates in the Virginia State Plane Coordinate System. All features shown on the plan must be drawn to scale based upon the four points.
- m. Any monument of the Geodetic Control Network located on the property.

(3) *Traffic study.* Information required for review under Code of Virginia, § 15.2-2222.1.

(Code 1980, § 19-41; Code 1995, § 19-52; Ord. No. 989, § 2, 8-10-1999; Ord. No. 997, § 2, 2-22-2000; Ord. No. 1116, § 3, 11-27-2007; Ord. No. 1138, § 3, 11-10-2009)

State law reference – Mandatory provisions of subdivision ordinances, Code of Virginia, § 15.2-2241(A).

Sec. 19-62. - Review of plat; action by planning commission.

The planning commission shall review preliminary plats as required by state law. A preliminary plat shall be deemed submitted when it contains all the information required by this chapter.

- (1) *Real property used for residential and noncommercial and nonindustrial uses.* If state agency review is not required, the planning commission shall hold a public hearing and act within 60 days of submission. If state agency review is required, the director of planning shall forward the plat within ten business days of submission to each state agency which must review it under state law. Upon receipt of approvals from all reviewing agencies, the planning commission shall hold a public hearing and act on the preliminary plat within 45 days of approval. In every case, the planning commission shall identify all deficiencies in the plat in writing by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plat. The planning commission shall not be required to approve a preliminary plat in less than 60 days from submission, and all actions on the preliminary plat shall be completed within 90 days of submission unless the Virginia Department of Transportation requires additional time for review as provided in Code of Virginia, § 15.2-2222.1. The applicant may request an extension of these timelines.
- (2) *Real property used for commercial or industrial uses.* In addition to the requirements of subsection (a) of this section, the following requirements apply to plats for real property used for commercial or industrial uses:
 - a. In its review of a resubmitted plat that has been previously disapproved, the planning commission shall only consider deficiencies it identified in its previous review that have not

been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plat.

- b.** The planning commission shall identify such deficiencies by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plat.
- c.** The plat shall be deemed approved if the planning commission fails to approve or disapprove a resubmitted plat within 45 days of resubmission.
- d.** Notwithstanding the planning commission's approval or deemed approval of a proposed plat, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory department of transportation engineering and safety requirements, or other mandatory engineering and safety requirements, shall not be treated as approved.
- e.** Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the planning commission may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

(3) *Approval or disapproval.* If the planning commission approves the preliminary plat, it shall grant conditional approval.

(Code 1980, § 19-5; Code 1995, § 19-53; Ord. No. 1138, § 4, 11-10-2009)

State law reference – Preliminary plat approval, Code of Virginia, §§ 15.2-2258, 15.2-2259.

Sec. 19-63. - Approval or disapproval to be noted on plat.

The action of the planning commission shall be noted on two copies of the preliminary plat. One copy shall be returned to the subdivider and the other shall be retained by the director of planning.

(Code 1980, § 19-6; Code 1995, § 19-54)

Sec. 19-64. - Effect of approval; expiration of approval.

(a) Conditional approval of a preliminary plat does not constitute or guarantee approval of the final plat. It approves the layout of the preliminary plat for use in preparation of the final plat, and the final plat must conform to the preliminary plat as approved. Once a preliminary plat is approved, it shall be valid for a period of five years, provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period allowed by the director of planning or the planning commission pursuant to subsection (b) of this section, and thereafter diligently pursues approval of the final subdivision plat. The term "diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the planning commission may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

(b) If no section of the preliminary plat has been recorded within one year of conditional approval, the director of planning may grant the subdivider's request for extension of conditional approval for up to one year. The director of planning may grant extensions as long as the total of all extensions does not exceed 60 months from the date of conditional approval.

(c) The planning commission shall act on extension requests in the following cases:

- (1) If the subdivider appeals a denial of the director of planning;
- (2) If the director of planning requests planning commission action because of changes in conditions affecting the subdivision plans; or
- (3) If the subdivider requests an extension of approval for a period more than 60 months from the date of conditional approval.

(Code 1980, § 19-7; Code 1995, § 19-55; Ord. No. 997, § 3, 2-22-2000; Ord. No. 1138, § 5, 11-10-2009)

State law reference – Duration of approval of preliminary plat, Code of Virginia, § 15.2-2260(F).

Sec. 19-65. - Development in dam break inundation zone.

- (a) The owner of each impounding structure in the county shall prepare a map of the dam break inundation zone for the impounding structure and submit the map to the director of planning and the state department of conservation and recreation.
- (b) For any subdivision containing three or more residential units or any business or industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation zone, the director of planning shall review the dam break inundation zone map, notify the dam owner, and, within ten days, forward a request to the state department of conservation and recreation to make a determination of the potential impacts of the proposed subdivision on the spillway design flood standards required of the dam. Upon receipt of the determination of the state department of conservation and recreation or if the county has not received comments within 45 days of the department's receipt of the county's request, the director of planning shall complete the county's review of the proposed subdivision.
- (c) If the state department of conservation and recreation determines that a proposed subdivision is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the subdivider must submit an engineering study meeting state standards to the state department of conservation and recreation prior to final approval of the subdivision. Following the completion of the engineering study, and prior to any development within the dam break inundation zone, the subdivider shall change the proposed subdivision so that it does not alter the spillway design flood standards of the dam or shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the subdivision, together with administrative fees required by state law. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.
- (d) Dam break inundation zone maps are only required for dams that meet the requirements for an impounding structure. The requirements of this subsection shall not apply to any subdivision proposed downstream of a dam for which a dam break inundation zone map is not on file with the county at the time of the official submission of a subdivision plat to the county. However, the director of planning may map the dam break inundation zone and recover the costs of such mapping from the owner of an impounding structure for which a dam break inundation zone map is not on file with the county and a map has not been prepared by the impounding structure's owner.
- (e) Following completion of any subdivision in a dam break inundation zone, the subdivider shall provide the dam owner and the director of planning with information necessary for the dam owner to update the dam break inundation zone map to reflect the new development.

(Ord. No. 1138, § 6(19-56), 11-10-2009)

State law reference – Mapping of dam break innudation zones, Code of Virginia, § 10.1-606.2; requirements for developments in dam brake innudation zones, Code of Virginia, § 10.1-603.3; payment of costs of upgrades to impounding structures, Code of Virginia, § 15.2-2243.1.

Secs. 19-66 – 19-88. - Reserved.**DIVISION 3. - FINAL PLAT**

*State law reference – Authority to require final plat, Code of Virginia, § 15.2-2260.

Sec. 19-89. - Final plat required; construction plans.

To obtain approval of the final subdivision plat, the subdivider shall file an application form, construction plans for improvements, and the final subdivision plat prepared by a professional engineer or registered land surveyor authorized to do business in the state. The construction plans and final subdivision plat shall meet all requirements of this chapter and this Code in effect at the time they are submitted. Construction plans shall contain the following information:

- (1) Profiles along the center and both sides of each street indicating tentative construction grades, shown on a standard 22-inch by 36-inch profile sheet at a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet unless otherwise permitted by the director of planning. All elevations shall be mean sea level or Richmond city datum.
- (2) The proposed water supply and water distribution system, showing existing water mains, pipe sizes, location of valves and fire hydrants, or other system of water supply.
- (3) The proposed method of sewage disposal and plans and profiles of proposed sanitary sewers, including existing sewers within the proposed subdivision and immediately adjacent thereto, shown on a standard 22-inch by 36-inch profile sheet and a plan sheet at a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet unless otherwise permitted by the director of planning. Grades and sizes shall be indicated.
- (4) Plans for storm sewers or other methods of handling stormwater in the format specified in subsection (3) of this section. Delineation of Chesapeake Bay Preservation Areas and other information required by article II of chapter 10, chapter 18, chapter 23 and chapter 24 shall be submitted.
- (5) Plans for any proposed street lighting system, showing location, type, wattage, height and other pertinent information.
- (6) Location, type and height of buffers required by sections 24-106.2 and 24-106.3 and proffered conditional zoning, a tree protection plan in accordance with section 24-106.2, and a landscaping plan for any additional proposed planting.
- (7) Location and square footage of the buildable area on each lot.
- (8) A water quality impact assessment if required by article II of chapter 10 and section 24-106.2.
- (9) Location and dimensions of all easements, including details for the protection and restoration of disturbed areas in accordance with article II of chapter 10 and sections 24-106.2 and 24-106.3.

(Code 1980, § 19-42; Code 1995, § 19-71)

Sec. 19-90. - Form and contents.

The final plat shall be on a sheet 16 inches by 24 inches in size with a margin of one-half inch outside ruled border lines at the bottom and right sides, and 1½ inches at the top and left side. The plat shall have a scale of 100 feet to the inch unless otherwise permitted by the director of planning. The final subdivision plat shall clearly show the following:

- (1) Identifying information within a space four inches high and six inches wide in the lower righthand corner of the plat. The identifying information shall be the name of the subdivision (and

section, if only a portion of an approved preliminary plat is being developed), the county and magisterial district, the date and scale, and the name of the person who prepared the plat. The name of the subdivision shall be in bolder type than the rest of the information.

- (2) The name of the record owner of the land being subdivided and the name of the subdivider.
- (3) The boundaries of the subdivision showing the length of its courses and distances to 1/100 of a foot and bearings to half minutes, based upon an accurate field survey with an error of closure not exceeding one foot in 10,000 feet. The names and locations of adjoining subdivisions or the names of owners of adjoining parcels shall also be provided.
- (4) Four points tied to the Geodetic Control Network with coordinates in the Virginia State Plane Coordinate System. All features shown on the plan must be drawn to scale based upon the four points.
- (5) The exact location, alignment, arrangement and width along property lines of all streets, whether opened or not, that intersect or parallel the boundary of the subdivision.
- (6) The exact location and material of all permanent reference monuments, including any monument of the Geodetic Control Network located on the property.
- (7) The exact location, alignment or arrangement of streets and alleys in the subdivision; the names of all streets; and the bearing, angles of intersection and width of all streets, including their width along the line of any obliquely intersecting street.
- (8) The lengths of arcs and radii and tangent bearings.
- (9) The exact location, alignment or arrangement of all easements with a statement of any restrictions or limitations placed on their use.
- (10) The exact location, alignment or arrangement of all lot lines with their dimensions expressed in feet and hundredths of a foot and with their bearing or angles to half minutes.
- (11) The tangent distances of all corners when rounded at intersections, except in cases where streets intersect at right angles.
- (12) The numbering of all lots. All lots shall be numbered with consecutive Arabic numerals in each block, and all blocks shall be lettered in consecutive alphabetical order. In case of a resubdivision of lots in any block, the lots shall be numbered with consecutive Arabic numerals, beginning with the numeral following the highest lot numeral in the block.
- (13) The exact boundaries of all property to be dedicated for public use, all property to be reserved for the common use of residents, and all property otherwise reserved, along with the purposes and reasons for the reservations.
- (14) The north point with magnetic bearing or, if true meridian is shown, the basis of its determination.
- (15) Certification by the engineer or surveyor who prepared the plat that the plat represents and is based on a survey made by him or under his direction and supervision, that all monuments shown thereon are actually in place or will be put in place before a date specified by him, that their location and character are truly shown on the plat, and that all the provisions and requirements of this chapter have been met.
- (16) A statement that the platting or dedication of the described land is with the free consent and in accordance with the desire of the subdivider, owner, proprietor, and trustee or mortgagee, or each of them if more than one, in any deed or other instrumentality creating a lien on the land in any part of the subdivision. The statement shall be signed by the subdivider, owner, proprietor, and trustee or mortgagee, and it shall be duly acknowledged before an officer authorized to take acknowledgments to deeds. All opaque prints and transparent copies shall contain such signatures.
- (17) A certificate setting forth the source of title of the owner of the land divided and the court in which the last conveyance or source of title is recorded. When the land in the subdivision was

acquired by the subdivider from more than one source of title, the land acquired from each source shall be indicated on the plat.

(18) The location of Chesapeake Bay Preservation Areas, including the boundaries of RPAs and RMAs, and a statement as follows: "All or a portion of this subdivision is located in a Chesapeake Bay Preservation Area which is subject to the provisions of section 24-106.3 of the County Code, or its successor."

(19) A notation stating "The 100-foot RPA buffer area consisting of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution is to be retained and remain undisturbed."

(20) For subdivisions that do not have public sewer, a notation stating "For new construction, any on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit shall have a reserve sewage disposal site on the same lot in accordance with requirements of section 23-60 of the Henrico County Code. Owners of such systems shall, at least once every five years, either pump out their septic tanks and submit documentation thereof, or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under chapter 23 of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation shall be submitted to the director of public works. Building shall be prohibited on the area of all sewage disposal sites."

(21) A notation stating "Permitted activities in the RPA are restricted, and any development or disturbance in the RPA requires prior approval by the county engineer."

(22) Mapped dam break inundation zones.

(Code 1980, § 19-43; Code 1995, § 19-72; Ord. No. 997, § 4, 2-22-2000; Ord. No. 1057, § 1, 11-12-2003; Ord. No. 1138, § 7, 11-10-2009)

Sec. 19-91. - Submission of plat for portion of subdivision.

The subdivider may submit a final plat for a portion of a subdivision which has been granted conditional approval by the planning commission.

(Code 1980, § 19-8; Code 1995, § 19-73)

Sec. 19-92. - Action by director of planning.

(a) The director of planning shall review all final subdivision plats as required by state law. A final plat shall be deemed submitted when it contains all the information required by this chapter. If state agency review is required, the director of planning shall forward the final plat within ten business days of submission to each state agency which must review it under state law.

(1) *Real property used for residential and noncommercial and nonindustrial uses.* The director of planning shall act on a final plat within 35 days of the receipt of approvals from all state agencies or, if state review is not required, within 60 days of submission. The reasons for disapproval may be given in a separate document or may be written on the plat itself. The reasons for disapproval shall identify deficiencies in the plat by reference to specific duly adopted ordinances, regulations or policies and shall identify the modifications or corrections necessary for approval. The director shall act on a proposed plat he has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval. The applicant may request an extension of these timelines.

(2) *Real property used for commercial or industrial uses.* In addition to the requirements of subsection (a) of this section, the following requirements apply to plats for real property used for commercial or industrial use:

- a. In his review of a resubmitted plat that has been previously disapproved, the director of planning shall only consider deficiencies he identified in his previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plat.
- b. The plat shall be deemed approved if the director of planning fails to approve or disapprove a resubmitted plat within 45 days of resubmission.
- c. Notwithstanding the director of planning's approval or deemed approval of a proposed plat, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory department of transportation engineering and safety requirements, or other mandatory engineering and safety requirements, shall not be treated as approved.
- d. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the state department of transportation or other state agency, the director of planning may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

(b) The provisions of this subsection shall not apply to the review and approval of construction plans.
(Code 1980, § 19-9; Code 1995, § 19-74; Ord. No. 1138, § 8, 11-10-2009)

State law reference – Approval of final plat, Code of Virginia, § 15.2-2259.

Sec. 19-93. - Installation of improvements or bonding; release of bond.

- (a) Prior to final approval of a plat for recordation, the subdivider shall complete or provide for completion of all required public improvements at the subdivider's expense. To provide for completion, the subdivider shall provide the director of planning a certified check, cash escrow, surety bond, or bank or savings and loan association's letter of credit approved by the county attorney in an amount sufficient to cover the estimated costs of all required improvements. The amount of the certified check, cash escrow, bond or letter of credit shall not exceed the estimated cost of construction based on unit prices for new public or private sector construction in the county plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities, which shall not exceed ten percent of the estimated construction cost. The subdivider shall obtain the director of planning's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the director of planning, the director of planning shall arrange for completion of the improvements using the certified check, cash escrow, or letter of credit or by calling on the surety on the bond. If the owner or developer defaults on construction of such improvements, and such improvements are constructed with funding from the certified check, cash escrow, or letter of credit, the county shall retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs.
- (b) Upon the subdivider's written request, the director of planning shall make periodic partial releases of bonds, escrows, letters of credit or other performance guarantees in a cumulative amount equal to no more than 90 percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the county department or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee. The director of planning shall not be required to execute more than three periodic partial releases in any 12-month period.
- (c) Within 30 days of receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the director of planning shall notify the subdivider of any specified defects or

deficiencies in construction and suggested corrective measures. Written notice under this subsection shall consist of a letter from the subdivider to the director of planning requesting reduction or release of the performance guarantee along with a set of as-built plans and a certificate of completion by a duly licensed engineer. If no action is taken by the director of planning within the 30-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after such 30-day period has expired and there is an additional request in writing sent by certified mail, return receipt requested, to the county manager. The director of planning shall have ten working days after receipt of the second request for final release to act, and, if no action is taken, the request shall be deemed approved and final release granted to the subdivider.

(d) Upon final completion and acceptance of the required improvements, the director of planning shall release any remaining bond, escrow, letter of credit or other performance guarantee to the subdivider. For the purpose of release, the term "acceptance" means when the improvements are accepted for maintenance by the state agency, local government department or other public authority responsible for maintaining and operating the improvements upon acceptance.

(Code 1980, § 19-38; Code 1995, § 19-75; Ord. No. 1138, §§ 9, 17, 11-10-2009)

Editor's note –

The amendment to subsection (a) of this section made by Ord. No. 1138 shall expire on July 1, 2014; provided, however, any certified check, cash escrow, bond or letter of credit offered or renewed after July 1, 2009, and prior to July 1, 2014, and meeting the requirements of section 19-75 of this chapter shall be deemed to continue to meet the requirements after July 1, 2014.

Prior to amendment by Ord. No. 1135, section 19-75(a) read as follows:

(a) Prior to final approval of a plat for recordation, the subdivider shall complete or provide for completion of all required public improvements at the subdivider's expense. To provide for completion, the subdivider shall provide the director of planning a certified check, cash escrow, surety bond, or bank or savings and loan association's letter of credit approved by the county attorney in an amount sufficient to cover the estimated costs of all required improvements. The amount of the certified check, cash escrow, bond or letter of credit shall not exceed the estimated cost of construction based on unit prices for new public or private sector construction in the county plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities. The subdivider shall obtain the director of planning's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the director of planning, the director of planning shall arrange for completion of the improvements using the certified check, cash escrow, or letter of credit or by calling on the surety on the bond.

State law reference – Mandatory that subdivision ordinance provide for release of bond, escrow, etc., Code of Virginia, § 15.2-2241(A)11; release of bonds, etc., Code of Virginia, § 15.2-2245.

Sec. 19-94. - Certification of completion of improvements.

Upon the completion of all improvements, the subdivider shall furnish a statement by a certified surveyor or engineer that all construction is in substantial conformity to the regulations and requirements of this chapter and the plans approved by the director of planning. The director of planning may release the subdivider from the obligation to complete all of the improvements in the subdivision if the undeveloped portion of the subdivision has been vacated as provided by law and the subdivider furnishes a statement by a certified surveyor or engineer that all construction which has been completed conforms to the regulations and requirements of this chapter and the plans approved by the director of planning.

(Code 1980, § 19-39; Code 1995, § 19-76)

Sec. 19-95. - Recording.

- (a) The subdivider shall submit two opaque prints and one transparent copy of the final subdivision plat using the recording medium and inscription standards specified by the director of planning.
- (b) After the director of planning has given final approval and signed the final plat, the subdivider shall file the plat for recordation in the clerk's office of the circuit court within 12 months of final approval, or such approval shall become null and void and the plat marked void and returned to the director of planning unless the director of planning has granted an extension. However, in any case where construction of improvements to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the county, or where the subdivider has furnished surety to the county by certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to the time limit specified in the surety agreement approved by the county if greater than 12 months after final approval.
- (c) If a subdivider records a final plat for a section of the subdivision shown on an approved preliminary plat and has furnished a certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of improvements dedicated in the final plat for public use and to be maintained by the county, the state or other public agency, the subdivider shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of any section, subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.
- (d) Once an approved final subdivision plat for all or a portion of the property is recorded, an underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the last recorded plat.

(Code 1980, §§ 19-10, 19-40, 19-44; Code 1995, § 19-77; Ord. No. 1138, § 10, 11-10-2009)

State law reference – Mandatory that subdivision ordinance contain provisions similar to subsection (b) above, Code of Virginia, § 15.2-2241(A)8; how long preliminary plat valid, Code of Virginia, § 15.2-2260; term of validity of final plat, Code of Virginia, § 15.2-2261; effect of recording of plats as to streets, easements, etc., Code of Virginia, § 15.2-2265.

Sec. 19-96. - Responsibilities of clerk of court.

No final plat of a subdivision shall be recorded unless it has been approved by the director of planning. No clerk or deputy clerk of the circuit court of the county shall file or record a plat of subdivision unless the plat has been submitted within 12 months of final approval.

(Code 1980, § 19-45; Code 1995, § 19-78)

State law reference – Authority to fix length of time unrecorded plat is valid, Code of Virginia, § 15.2-2241(A)8; requirements for recording, Code of Virginia, § 15.2-2254(5).

DIVISION 4. - FAMILY SUBDIVISIONS**Sec. 19-97. - Required.**

Whenever an owner desires to create a family subdivision that does not require a new public street or extension of an existing public street, a new water distribution line, or a new sanitary sewer main, the owner may submit a family subdivision plat in lieu of a preliminary plat when required by section 19-60 and the final plat required by section 19-89. The family subdivision plat shall meet all requirements of this chapter in

effect at the time the plat is submitted.

Sec. 19-98. - Family subdivision plat.

The family subdivision plat shall be prepared by a registered professional engineer or registered land surveyor authorized to do business in the state. The owner shall submit the number of copies required by the director of planning and an application for approval. The plat shall have a horizontal scale of 100 feet to the inch or other scale approved by the director of planning. The plat shall clearly show the following, as applicable:

- (a) The location and boundary lines of the land to be divided.
- (b) The name and address of the record owner of the land to be divided and the name and address of the person who prepared the plat.
- (c) The location and names of adjoining subdivisions or of the owners of adjoining parcels of land.
- (d) The location, width, and names of any proposed private drive; and the location, width, and names of all existing or platted streets within 300 feet of the property.
- (e) The location, width, and purpose of other rights of way and easements.
- (f) The location of physical features, such as buildings, streams, drainage ditches, floodplains, mapped dam break inundation zones, wetlands, and Chesapeake Bay Preservation Areas.
- (g) The layout and dimensions of proposed lots.
- (h) Scale of the plat, north arrow (true meridian where practicable), date of the plat, and tax parcel number.
- (i) The proposed building setback lines and buildable area plans.
- (j) Four points with coordinates in the Virginia State Plane Coordinate System. All features shown on the plan must be drawn to scale based upon the four points.
- (k) Any monument of the Geodetic Control Network located on the property.
- (l) Profiles along the center of any proposed private drive, indicating the type of construction and depth of materials.
- (m) The proposed method of water supply.
- (n) The proposed method of sewage disposal.
- (o) For lots that are not served by public sewer, a notation stating "For new construction, any on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit shall have a reserve sewage disposal site on the same lot in accordance with requirements of section 23-60 of the Henrico County Code. Owners of such systems shall, at least once every five years, either pump out their septic tanks and submit documentation thereof, or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under chapter 23 of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation shall be submitted to the director of public works. Building shall be prohibited on the area of all sewage disposal sites."
- (p) Certification by the engineer or surveyor who prepared the plat that the plat represents and is based on a survey made by him or under his direction and supervision, that all monuments shown thereon are actually in place or will be put in place before a date specified by him, that their location and character are truly shown on the plat, and that all provisions and requirements of this chapter have been met.
- (q) A statement that the platting of the described land is with the free consent and in accordance with the desire of the owner, signed by the owner, and duly acknowledged before an officer authorized to take acknowledgments to deeds. All opaque prints and transparent copies shall contain such signatures.
- (r) A certificate setting forth the source of title of the owner of the land divided and the court in which the last conveyance or source of title is recorded, with deed book references. If the land was acquired from more than one source of title, the land acquired from each source shall be indicated on the plat.

- (s) The location of Chesapeake Bay Preservation Areas, including the boundaries of RPAs and RMAs, and a statement as follows: "All or a portion of this family subdivision is located in a Chesapeake Bay Preservation Area, which is subject to the provisions of section 24-106.3 of the Henrico County Code, or its successor."
- (t) A notation stating, "The 100-foot RPA buffer area consisting of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution is to be retained and remain undisturbed."
- (u) A notation stating, "Permitted activities in the RPA are restricted, and any development or disturbance in the RPA requires prior approval by the county's director of public works."
- (v) A notation stating, "The division shown hereon is not for the purpose of circumventing the subdivision ordinance. There shall be no transfer of the property except to a member of the immediate family for a period of five years."
- (w) A notation stating, "The private drive shown on this family subdivision plat does not meet the standards for acceptance and maintenance as a public road by Henrico County. All lots served by the private drive shown hereon are subject to a maintenance agreement."

Sec. 19-99. - Review of plat; action by planning commission.

- (a) Requirements upon receipt. The director of planning or designee shall review the plat for compliance with the requirements of chapter 24 and determine whether every lot to be used for dwelling purposes abuts a public street right-of-way for at least 50 feet.
 - (1) If every lot to be used for dwelling purposes abuts a public street right-of-way for at least 50 feet, or is exempt from that requirement pursuant to section 24-9(a)-(d), the director of planning shall note that the division is exempt from planning commission review. One copy of the plat shall be retained in the planning department files, and the remaining copies shall be returned to the applicant.
 - (2) If the plat shows any lot to be used for dwelling purposes that does not abut a public street right-of-way for at least 50 feet, and if that lot is not exempt from that requirement pursuant to section 24-9(a)-(d), the plat shall require approval by the planning commission.
- (b) For plats requiring approval by the planning commission pursuant to section 19-99(a)(2), the director of planning shall forward the plat to all state and local agencies that must approve a feature of the plat and shall consult with the owner on necessary changes.
- (c) Time for review. For plats requiring approval by the planning commission pursuant to section 19-99(a)(2), upon receipt of approvals from all reviewing agencies, the planning commission shall hold a public hearing and act on the family subdivision plat within 45 days. If state agency review is not required, the planning commission shall hold a public hearing and act within 60 days of submission. The planning commission shall not be required to approve a family subdivision plat in less than 60 days from submission, and all actions on the family subdivision plat shall be completed within 90 days of submission. For purposes of this subsection, a family subdivision plat shall not be deemed submitted until it contains all the information required by this chapter.
- (d) Approval or disapproval. For plats requiring approval by the planning commission pursuant to section 19-99(a)(2), the commission's approval shall be noted on two copies of the plat. One copy shall be returned to the owner and the other shall be retained by the director of planning. If the planning commission cannot approve the family subdivision plat, it shall give written reasons for denial and shall state what modifications would permit approval.

Sec. 19-100. - Standards for review.

All family subdivisions requiring approval by the planning commission under section 19-99(a)(2) shall

be subject to the following requirements:

- (a) A family subdivision shall comply with all requirements of chapter 24 except the public street frontage requirement.
- (b) Only one such division shall be allowed per family member, and such division shall not be for the purpose of circumventing the subdivision ordinance.
- (c) The property owner shall place a restrictive covenant on the subdivided property that prohibits the transfer of the property except to a member of the immediate family for a period of five years.
- (d) Each lot shall be served by a public street or a private drive. The public street or private drive shall connect to an existing public street. Any private drive shall serve no more than three lots. Any private drive shall be located within a recorded easement or private right-of-way not less than 30 feet wide, unobstructed from the ground up. In addition, the plat shall designate utility easements as required by the department of public utilities.
- (e) All required private drives shall comply with the standards of Section 2 of the Department of Public Works Design Manual for sight distance, horizontal curves, vertical curves, and points of access. On the advice of the county engineer, the commission may decrease or waive these standards to allow an alternative design that provides equal or greater traffic safety.
- (f) All trees, roots, vegetation, loam, humus, and other organic material shall be stripped to below the base course for the full width of the roadway and replaced with suitable fill material which shall be compacted in lifts not exceeding 12 inches in depth to a minimum CBR value of 10. Adequate drainage shall be provided to convey all surface runoff and groundwater away from the roadway.
- (g) The driving surface shall be at least 18 feet wide, constructed of two inches of asphalt over six inches of compacted #21-A stone, or equivalent as approved by the county engineer.
- (h) All new dwellings shall be within 1,000 feet of a public street, as measured by the path of a vehicle traveling from the dwelling to the public street. The assigned address of every dwelling shall be clearly posted at the intersection of the private drive and the public street and at the end of every driveway where it intersects the private drive.
- (i) The property owner shall record a joint access and maintenance agreement approved as to form by the county attorney and signed by the owners of all lots to be served by the private drive. At a minimum, the agreement shall provide for access by all lots to be served by the private drive and for the allocation of the cost of necessary maintenance among the owners of such lots. The agreement shall be binding on the successors in interest of all signatories. The planning commission may accept an agreement that lacks the signature of one or more lot owners if it finds the applicant has made a good-faith but unsuccessful effort to obtain such signature.

Sec. 19-101. - Recording.

- (a) Prior to final approval of a family subdivision plat for recordation, the subdivider shall complete construction of the private drive, if any, at the subdivider's expense. The subdivider shall provide the director of planning and the director of public works certification by a licensed engineer that the private drive was constructed according to the approved plat and in compliance with the design standards of section 19-100, including proper compaction of the sub-base soils, utility trenches, base stone, and asphalt.
- (b) The applicant shall submit two opaque prints and one transparent copy of the family subdivision plat using the recording medium and inscription standards specified by the director of planning.
- (c) After the director of planning has signed the family subdivision plat, the applicant shall file the plat for recordation in the clerk's office of the circuit court within 12 months of final approval unless the director of planning has granted an extension.

Secs. 19-102 – 19-120. - Reserved.**ARTICLE III. - DESIGN STANDARDS**

***Cross reference** – Obstruction of vision at intersection prohibited, § 18-7.

Sec. 19-121. - Streets – Generally.

The design, location, alignment, grade, width and drainage of all streets, curves and intersections in a subdivision shall:

- (1) Comply with the county department of public works' design standards and specifications on file in the office of the county engineer;
- (2) Substantially correspond to existing and planned streets shown on the current major thoroughfare plan on file in the planning office; and
- (3) Coordinate with existing or planned streets in existing or planned subdivisions adjacent to the subdivision. The minimum street width shall be 50 feet, unless otherwise approved by the county engineer under the department of public works' cross section pavement design standards.

(Code 1980, § 19-11; Code 1995, § 19-101)

State law reference – Mandatory that subdivision ordinance provide for adequate provisions for drainage and flood control, Code of Virginia, § 15.2-2241(A)3.

Sec. 19-122. - Same – Minor.

The location, alignment and arrangement of minor streets in a subdivision shall discourage through traffic in the subdivision.

(Code 1980, § 19-12; Code 1995, § 19-102)

Sec. 19-123. - Access to land adjacent to railroad, expressway or toll road.

Whenever a subdivision abuts or contains a right-of-way for a railroad, expressway or toll road, the planning commission shall require a cul-de-sac street to be located parallel or nearly parallel to and on either side or both sides of such right-of-way for a distance that will permit practical use of the land between the right-of-way and the required street. The planning commission shall determine the necessary distance based on the need for access to the railroad, expressway or toll road or for the separation of grades necessary in the operation of the railroad, expressway or toll road.

(Code 1980, § 19-14; Code 1995, § 19-103)

Sec. 19-124. - Reserved strips.

Except as provided in section 19-135, land in a subdivision shall not be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the county.

(Code 1980, § 19-15; Code 1995, § 19-104)

Sec. 19-125. - Street jogs.

Street jogs with centerline offsets of less than 150 feet are prohibited in a subdivision unless the

planning commission specifically approves a lesser distance.

(Code 1980, § 19-16; Code 1995, § 19-105)

Sec. 19-126. - Drainage structures and water and sewer improvements.

The location and design of drainage structures and water and sewer improvements in a subdivision shall comply with county design standards and specifications, and development disturbing a land area of 2,500 square feet or more shall comply with requirements for erosion and sediment control in accordance with article II of chapter 10.

(Code 1980, § 19-17; Code 1995, § 19-106)

State law reference—Mandatory that subdivision ordinance provide for adequate provisions for drainage and flood control, Code of Virginia, § 15.2-2241(A)3.

Sec. 19-127. - Alleys in business and commercial districts.

The plat of a subdivision shall provide alleys in business and commercial districts unless the planning commission ensures there is adequate service access, such as off-street loading, unloading and parking.

(Code 1980, § 19-18; Code 1995, § 19-107)

Sec. 19-128. - Alleys and alley easements in residential districts.

The plat of a subdivision may provide alleys at the rear or side of any lot in residential districts, and it shall dedicate easements at the rear or side of every lot to the county for future alleys.

(Code 1980, § 19-19; Code 1995, § 19-108)

Sec. 19-129. - Easements for public utilities and drainage.

The plat of a subdivision shall provide easements in sufficient size, not less than 16 feet in width, for the installation of surface and underground utilities and surface drainage whenever necessary to provide for utilities and drainage in the subdivision or areas beyond its boundaries.

(Code 1980, § 19-20; Code 1995, § 19-109)

Sec. 19-130. - Easements along natural watercourses.

Wherever a subdivision is traversed by a natural watercourse carrying water or by a manmade device which is installed to aid natural drainage and does not substantially change the course of water flow, the plat shall provide an easement which includes the boundaries of such watercourse or device and such further width as may be necessary for drainage and utilities.

(Code 1980, § 19-21; Code 1995, § 19-110)

Sec. 19-131. - Development of areas subject to flooding.

No lot or portion of a lot in a subdivision subject to flooding shall be divided or subdivided for development except in accordance with section 24-106.1. Any area subject to flooding may be further regulated by sections 24-95(t), 24-95(u), 24-106.1, 24-106.3, and 24-106.4.

(Code 1980, § 19-22; Code 1995, § 19-111; Ord. No. 1138, § 11, 11-10-2009)

Sec. 19-132. - Area of blocks.

A block of land containing lots shall not exceed 1,320 feet in length between intersecting streets and shall not be less than 400 feet in length between intersecting streets along a street on which lots front, except where the planning commission specifically permits a different length because of topography or other conditions.

(Code 1980, § 19-23; Code 1995, § 19-112)

Sec. 19-133. - Lot arrangement.

The design, arrangement and layout of lots and lot dimensions shall meet all requirements of this chapter and chapter 24. In order to ensure orderly lot arrangement and dwelling orientation, the applicant shall provide the following information for double frontage lots and stem lots:

- (1) Buildable area plans and proposed or existing dwelling placement and orientation on adjacent lots or properties.
- (2) For lots not served by public utilities, the proposed location of wells, septic tank and drainfields and reserved drainfield area.
- (3) Preliminary landscaping plan required for buffer, screening or planting strip easement.

(Code 1980, § 19-24; Code 1995, § 19-113; Ord. No. 989, § 3, 8-10-1999)

Sec. 19-134. - Lot frontage.

All lots shall front on a public street that connects to an existing public street, except that a lot created by a family subdivision may front on a private drive as provided in sections 19-97 through 19-101.

(Code 1980, § 19-25; Code 1995, § 19-114)

Sec. 19-135. - Double-frontage lots; lots abutting expressway, toll road or major street.

No lot in a residential district shall front more than one street, except where necessary to separate a lot from an expressway, toll road or major street or to make practical use of the land. In residential districts, an easement at least ten feet in width, across which there shall be no right of access to or from lots, shall be provided along the side or rear of lots which abut an expressway, toll road or major street. Such easement shall be used for the cultivation of trees, shrubs or other vegetation to lessen the impact of traffic on the subdivision.

(Code 1980, § 19-26; Code 1995, § 19-115)

Sec. 19-136. - Business and commercial lots.

The design, dimensions and layout of lots and parcels for business and commercial use shall be adequate for off-street parking and service facilities required for the contemplated use.

(Code 1980, § 19-27; Code 1995, § 19-116)

Sec. 19-137. - Public sites and open spaces.

Whenever land in a proposed subdivision of more than 50 lots is necessary to meet public needs, the

planning commission may request dedication or require the reservation, with right of prior sale to the county, of such areas or sites within the proposed subdivision. If the planning commission requires a reservation with right of prior sale to the county, the county shall enter into an agreement in form and substance satisfactory to the county attorney for the acquisition of the reserved area on or before approval of the final plat.

(Code 1980, § 19-28; Code 1995, § 19-117)

Sec. 19-138. - Development in special flood hazard area.

If the property is in a special flood hazard area as defined in section 24-3, the proposed development must provide adequate drainage and locate and construct all public utilities and facilities to minimize or eliminate flood damage.

(Code 1995, § 19-118; Ord. No. 1116, § 4, 11-27-2007)

State law reference—Mandatory that subdivision ordinance provide for adequate provisions for drainage and flood control, Code of Virginia, § 15.2-2241(A)3.

Secs. 19-139 – 19-159. - Reserved.

ARTICLE IV. - REQUIRED IMPROVEMENTS

Sec. 19-160. - Monuments.

Monuments shall be installed in all subdivisions at all block corners, angle points, radial points of curves in streets, and at intermediate points along streets or boundary lines where monuments cannot readily be seen one from the other. The exact location of such monuments shall be approved by the county engineer. The monuments shall be installed to approved grades where practicable and shall be either concrete blocks at least 20 inches long and six inches square with an iron corner, or granite stone with sharp, well-defined corners of the same dimensions. The replacement of any monuments removed or destroyed during the development of the subdivision shall be the responsibility of the subdivider.

(Code 1980, § 19-29; Code 1995, § 19-141)

State law reference—Mandatory that subdivision ordinance provide for monuments, Code of Virginia, § 15.2-2241(A)7.

Sec. 19-161. - Streets.

Streets shall be constructed in accordance with county design standards and specifications for the construction of streets, drainage, and water and sewer systems.

(Code 1980, § 19-30; Code 1995, § 19-142)

State law reference—Mandatory that subdivision ordinance for the extent to which and the manner in which streets shall be graded, graveled or otherwise improved, Code of Virginia, § 15.2-2241(A)4.

Sec. 19-162. - Curbs, gutters and sidewalks.

(a) Curbs, gutters and sidewalks may be installed by the subdivider. If voluntarily installed, they shall be on both sides of each street in the subdivision in accordance with county design standards and specifications. Curbs and gutters must be installed on both sides of each street in the subdivision if:

- (1) Any block of any street is constructed with a grade of five-tenths percent or less within the block;
 - (2) Twenty-five percent of the streets within a subdivision have a grade of one percent or less; or
 - (3) Twenty-five percent of the lots in the subdivision have a street frontage of less than 80 feet.
- (b) Curbs required under this section shall be constructed to satisfy the requirements of Code of Virginia, § 15.2-2021, as amended.
(Code 1980, § 19-31; Code 1995, § 19-143)

Sec. 19-163. - Stormwater drainage system.

The subdivider shall provide a stormwater drainage system approved by the county engineer to serve the area of the subdivision and the contributing drainage area in accordance with county design standards and specifications.

(Code 1980, § 19-32; Code 1995, § 19-144)

Cross reference – Erosion and sediment control, § 10-27 et seq.

State law reference – Mandatory that subdivision ordinance provide for adequate provisions for drainage and flood control, Code of Virginia, § 15.2-2241(A)3; mandatory that subdivision ordinance provide for the extent to which and the manner in which water and storm and sanitary sewer and other public utilities or other community facilities are to be installed, Code of Virginia, § 15.2-2241(A)4.

Sec. 19-164. - Water supply.

For subdivisions with public water, the subdivider shall provide a complete water distribution system, including fire hydrants, approved by the director of public utilities, in accordance with county design standards and specifications. The subdivider shall provide every subdivision containing three or more lots to which the county will not supply water a complete central water supply and distribution system serving each lot containing less than 8,000 square feet per lot.

(Code 1980, § 19-33; Code 1995, § 19-145)

Cross reference – Water system, § 23-196 et seq.

State law reference – Mandatory that subdivision ordinance provide for the extent to which and the manner in which water and storm and sanitary sewer and other public utilities or other community facilities are to be installed, Code of Virginia, § 15.2-2241(A)4.

Sec. 19-165. - Sanitary sewers.

The subdivider shall provide every subdivision with a means of sewage disposal approved by the director of public utilities or director of health in accordance with county design standards and specifications as follows:

- (1) Where the planning commission, or the director of planning when the planning commission does not review the subdivision plat, determines a county or sanitary sewer main is reasonably accessible, the subdivision shall provide a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot; or
- (2) Where the planning commission, or the director of planning when the planning commission does not review the subdivision plat, determines a county or sanitary sewer main is not reasonably accessible, the subdivider shall provide for the disposal of sanitary waste by one of the following

methods:

- a. In a subdivision in which the average prevailing size of lots is less than 18,000 square feet, a complete sanitary sewer system, including a lateral connection for each lot, and a community sewage treatment plant in accordance with the provisions of chapter 18, article II, division 2, and the regulations of the department of health; or
- b. In a subdivision in which the size of lots equal or exceeds 18,000 square feet, an individual sewage disposal system meeting the requirements of chapter 23, article II, division 2, for each lot in the subdivision.

(Code 1980, § 19-34; Code 1995, § 19-146)

Cross reference—Sanitary sewage disposal, § 23-29 et seq.

State law reference—Mandatory that subdivision ordinance provide for the extent to which and the manner in which water and storm and sanitary sewer and other public utilities or other community facilities are to be installed, Code of Virginia, § 15.2-2241(A)4.

Sec. 19-166. - Utility easements.

(a) All utilities, poles or underground conduits for electric power lines, telephone lines and similar services shall be placed in alleys or easements provided along the rear or side lines, whenever this is possible, in accordance with county design standards and specifications.

(b) Where possible, the subdivider shall provide common or shared easements. All development activity within easements shall be coordinated with public service corporations and the departments of public works and utilities to minimize land disturbing activities. Subdivision construction plans shall include the protection and restoration of disturbed areas in accordance with applicable provisions of article II of chapter 10 and sections 24-106.2 and 24-106.3.

(Code 1980, § 19-35; Code 1995, § 19-147)

Cross reference—Streets, sidewalks and other public property, ch. 18.

State law reference—Mandatory that subdivision ordinance provide for utility easements, Code of Virginia, § 15.2-2241(A)6.

Sec. 19-167. - Street name signs.

The subdivider shall erect street name signs at each highway, thoroughfare or street intersection in a subdivision at locations approved by the director of planning in accordance with county design standards and specifications.

(Code 1980, § 19-36; Code 1995, § 19-148)

Cross reference—Streets, sidewalks and other public property, ch. 18.

Sec. 19-168. - Planting of trees.

Trees may be planted in areas of the subdivision dedicated for public purposes in accordance with section 24-106.2 and county design standards and specifications.

(Code 1980, § 19-37; Code 1995, § 19-149)

Sec. 19-169. - Terminus of stub roads and other streets.

The director of planning may require the subdivider to provide appropriate signage at the terminus of stub roads and other streets within the subdivision.

(Code 1995, § 19-150; Ord. No. 997, § 5, 2-22-2000)

Secs. 19-170 – 19-191. - Reserved.**ARTICLE V. - ACCEPTANCE OF STREETS INTO COUNTY SYSTEM****Sec. 19-192. - Street dedication.**

Streets may be dedicated for public use by recordation of a subdivision plat. Dedication gives the county fee simple title to the dedicated streets but does not require the county to construct or maintain them. Dedicated streets may be constructed and maintained by private parties, and the county shall have no responsibility for them until it has accepted the streets into the county road system.

(Code 1980, § 18-13; Code 1995, § 18-31)

State law reference – Dedication regarding subdivision plats, Code of Virginia, § 15.2-2265.

Sec. 19-193. - Method of acceptance; effect of acceptance.

Streets are accepted into the county road system by resolution of the board of supervisors after inspection by the county engineer. Upon acceptance, streets are maintained by the county with public funds.

(Code 1980, § 18-14; Code 1995, § 18-32)

Sec. 19-194. - Construction requirements for acceptance.

To be accepted into the county road system, a street must be constructed in accordance with the following requirements:

- (1) *Width of right-of-way.* New rights-of-way must be a minimum of 50 feet wide unless otherwise approved by the board of supervisors.
- (2) *Grades.* Grades must be approved by the county engineer and be in strict conformity with the standard cross section available from the engineer's office.
- (3) *Installation of public utilities.* All planned public utilities must be installed in accordance with county standards and specifications.
- (4) *Installation of curb and gutter.* Curb and gutter must be installed as prescribed in section 19-162.
- (5) *Street drainage system.* A stormwater drainage system of culvert pipe, structures and ditches adequate to serve the contributing drainage area must be constructed in accordance with county standards and specifications and approved by the county engineer.
- (6) *Surfacing streets generally.* All streets must be hard-surfaced with an asphalt concrete material in accordance with county standards and specifications.
- (7) *Notification of county engineer for inspection.* The county engineer must be notified for inspection when grading work is completed prior to any surfacing with gravel or bituminous material.
- (8) *Installation of utility pipelines.* Pipelines for utilities must be installed in accordance with county standards and specifications. During the installation process, no more than 600 feet of ditch may be

open at any one time, no more than one intersection may be blocked, no concrete (Portland cement or bituminous) pavements may be cut without the county engineer's written approval except in cases of emergency, and no more than 20 feet of ditch may remain open overnight, when required to expose pipe to be extended the next working day.

(Code 1980, § 18-15; Code 1995, § 18-33)

Sec. 19-195. - Extension of width of asphalt surface material by county.

Where an individual homeowner has constructed curbs and gutters to meet county standards and specifications and grades established by the county engineer, the county shall extend the existing graveled or asphalt surface treatment to the gutters at no cost to the homeowner.

(Code 1980, § 18-18; Code 1995, § 18-35)

Sec. 19-196. - Installation of street name signs by county.

The county engineer shall price and order standard county street name signs upon request. The county will supply the post, the ornamental street bracket and the labor necessary to erect the signs at cost when the signs are received.

(Code 1980, § 18-19; Code 1995, § 18-36)

Sec. 19-197. - Installation of culverts by county.

The county will install culvert pipe for private walkways or driveways without charge for labor when the applicant supplies pipe of approved material and size, not less than 16 feet in length.

(Code 1980, § 18-20; Code 1995, § 18-37)