

*ALBEMARLE COUNTY CODE*

**CHAPTER 14**

**SUBDIVISION OF LAND**

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**ARTICLE I. GENERAL PROVISIONS**

**Sec. 14-100 Short title.**

This chapter shall be known and may be cited as the “Subdivision Ordinance of Albemarle County, Virginia” or as the “Subdivision Ordinance.”

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

*State law reference--*Va. Code § 15.2-2240.

**Sec. 14-101 Purposes.**

The purposes of this chapter are to:

- A. Improve the public health, safety, convenience and welfare of the citizens of the county by assuring the orderly division of land and its development;
- B. Provide residential areas with healthy surroundings for family life by assuring that land is divided and developed in a manner that is harmonious with its surrounding lands;
- C. Implement the comprehensive plan and the policies stated in section 1.4 of the zoning ordinance through the standards and procedures established herein;
- D. Assure that the development of the county is consonant with efficient and economical use of public funds;
- E. Assure that all improvements required by this chapter will be designed, constructed and maintained so as not to become an undue burden on the community; and
- F. Establish standards for lot development that are specific to, and most appropriate for, the lands within the development and rural areas of the county.

((§18-1: § 2, 8-28-74; § 18-1, 9-5-96)(§ 18-14: §3, 8-28-74; § 18-14, 9-5-96); §§ 18-1, 18-14; § 14-101, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

*State law reference--*Va. Code § 15.2-2240.

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**Sec. 14-102 Applicability.**

This chapter shall apply to all subdivisions of land, the vacation of plats or parts thereof, and the establishment of easements required by this chapter. This chapter does not apply to divisions of land resulting from an order entered by a court of equity requiring that land be partitioned, or from the exercise of the power of eminent domain by any public agency.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2240.

**Sec. 14-103 Acts prohibited without complying with chapter.**

Unless this chapter and Article 6, Chapter 22 of Title 15.2 of the Code of Virginia are complied with:

A. A person shall not subdivide land, vacate a plat, or establish an easement required by this chapter.

B. Neither a subdivision plat, an easement plat, nor a plat or other document vacating a plat shall be recorded unless and until it has been signed by the agent and it is valid at the time of recordation. If a portion of the property lies in another locality having a subdivision ordinance, no plat shall be recorded unless and until it has also been submitted to and approved by that locality.

C. A person shall not sell or transfer any land of a subdivision before a plat has been duly approved and recorded as provided in this chapter, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, the prohibited act stated in this paragraph does not prevent the recordation of the instrument by which the land is transferred or the passage of title as between the parties to the instrument.

D. The clerk of any court shall not file or record a subdivision plat, an easement plat, or a plat or other document vacating a plat until the plat or document has been approved as provided in this chapter and it is valid at the time of recordation.

E. Nothing in this chapter shall affect the power of a court of equity to order that property be partitioned.

((§18-3: § 10, 8-28-74; § 18-3, 9-5-96)(§ 18-11: § 2, 8-28-74; § 18-11, 9-5-96)(§ 18-41(part): §3, 8-28-74; § 18-41 (part), 9-5-96); §§ 18-3, 18-11, 18-41; § 14-103, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2254.

**Sec. 14-104 Relation of chapter to other laws and private contracts.**

The requirements of this chapter are:

A. Separate from, but supplementary to, all other applicable requirements of the Code. Compliance with the requirements of this chapter shall not be deemed to be compliance with other applicable ordinances or regulations.

B. Separate from, but supplementary to, all other applicable requirements of state or federal law. If the requirements of this chapter are in direct conflict with mandatory state or federal requirements, then the state or federal requirements shall apply.

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C. Separate from the requirements, terms or conditions of any private easement, covenant, agreement or restriction. Neither the county nor any of its officers, employees or agents shall have any duty to enforce a private easement, covenant, agreement or restriction.

(9-5-96, 12-21-83; 4-6-77, 8-28-74; 1988 Code, § 18-7; § 14-104, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference**--Va. Code § 15.2-2240.

### **Sec. 14-105 Rules of construction.**

This chapter protects paramount public interests and shall be liberally construed to effectuate its several purposes. In addition to the rules of construction set forth in section 1-101 of the Code, the following rules of construction apply to the construction of this chapter, unless the application would be contrary to the purposes of this chapter or the context clearly indicates otherwise:

A. All references to any statute, regulation, guideline, manual or standard are to that statute, regulation, guideline, manual or standard as it exists on the date of adoption of this chapter, and includes any amendment thereafter or reissue in a subsequent edition.

B. The word “days” means calendar days.

C. All distances and areas shall be measured in a horizontal plane.

D. The word “current” means the point in time at which a matter is under consideration and shall not mean the date of the adoption of this chapter.

E. The word “street,” when not preceded by either “public” or “private,” means either a public street or a private street.

F. All provisions requiring that improvements be designed or constructed to prescribed standards, or otherwise comply with delineated standards, refer to the minimum standard and nothing in chapter 14 shall prohibit an improvement from exceeding the standard..

(§ 18-2(part); 8-28-74, 4-21-76; 12-15-76; 3-29-78; 2-4-81; 4-13-88; 9-5-96; § 14-105, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2240, 15.2-2241(9).

### **Sec. 14-106 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

*Agent.* The term “agent” means the director of zoning and current development within the department of community development.

*Alley.* The term “alley” means a form of vehicular travelway providing access to the rear and/or side lot line of abutting properties which front along streets. An alley is privately owned and maintained, is intended to be used primarily by the owners and occupants of the abutting properties and persons and vehicles providing services to those properties, including emergency services vehicles, and is not intended for through traffic. An alley is not a “private street.”

*Alternative onsite sewage system.* The term “alternative onsite sewage system” means a treatment works approved by the Virginia Department of Health that is not a conventional onsite sewage system and does not result in a point source discharge.

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*Amenity.* The term “amenity” means an area of activity designed principally for, and accessible to, persons residing or working within a subdivision. Areas of activity may be either indoors or outdoors, including but not limited to swimming pools and tennis, volleyball and basketball courts. An outdoor area of activity may be a passive or an active area, including but not limited to playgrounds, pedestrian paths through natural areas, courtyards, and paved pedestrian areas for gathering. An indoor area of activity includes, but is not limited to, gyms, weight rooms, indoor swimming pools, indoor basketball courts, and other indoor recreational areas. Amenities may be located in required green space and be included in both required green space and amenity calculations.

*Architect.* The term “architect” means a person licensed to practice as an architect in the Commonwealth of Virginia.

**State law reference--**Va. Code § 54.1-400.

*Attached housing development.* The term “attached housing development” means a development in which two or more dwelling units are proposed to adjoin along common lot lines.

*Boundary line adjustment.* The term “boundary line adjustment” means a type of subdivision in which one or more lot lines are relocated or altered so that the land exchanged is added to and becomes part of an existing lot.

*Building.* The term “building” means any structure having a roof supported by columns or walls.

*Central sewerage system.* The term “central sewerage system” means a sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewage treatment plants, including but not limited to septic tanks and/or conventional drain fields or any of them, designed to serve three or more connections used for conducting or treating sewage, which is required to be approved by the board of supervisors pursuant to Article 4, Chapter 21 of Title 15.2 of the Code of Virginia.

**State law reference--**Va. Code § 15.2-2126.

*Central water system.* The term “central water system” means a water supply system consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, to serve or to be capable of serving three or more connections, which is required to be approved by the board of supervisors pursuant to Article 6, Chapter 21 of Title 15.2 of the Code of Virginia.

**State law reference--**Va. Code § 15.2-2149.

*Certified landscape architect.* The term “certified landscape architect” means a person licensed to practice as a certified landscape architect in the Commonwealth of Virginia.

**State law reference--**Va. Code § 54.1-400.

*Commission.* The term “commission” means the Albemarle County planning commission.

*Common area.* The term “common area” means an area shown on a plat that is not a platted lot for sale but is either owned, or will be owned, in common by the lot owners within the subdivision or, if it is not owned in common, it is available for the common use of the lot owners within the subdivision.

*Control measure.* The term “control measure” means any best management practice (“BMP”), stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

*Control point.* A known latitude/longitude (or X/Y) geographic location obtained in the field using either a global positioning system or other location-determining equipment, acquired in a manner that will yield an X,Y position that can be demonstrated to have submeter accuracy, and whose position coordinates are expressed relative to the North American Datum of 1983 (NAD 83).

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*Conventional onsite sewage system.* The term “conventional onsite sewage system” means a treatment works approved by the Virginia Department of Health consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

*County attorney.* The term “county attorney” means the Albemarle County attorney or his designee.

*County engineer.* The term “county engineer” means the county engineer within the department of community development or his designee.

*Dam break inundation zone.* The term “dam break inundation zone” means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam that has been mapped as provided in Virginia Code § 10.1-606.2.

*Development.* The term “development,” as used in regulations pertaining to dam break inundation zones, means one or more lots developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more dwelling units, but does not include any lot or lots that will be principally devoted to agricultural production.

*Development areas.* The term “development areas” means those parts of the county designated as a development area on the Albemarle County comprehensive plan map adopted by the board of supervisors.

*Drainage control.* (Repealed 1-1-14)

*Driveway.* The term “driveway” means a form of vehicular access from a street or alley to the interior of a lot.

*Dwelling unit.* The term “dwelling unit” means a single unit providing complete, independent living facilities for one (1) or more persons, and which has permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* The term “easement” means a reservation or grant by a property owner of the use of land for a specific purpose or purposes, other than a license revocable by the unilateral act of the grantor.

*Easement plat.* The term “easement plat” means the schematic representation of an easement required by, and subject to review and approval by the county under this chapter, which includes a statement of the specific purpose for which the easement is established.

*Family subdivision.* The term “family subdivision” means the single division of property for the purpose of sale or gift to a member of the immediate family of the owner of the property.

*Frontage.* The term “frontage” means the continuous uninterrupted distance along which a parcel abuts an adjacent street.

*Health director.* The term “health director” means the health director of the Thomas Jefferson Health District or his designee.

*Highway engineer.* The term “highway engineer” means the resident highway engineer of the county employed by the Virginia Department of Transportation.

*Impounding structure.* The term “impounding structure” means a man-made structure, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials and includes: (i) all dams that are twenty-five (25) feet or greater in height and that create an impoundment capacity of fifteen (15) acre-feet or greater; and (ii) all dams that are six (6) feet or greater in height and that create an impoundment capacity of fifty (50) acre-feet or greater. The term

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“impounding structure” does not include dams licensed by the State Corporation Commission that are subject to a safety inspection program; dams owned or licensed by the United States government; dams operated primarily for agricultural purposes which are less than twenty-five (25) feet in height or which create a maximum impoundment capacity smaller than one hundred (100) acre-feet; water or silt retaining dams approved pursuant to Virginia Code § 45.1-222 or 45.1-225.1; or obstructions in a canal used to raise or lower water.

*Improvement.* The term “improvement” means all public utilities and facilities required by this chapter, including, but not limited to, streets, turnarounds, traffic signalization and controls, sanitary sewers, stormwater management facilities, erosion control facilities, control measures, water systems, curbs, curbs and gutters, and sidewalks, regardless of whether such utilities and facilities are publicly or privately owned and/or maintained.

*K value.* The term “K value” means the coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve.

*Land surveyor.* The term “land surveyor” means any person licensed to practice as such in the Commonwealth of Virginia.

**State law reference--**Va. Code § 54.1-400.

*Lot.* The term “lot” means a lawfully created separate unit, division or piece of land shown on a plat of record or described by metes and bounds or other legal description, and is synonymous with the words “tract”, “parcel” and “plot”.

*Lot, corner.* The term “corner lot” means a lot abutting on two (2) or more streets at their intersection.

*Lot, depth of.* The term “depth of lot” means the mean horizontal distance between the front and rear lot line.

*Lot, double frontage.* The term “double frontage lot” means an interior lot having frontage on two streets or frontage on one street and less than twenty (20) feet of common area between the rear of the lot and the second street, and having a depth of less than three hundred fifty (350) feet.

*Lot, interior.* The term “interior lot” means a lot other than a corner lot.

*Lot, width of.* The term “width of lot” means the mean horizontal distance between the side lot lines.

*Member of the immediate family.* The term “member of the immediate family” means the natural or legally defined off-spring, grandchild, grandparent, or parent of the owner of property.

*Natural stream.* The term “natural stream” means a nontidal waterway that is part of the natural topography, which typically will maintain a continuous, seasonal or intermittent flow during the year, and which is characterized as being irregular in cross-section with a meandering course. A constructed channel such as a drainage ditch or swale is not a natural stream.

*Non-building lot:* (Repealed 6-1-11)

*Onsite sewage system.* The term “onsite sewage system” means a conventional onsite sewage system or an alternative onsite sewage system.

*Open space.* The term “open space” means an area containing water or land or a combination thereof that is unoccupied by building lots or streets, and which may be vegetated, developed with amenities or utilities, or left in an undisturbed state.

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*Person.* The term “person” means a natural person, corporation, partnership, sole proprietorship, trust, trustee, joint venture, or any other entity.

*Phased subdivision.* The term “phased subdivision” means a subdivision for which a preliminary plat is approved for the entire property, and for which two or more final plats, individually pertaining to less than the entire property, are submitted sequentially for review and approval.

*Planting strip.* The term “planting strip” means the required area between a street and the sidewalk where street trees or the landscaping equivalent are located.

*Plat.* The term “plat” means a schematic representation of land divided or to be divided.

**State law reference--**Va. Code § 15.2-2201.

*Plat, final.* The term “final plat” means a plat upon which the plan for a subdivision is presented for approval pursuant to this chapter, whether preceded by an approved preliminary plat or not, and which is in final form for recording.

*Plat, preliminary.* The term “preliminary plat” means a plat upon which the plan for a subdivision is presented for approval as a preliminary plat pursuant to this chapter, and which is not in final form for recording.

*Professional engineer.* The term “professional engineer” means a person licensed to practice as a professional engineer in the Commonwealth of Virginia.

**State law reference--**Va. Code § 54.1-400.

*Program authority.* The term “program authority” means the department of community development. Except where the context clearly indicates otherwise, the term “program authority” includes any officer or employee of the department of community development authorized by the county engineer to act pursuant to the water protection ordinance of Albemarle County, Virginia, as codified in chapter 17 of the Code.

*Property.* The term “property” means one or more lots collected together for the purpose of subdividing.

*Public sewerage system.* The term “public sewerage system” means any sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, operated by, for, or under the authority of the Albemarle County Service Authority or the Rivanna Water and Sewer Authority.

*Public water system.* The term “public water system” means a water supply system consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, operated by, for, or under the authority of the Albemarle County Service Authority or the Rivanna Water and Sewer Authority.

*Remnant.* The term “remnant” means any lot, other than one established as a special lot, which does not meet the minimum lot requirements of this chapter and the zoning ordinance.

*Resubdivision.* (Repealed 1-1-14)

*Runoff.* (Repealed 1-1-14)

*Rural areas.* The term “rural areas” means those parts of the county designated as a rural area on the Albemarle County comprehensive plan map adopted by the board of supervisors.

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*Rural subdivision.* The term “rural subdivision” means a type of subdivision that is located in the rural areas which results in two or more lots for the purpose of transfer of ownership or building development, such that: (i) each lot created is at least five (5) acres in area; and (ii) each lot created has at least two hundred fifty (250) feet of frontage on an existing public street which is part of the primary system or secondary system of state highways.

*Service authority.* The term “service authority” means the Albemarle County Service Authority.

*Shared driveway.* The term “shared driveway” means a vehicular access to only two lots which have frontage on a street and which are authorized pursuant to section 14-236.

*Sidewalk.* The term “sidewalk” means a paved pedestrian way designed to meet Virginia Department of Transportation or county standards as provided in this chapter.

*Site review committee.* (Repealed 1-1-14)

*Special lot.* The term “special lot” means a lot created to be used exclusively for public or private streets, railroad right-of-way and railroad lines, public utilities, publicly owned or operated public facilities, publicly owned or operated parks, publicly or privately owned sites for personal wireless service facilities, central water supplies and central sewerage systems as those terms are defined in chapter 16, stormwater management facilities, cemeteries existing on June 8, 2011, conservation areas, preservation areas, open space, and greenways.

*Staff.* The term “staff” means employees of the county.

*State waters.* The term “state waters” means all waters on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

*Stormwater management.* (Repealed 1-1-14)

*Stormwater management facility.* The term “stormwater management facility” means a control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow.

*Stormwater management plan.* The term “stormwater management plan” means a document or documents containing material for describing the methods for complying with the requirements of the Virginia Stormwater Management Program implemented in chapter 17 of the code.

*Stormwater runoff.* The term “stormwater runoff” means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

*Street, private.* The term “private street” means any street or other way or means of vehicular access approved as a “private street” pursuant to sections 14-232 through 14-235 or as a “private road” under any prior ordinance regulating the subdivision of land, that is not designed, constructed, bonded or approved to be maintained by the Virginia Department of Transportation as part of the secondary system of state highways, regardless of ownership. Any street identified on a recorded plat as a restricted road, access road or other designation which was not approved by the county as a private street or a private road as described herein is not a private street.

*Street, public.* The term “public street” means a street which is encompassed by a right-of-way dedicated to public use and approved to be maintained by the Virginia Department of Transportation as a part of the primary or secondary system of state highways. Any requirement of this chapter that refers to an existing public street shall mean a public street maintained by the Virginia Department of Transportation.

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*Street right-of-way.* The term “street right-of-way” means the total width of the strip of land dedicated or reserved for travel, including pavement, and which also includes, but is not limited to, curbs and gutters, shoulders, ditches, sidewalks, bicycle paths, planting strips and, where necessary, utility easements.

*Subdivide.* The term “subdivide” means the process of dividing land to establish a subdivision.

*Subdivider.* The term “subdivider” means one or more persons who own property to be subdivided, and his successors in interest.

*Subdivision.* The term “subdivision” means any division of land, and includes rural subdivisions, family subdivisions, and the establishment of a condominium regime. For purposes of this chapter, a boundary line adjustment is also a “subdivision.”

References to a *subdivision* in this chapter include, in the appropriate context, a proposed subdivision.

**State law reference--**Va. Code § 15.2-2201.

*Submit.* The term “submit” means to pay the applicable required fee and to have an application or other required document marked by the county as “received.”

*Subsurface drainfield.* The term “subsurface drainfield” means a system installed within the soil and designed to accommodate treated sewage from a treatment works.

*Survey.* The term “survey” means a graphic description of land showing existing conditions, improvements, and water features.

*Treatment works.* The term “treatment works” means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

*Turnaround.* The term “turnaround” means an area for vehicles to reverse movement at the end of a street.

*Virginia Department of Transportation standards.* The term “Virginia Department of Transportation standards” means one or more applicable standards or requirements of the Virginia Department of Transportation pertaining to the design or construction of any public street and any improvement related thereto. Virginia Department of Transportation standards include, but are not limited to, those standards and requirements set forth in its Road Design Manual, Road and Bridge Standards, and Subdivision Street Requirements.

*Water protection ordinance.* The term “water protection ordinance” means the water protection ordinance of Albemarle County, Virginia, as codified in chapter 17 of the Code.

*X, Y position.* The term “X, Y position” means a two dimensional point representation of a latitude/longitude location.

*Zoning ordinance.* The term “zoning ordinance” means the zoning ordinance of Albemarle County, Virginia, as codified in chapter 18 of the Code.

Any term used in this chapter which is not defined in this section shall be given its common and ordinary meaning unless the term has been defined elsewhere in the Code or by statute, regulation or by the

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Virginia Supreme Court or the Virginia Court of Appeals, and the definition is applicable to the context in which the term is used.

((§ 18-2(part): 4-21-76; 12-15-76; 3-29-78; 7-9-86; 4-13-88; 9-5-96)(§ 18-56: 8-28-74; 10-17-79; 4-13-88; 9-5-96); §§ 18-2, 18-56; § 14-106, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 11-14(1), 6-1-11; Ord. 12-14(1), 7-11-12; Ord. 13-14(1), 12-4-11, effective 1-1-14)

**State law reference--**Va. Code § 15.2-2252.

**Sec. 14-107 Procedure to amend chapter.**

This chapter may be amended in whole or in part by the board of supervisors, as follows:

A. The commission on its own initiative may, or at the request of the board of supervisors shall, prepare amendments to this chapter.

B. The commission shall make a recommendation for any amendment prior to approval by the board of supervisors. If the commission fails to make a recommendation within sixty (60) days of the date the amendment was referred to the commission, the board of supervisors may adopt the amendment without the recommendation of the commission.

C. Prior to adoption of an amendment by the board of supervisors, a notice of intention shall be published and a public hearing shall be held in accordance with Virginia Code § 15.2-2204.

(§ 13, 8-28-74; § 18-5, 9-5-96; § 14-107, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2253.

**Sec. 14-108 Filing of chapter.**

A certified copy of this chapter and all amendments hereto shall be filed in the office of the clerk to the board of supervisors, the department of community development, and in the office of the clerk of the circuit court of the county.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2252.

**ARTICLE II. ADMINISTRATION AND PROCEDURE**

**DIVISION 1. ADMINISTRATION**

**Sec. 14-200 Designation of agent; powers and duties.**

The director of community development is hereby designated the agent of the board of supervisors for the purpose of administering chapter 14 except as otherwise expressly provided. The agent shall have the powers and duties to:

A. Receive, process and act on all applications as provided in chapter 14.

B. Establish reasonable administrative procedures as deemed necessary for the proper and efficient administration of chapter 14.

C. Make all determinations and findings and impose all applicable requirements in reviewing an application under chapter 14.

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D. Consider and act on requests to vary or except the regulations of chapter 14 as provided in section 14-203.1.

(§2, 8-28-74; § 18-10, 9-5-96, § 14-200, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2259.

**Sec. 14-201 Designation of commission; powers and duties.**

The commission shall have the following powers and duties in the administration of this chapter:

A. To initiate amendments to this chapter and to make recommendations on the amendments and on proposed amendments referred to it by the board of supervisors.

B. Consider and act on requests to vary or except the regulations of chapter 14 as provided in section 14-203.1.

C. To consult with and advise the agent on matters contained in this chapter.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(9), 15.2-2251, 15.2-2253, 15.2-2255.

**Sec. 14-202 Establishment of site review committee; powers and duties.**

A site review committee is hereby established and it shall be composed of representatives of the department of community development, the department of fire rescue, the Albemarle County Service Authority, the Virginia Department of Health, the Virginia Department of Transportation, the United States Department of Agriculture, and the Natural Resource Conservation Service. Each member of the site review committee shall identify the requirements and may make recommendations on those matters within the authority of the bodies and entities that they represent. The site review committee shall have the powers and duties to:

A. Meet from time to time to review plats as provided in chapter 14, including requests for variations or exceptions.

B. Transmit to the agent the requirements and recommendations it has identified regarding each plat, and information and recommendations on each request for a variation or exception.

C. Propose rules for the conduct of its business to the agent, which shall be established and approved as administrative procedures under section 14-200.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference –** Va. Code §§ 15.2-2241(9), 15.2-2255.

**Sec. 14-202.1 Amendments to a plat.**

Changes, revisions or erasures (collectively, “amendments”) to a plat may be made as follows:

A. *Prior to approval.* Before a plat is approved by the agent, the subdivider may amend a plat or accompanying data sheet that has been submitted to the county if the agent authorizes the amendment in writing or if the site review committee requires the amendment in its review of the plat. The procedures and requirements for preliminary and final plats apply to amendments to a plat.

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B. *After approval.* After a plat is approved by the agent, the subdivider may amend the plat if the amended plat is submitted, reviewed and approved as provided in section 14-209 or sections 14-213 through 14-231.1, as applicable; provided that the agent may approve amendments to an approved final plat without proceeding under section 14-209 or 14-213 through 14-231.1, as applicable, if he determines that the plat, as amended: (i) complies with all requirements of this chapter and all other applicable laws; (ii) is substantially the same as the approved plat or site plan; and (iii) will have no additional adverse impact on adjacent land or public facilities.

C. *Signature by owner.* An amended final plat shall be signed by the owner as provided in section 14-303(O).

(§ 14-238, Ord. 98-A(1), 8-5-98; § 14-231.1, Ord. 05-14(1), 4-20-05, effective 6-20-05; § 14-202.1, Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255.

**Sec. 14-203 Fees.**

Each subdivider shall pay a fee upon the submittal of a plat or other application, based on the schedule below; provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant. Except as provided in subsection (H)(7), the fee shall be in the form of cash or a check payable to the “County of Albemarle.”

A. Preliminary plat:

1. If subject to review by the agent:
  - (a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: \$269.00.
  - (b) 1 to 9 lots: \$1,236.00.
  - (c) 10 to 19 lots: \$1,236.00.
  - (d) 20 or more lots: \$1,236.00.
2. Reinstatement of review: \$559.00.
3. Each filing of a preliminary plat, whether or not a preliminary plat for the same property has been filed previously: The applicable preliminary plat fee.

B. Final plat:

1. If subject to review by the agent:
  - (a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: \$581.00.
  - (b) 1 to 9 lots: \$1,075.00.
  - (c) 10 to 19 lots: \$1,182.00.
  - (d) 20 or more lots: \$1,322.00.
2. Condominium plat: \$108.00.
3. Reinstatement of review: \$559.00.

C. Other subdivision plats:

1. Plat for a rural subdivision, family subdivision, or resubdivision: \$742.00.
2. Plat for a boundary line adjustment: \$215.00.
3. Plat creating one or more special lots and one residue lot: \$95.00.

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4. Plat for subdivision following final site plan approval:
  - (a) 1 to 9 lots: \$1,075.00
  - (b) 10 to 19 lots: \$1,182.00
  - (c) 20 or more lots: \$1,322.00
  
- D. Easement plat or plats, per easement:
  1. Easement plat(s) without a deed: \$527.00.
  2. Easement plat(s) with a deed: \$817.00.
  3. Easement plat(s) required with a site plan: \$215.00.
  4. Easement plat(s) amending a previously approved easement plat(s): \$215.00.
  
- E. Streets:
  1. Public road plans: \$269.00 for each review of a submitted plan, including reviews of revisions after plan approval.
  2. Private road plans: \$430.00 for each review of a submitted plan, including reviews of revisions after plan approval.
  3. Authorization for one or more private streets within a subdivision filed separately from a subdivision application: \$720.00.
  4. Variation to or exception from one or more street standards before approval of a preliminary plat under section 14-203.1: \$581.00.
  5. Variation to or exception from curb and/or gutter requirements before approval of a preliminary plat under section 14-203.1: \$581.00.
  6. Variation to or exception from street interconnection requirements before approval of a preliminary plat under section 14-203.1: \$581.00.
  7. If required to construct a street, the subdivider shall pay to the county a fee equal to the cost of the inspection of the construction of any such street. These fees shall be paid prior to completion of all necessary inspections and shall be deemed a part of the cost of construction of the street for purposes of section 14-435(B).
  
- F. Bonds:
  1. Bond estimate request for subdivision improvements: \$269.00.
  2. Bonding inspection for a plat or bond reduction: \$269.00.
  
- G. Groundwater assessment information required by section 14-308.1:
  1. Tier 1 assessment under section 17-1001: \$54.00.
  2. Tier 2 assessment under section 17-1002: \$355.00.
  3. Tier 3 assessment under section 17-1003: \$548.00.
  4. Tier 4 assessment under section 17-1004: \$1,183.00.

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- H. Other matters subject to review:
1. Variation or exception under section 14-203.1 before approval of a final plat, not provided for under subsections (E)(4), (5), or (6): \$892.00.
  2. Variation or exception under section 14-203.1 after approval of a final plat, not provided for under subsections (E)(4), (5), or (6): \$892.00.
  3. Relief from plat conditions imposed by the commission prior to the date of adoption of this chapter: \$419.00.
  4. Appeal of a plat decision to the board of supervisors: \$290.00.
  5. Extension of a plat approval: \$129.00.
  6. Vacation of a plat or part thereof: \$258.00.
  7. Dam break inundation zones; administrative fee as required by section 14-441: One percent of the total amount of payment required by section 14-441 or one thousand dollars (\$1,000.00), whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).
- I. Notices as required by section 14-218:
1. Preparing and mailing or delivering up to fifty (50) notices: \$215.00.
  2. Preparing and mailing or delivering, per notice more than fifty (50): \$1.08 plus the actual cost of first class postage.

(§ 3, 8-28-74; 11-10-76; 3-2-77; 12-14-77; 12-1-82; 4-17-85; 6-7-89; 12-11-91; § 18-43, 9-5-96; § 14-203, Ord. 98-A(1), 8-5-98; Ord. 99-14(1), 6-16-99; Ord. 02-14(2), 7-3-02; Ord. 04-14(1), adopted 12-8-04, effective 2-8-05; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(1), 5-13-09, effective 10-1-09; Ord. 11-14(1), 6-1-11; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 15-14(1), adopted 10-14-15, effective 11-1-15)

**State law reference--**Va. Code § 15.2-2241(9).

**Sec. 14-203.1 Variations and exceptions.**

The requirements of this chapter may be varied or excepted as follows:

A. *Exception from requirement to provide certain details in subdivision plat.* The agent may except certain details of a plat and any other information required by sections 14-302 through 14-318 expressly authorized to be varied or excepted, as provided herein:

1. *Request for exception.* A subdivider requesting an exception shall submit to the agent a written request stating the reasons for the request and addressing the applicable finding in subsection (A)(2).

2. *Finding.* An exception may be approved if the agent finds that unusual situations exist or that strict adherence to requiring the details in sections 14-302 or 14-303 would result in substantial injustice or hardship. This finding shall be supported by information from the site review committee that all of the details required by sections 14-302 and 14-303 are not necessary for its review of the proposed subdivision, and from the zoning administrator, in consultation with the county engineer, that the details waived are not necessary to determine that the subdivision is developed in compliance with this chapter and all other applicable laws.

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3. *Action by the agent on a request.* The agent may approve or deny the request. In approving an exception, the agent shall identify the details otherwise required by sections 14-302 and 14-303 that are excepted.

B. *Variation or exception from any requirement of section 14-400 et seq.* The agent or the commission may vary or except any requirement of section 14-400 through 14-441 expressly authorized to be varied or excepted by the agent or the commission, as the case may be, as provided herein:

1. *Request for a variation or exception.* A subdivider requesting a variation or exception shall submit to the agent a written request stating the reasons for the request and addressing the applicable findings in subsections (B)(2) and (B)(3) and all of the information required to be submitted by the applicable regulation. When a variation is requested, the subdivider also shall describe the proposed substituted technique, design or materials composing the substituted improvement. The request should be submitted before the site review committee considers the preliminary plat, if applicable. The agent may request that the site review committee provide information and a recommendation on any request for a variation or exception. If the commission is authorized to grant the variation or exception, the agent shall forward his and the site committee's recommendations to the commission.

2. *Findings required for a variation.* The agent or the commission may approve a request for a variation to substitute a required improvement upon finding that because of an unusual situation, the subdivider's substitution of a technique, design or materials of comparable quality from that required by the applicable regulation results in an improvement that substantially satisfies the overall purposes of this chapter in a manner equal to or exceeding the desired effects of the requirement in the applicable regulation.

3. *Findings required for an exception.* The agent or the commission may approve a request for an exception from any requirement of the applicable regulation upon finding that: (i) because of an unusual situation, including but not limited to, the unusual size, topography, shape of the site or the location of the site; or (ii) when strict adherence to the requirements would result in substantial injustice or hardship by, including but not limited to, resulting in the significant degradation of the site or to adjacent properties, causing a detriment to the public health, safety or welfare, or by inhibiting the orderly development of the area or the application of sound engineering practices.

4. *Action by the agent on a request; conditions.* The agent or the commission may approve, approve with conditions, or deny the request. If a request is approved, the agent, for himself or on behalf of the commission, shall prepare a written statement regarding the findings made. If a request is denied, the agent, for himself or on behalf of the commission, shall inform the developer in writing within five (5) days after the denial, and include a statement explaining why the request was denied. In approving a request, the agent or the commission may impose reasonable conditions deemed necessary to protect the public health, safety or welfare.

C. *Appeals.* The decision of the agent or the commission may be appealed as provided in section 14-203.2.

((§ 14-224.1: Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09)(§ 14-225.1: §10, 8-28-74; § 18-3, 9-5-96; § 14-237, Ord. 98-A(1), 8-5-98, § 14-225.1, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09); §§ 14-224.1, 14-225.1; § 203.1, Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2242(1).

**Sec. 14-203.2 Appeals of decisions pertaining to variations and exceptions.**

A denial of a request for a variation or an exception or the approval of a variation or exception with conditions objectionable to the subdivider may be appealed by the subdivider as follows:

A. *To the planning commission.* A subdivider may appeal the decision of the agent to the commission by submitting a written request for appeal to the agent within ten (10) days after the date of the

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agent's decision. In acting on an appeal, the commission shall consider the recommendation of the agent and all other relevant evidence, and apply the applicable findings provided in section 14-203.1. The commission may approve or deny the request. In approving a request on an appeal from a decision under section 14-203.1(B), the commission may impose reasonable conditions deemed necessary to protect the public health, safety or welfare.

B. *To the board of supervisors.* A subdivider may appeal the decision of the commission to the board of supervisors by submitting a written request for appeal to the clerk of the board of supervisors within ten (10) days after the date of the commission decision. In acting on an appeal, the board shall consider the recommendation of the agent and all other relevant evidence, and apply the applicable findings provided in section 14-203.1. The board may approve or deny the request. In approving a request on an appeal from a decision under section 14-203.1(B), the board may impose reasonable conditions deemed necessary to protect the public health, safety or welfare.

C. *Effect of filing appeal.* An appeal shall suspend the running of the time by which the agent must act on a plat under sections 14-209, 14-222 or 14-230, as applicable from the date the appeal is submitted until the date the commission or the board of supervisors acts on the appeal, whichever takes the last action.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code § 15.2-2242(1).

**Sec. 14-204 Enforcement and penalties.**

A violation of any provision of this chapter shall be enforced as follows:

A. Any person, whether as principal, agent, employee or otherwise, who violates any provision of this chapter shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot so divided or transferred or sold and shall be required to comply with all provisions of this chapter. The description of one or more lots by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

B. The board of supervisors may institute any appropriate action or proceeding, at law or in equity, to prevent a violation or attempted violation, to restrain, correct, or abate a violation or attempted violation, or to prevent any act which would constitute a violation, of this chapter.

C. No permit shall be issued by any administrative officer of the county for the construction of any building, structure, or improvement requiring a permit upon any land for which an approval pursuant to this chapter is required, unless and until the person seeking the permit complies with the requirements of this chapter.

(§ 11, 8-28-74; § 18-9; 9-5-96; § 14-204, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference**--Va. Code § 15.2-2255.

**DIVISION 2. PROVISIONS OF CHAPTER APPLICABLE TO  
SUBDIVISIONS AND EASEMENT PLATS**

**Sec. 14-205 General.**

This division delineates the requirements of this chapter applicable to subdivision and easement plats.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference**--Va. Code § 15.2-2240.

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**Sec. 14-206 Subdivisions other than rural subdivisions, two lot subdivisions, subdivisions following final site plan approval, subdivisions creating one special lot and one residue lot, family subdivisions, boundary line adjustments and easement plats.**

The following sections of this chapter shall apply to each subdivision that is not a rural subdivision, a subdivision resulting in two lots, a subdivision following final site plan approval, a subdivision creating one special lot and one residue lot, a family subdivision, a boundary line adjustment or an easement plat:

- A. *General:* Sections 14-100 through 14-108.
- B. *Administration and procedure:* Sections 14-200 through 14-204, and 14-213 through 14-236.
- C. *Plat requirements and documents to be submitted:* Sections 14-300 through 14-318.
- D. *On-site improvements and design:* Sections 14-400 through 14-441.

(Ord. 98-A(1), 8-5-98; Ord. 01-14(1), 5-9-01; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code § 15.2-2241(9).

**Sec. 14-207 Rural subdivisions, two lot subdivisions, subdivisions following final site plan approval, and subdivisions creating one special lot and one residue lot.**

The following sections of this chapter shall apply to each rural subdivision, a subdivision resulting in two lots, a subdivision following final site plan approval, and a subdivision creating one special lot and one residue lot:

- A. *General:* Sections 14-100 through 14-108.
- B. *Administration and procedure:* Sections 14-200 through 14-204 and sections 14-209, 14-231, 14-231.1 and 14-236.
- C. *Plat requirements and documents to be submitted:* Sections 14-300, 14-301, 14-302(A)(1), (3), (4), (5), (6), (7), (9), (10), (11), (14), (15) and (16), 14-302(B)(1), (2), (4), (5), (6), (7), (8), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (O) and (P), 14-304, 14-305(B), 14-307, 14-307.1, 14-308.1, 14-309, 14-310, 14-312, 14-314, 14-316 and 14-318.
- D. *On-site improvements and design:* Sections 14-400, 14-403, 14-404 if any proposed lot would have less than five hundred (500) feet of frontage on a major rural street identified in subsection 14-207(E), 14-406, 14-414, 14-416, 14-421, 14-426, 14-427, 14-433, 14-438 and 14-441.
- E. The following streets in the rural areas are major rural streets:
  - 1. Barracks Road (SR 654) from Old Garth Road (SR 601) to Georgetown Road (SR 656).
  - 2. Black Cat Road (SR 616) from Richmond Road (US 250) to Interstate 64 east of Charlottesville.
  - 3. Blenheim Road (SR 795) from Coles Rolling Road (SR 712) to the Town of Scottsville line.
  - 4. Browns Gap Turnpike (SR 810) from White Hall Road (SR 810) to Blufton Road (SR 672).

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5. Buck Mountain Road (SR 663) from Earlysville Road (SR 743) to Simmons Gap Road (SR 664).
6. Buck Mountain Road (SR 664) from Markwood Road (SR 664) to Simmons Gap Road (SR 663).
7. Buffalo River Road (SR 664) from Simmons Gap Road (SR 663) to Frays Mountain Road (SR 664).
8. Buffalo River Road (SR 604) from Frays Mountain Road (SR 664) to Lexington Lane (SR 1540)
9. Burnley Station Road (SR 641) from Seminole Trail (US 29) to Watts Passage (SR 600).
10. Critzers Shop Road (SR 151) from Rockfish Gap Turnpike (US 250) to the Nelson County line.
11. Crozet Avenue (SR 810) from Three Notch'd Road (SR 240) to Buck Road (SR 789).
12. Dick Woods Road (SR 637) from Interstate 64 to Taylors Gap Road (SR 708).
13. Earlysville Road (SR 743) from Hydraulic Road (SR 743) to Buck Mountain Road (SR 663).
14. Frays Mill Road (SR 641) from Seminole Trail (US 29) to Spring Hill Road (SR 606).
15. Free Union Road (SR 601) from Garth Road (SR 676) to Chapel Spring Lane (SR 668).
16. Garth Road (SR 601) from Barracks Road (SR 654) to Free Union Road (SR 676).
17. Garth Road (SR 614) from Browns Gap Turnpike (SR 810) to Owensville Road (SR 676).
18. Garth Road (SR 676) from Garth Road (SR 614) to Free Union Road (SR 601).
19. Gordonsville Road (SR 231) from Louisa Road (SR 22) to the Louisa County line.
20. Hansens Mountain Road (FR 179) from Richmond Road (US 250) to its end.
21. Hydraulic Road (SR 743) from Georgetown Road (SR 656) to Rio Road (SR 631).
22. Irish Road (SR 6) from the Nelson County line to the Town of Scottsville line.
23. Ivy Road (US 250) from Three Notch'd Road (SR 240) to the US 29/US 250 interchange.
24. Ivy Depot Road (SR 786) from Ivy Road (US 250) to Dick Woods Road (SR 637).
25. James Monroe Parkway (SR 795) from Carters Mountain Road (SR 627) to Thomas Jefferson Parkway (SR 53).
26. James River Road (SR 726) from Blenheim Road (SR 795) to Irish Road (SR 6).
27. Lego Drive (SR 1090) from Hansens Mountain Road (FR 179) to its end.
28. Louisa Road (SR 22) from Richmond Road (US 250) to the Louisa County line.
29. Markwood Road (SR 664) from Buck Mountain Ford Lane (SR 776) to Buck Mountain Road (SR 665).
30. Miller School Road (SR 635) from Rockfish Gap Turnpike (US 250) to Dick Woods Road (SR 637).

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31. Milton Road (SR 729) from Thomas Jefferson Parkway (SR 53) to Richmond Road (US 250).
32. Monacan Trail (US 29) from Interstate 64 to the Nelson County line.
33. Monticello Avenue (SR 20) from Interstate 64 to the City of Charlottesville line.
34. Old Ballard Road/Broomley Road (SR 677) from Ivy Road (US 250) to Owensville Road (SR 676).
35. Old Garth Road (SR 601) from the US 29/US 250 interchange to Barracks Road (SR 654).
36. Old Lynchburg Road (SR 631) from Red Hill Road (SR 708) to Country Green Road (SR 875).
37. Owensville Road (SR 676) from Decca Lane (SR 678) to Garth Road (SR 614).
38. Owensville Road (SR 678) from Ivy Road (US 250) to Owensville Road (SR 676).
39. Plank Road (SR 692) from Monacan Trail (US 29) to Miller School Road (SR 635).
40. Proffit Road (SR 649) from Stony Point Road (SR 20) to Pritchett Lane (SR 785).
41. Reas Ford Road (SR 660) from Earlysville Road (SR 743) to Loftlands Drive (SR 1555).
42. Red Hill Road (SR 708) from Monacan Trail (US 29) to Dudley Mountain Road (SR 706).
43. Reservoir Road (SR 702) from Buckingham Circle (SR 820) to its end.
44. Richmond Road (US 250) from Interstate 64 east of Charlottesville to the Fluvanna County line.
45. Rio Road (SR 631) from Seminole Trail (US 29) to Hydraulic Road (SR 743).
46. Rockfish Gap Turnpike (US 250) from Three Notch'd Road (SR 240) to the Nelson County line.
47. Rolling Road (SR 620) from Presidents Road (SR 795) to the Fluvanna County line.
48. Rolling Road (SR 795) from Rolling Road (SR 620) to Carters Mountain Road (SR 627).
49. Scottsville Road (SR 20) from Interstate 64 to the Town of Scottsville line.
50. Seminole Trail (US 29) from Rio Mills Road (SR 643) to the Greene County line.
51. Simmons Gap Road (SR 663) from Buck Mountain Road (SR 664) to Buffalo River Road (SR 664)
52. Stony Point Road (SR 20) from its southern intersection with Dorrier Drive (SR 1422) to the Orange County line.
53. Thomas Jefferson Parkway (SR 53) from Scottsville Road (SR 20) to the Fluvanna County line.
54. Three Notch'd Road (SR 240) from Ivy Road (US 250) to Crozet Avenue (SR 810).
55. Union Mills Road (SR 616) from Richmond Road (US 250) to the Fluvanna County line.
56. White Hall Road (SR 810) from Browns Gap Turnpike (SR 680) to Buck Road (SR 811).
57. Woodlands Road (SR 676) from Free Union Road (SR 601) to Earlysville Road (SR 743).

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(8-28-74; 11-13-74; 5-2-79; 2-4-81; 12-21-83; 7-9-86; § 18-13(b), 9-5-96; § 14-207, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code § 15.2-2241(9).

**Sec. 14-208 Family subdivisions.**

The following sections of this chapter shall apply to each family subdivision, when applicable:

A. *General:* Sections 14-100 through 14-108.

B. *Administration and procedure:* Sections 14-200 through 14-204, 14-208, 14-209, 14-211, 14-212, 14-231, 14-231.1, 14-232(B) and 14-236.

C. *Plat requirements and documents to be submitted:* Sections 14-300, 14-301, 14-302(A)(1), (3), (4), (5), (6), (7), (9), (10), (11), (13), (14) and (15), 14-302(B)(1), (2), (4), (5), (6), (7), (8), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (M), (N), (O), (P), (Q) and (S), 14-304, 14-305(B), 14-307, 14-307.1, 14-308.1, 14-309, 14-310, 14-312, 14-314 and 14-318.

D. *On-site improvements and design:* Sections 14-400, 14-401, 14-402, 14-403; if a private street will be constructed or approved as authorized by section 14-232(B)(1), then also sections 14-316, 14-406, 14-410(F) and 14-412(A)(4); if any part of the property within a proposed family subdivision is within the jurisdictional area of the service authority, then also section 14-414, but if not, each lot, including a lot not required to connect to public sewer service pursuant to section 14-414, which is less than five (5) acres, shall comply with the requirements of sections 14-416, 14-421 and 14-426 through 14-441.

((§ 18-57 (part): 8-28-74; 10-17-79; 12-21-83; 4-13-88; 1-3-96; 9-5-96) (§ 18-58 (part): 8-28-74; 9-5-96) §§ 18-57, 18-58; § 14-208, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(9), 15.2-2244(C).

**Sec. 14-208.1 Boundary line adjustments.**

The following sections shall apply to each boundary line adjustment, when applicable:

A. *General:* Sections 14-100 through 14-108.

B. *Administration and procedure:* Sections 14-200 through 14-204, 14-209, 14-212.1, 14-231 and 14-231.1.

C. *Plat requirements and documents to be submitted:* Sections 14-300, 14-301, 14-302(A)(1), (2), (3), (4), (5), (6), (7), (9), (10), (11), (14), (15) and (16), 14-302(B)(1), (2), (4), (5), (6), (7), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (G), (H), (I), (L), (O) and (P), 14-307, 14-307.1, 14-318; if any lot will be less than five (5) acres, the soil evaluation required by section 14-309, 14-310, 14-312 and 14-314.

D. *On-site improvements and design:* Sections 14-400, 14-405, 14-406, 14-416, 14-421, 14-426 through 14-429, 14-433, 14-438 and 14-441.

(§ 3, 8-28-74; § 18-15, 9-5-96; § 14-239(part), Ord. 98-A(1), 8-5-98; § 14-208.1, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code § 15.2-2241(9).

**Sec. 14-208.2 Easement plats.**

The following sections shall apply to each easement plat, when applicable:

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- A. *General:* Sections 14-100 through 14-108.
  - B. *Administration and procedure:* Sections 14-200 through 14-204, 14-209, 14-231 and 14-231.1.
  - C. *Plat requirements and documents to be submitted:* Sections 14-300, 14-301, 14-302(A)(1), (2), (3), (4), (5), (6), (11), (14) and (15), 14-302(B)(1), (2), (4), (5), (6), (7), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (O) and (P), 14-312 and 14-314.
  - D. *On-site improvements and design:* Sections 14-433 and 14-438.
- (Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference – Va. Code § 15.2-2241.9

**Sec. 14-208.3 Subdivision creating a special lot and one residue lot**

The following sections of this chapter shall apply to each subdivision creating one or more special lots and one residue lot:

- A. *General:* Sections 14-100 through 14-108.
  - B. *Administration and procedure:* Sections 14-200 through 14-204 and sections 14-209, 14-226, 14-229 and 14-236.
  - C. *Plat requirements and documents to be submitted:* Sections 14-300, 14-301, 14-302(A)(1), (3), (4), (5), (6), (7), (9), (10), (11), (14) and (15), 14-302(B)(1), (2), (4), (5), (6), (7), (8), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (O) and (P), 14-304, 14-305(B), 14-310, 14-312, 14-314 and 14-316.
  - D. *On-site improvements and design:* Sections 14-406, 14-414, 14-416, 14-421, 14-426, 14-427, 14-433 and 14-438.
- (Ord. 11-14(1), 6-1-11)

**DIVISION 3. PROCEDURES FOR RURAL SUBDIVISIONS, TWO LOT SUBDIVISIONS, SUBDIVISIONS FOLLOWING FINAL SITE PLAN APPROVAL, SUBDIVISIONS CREATING ONE SPECIAL LOT AND ONE RESIDUE LOT, FAMILY SUBDIVISIONS, BOUNDARY LINE ADJUSTMENTS, EASEMENT PLATS AND VACATIONS**

**Sec. 14-209 Rural subdivisions; family subdivisions; subdivisions creating a special lot and one residue lot; subdivisions resulting in not more than two lots; subdivisions after approval of a final site plan, easement plats; boundary line adjustments; procedure.**

Each plat for a rural subdivision, family subdivision, a subdivision creating one or more special lots and one residue lot, a subdivision resulting in not more than two lots, a subdivision after a final site plan has been approved, a boundary line adjustment and each easement plat shall be submitted, reviewed and approved as follows:

- A. *Submittal of plat.* The subdivider shall submit the plat for review and approval by the agent. The plat shall be deemed to be a final plat and a preliminary plat shall not be required.
- B. *Review of plat.* The agent shall determine whether the plat complies with the applicable requirements of this chapter. The agent may request that any department, agency, or authority review the plat and forward its comments to him. If approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the agent shall forward the plat to the appropriate state agency or agencies for review within ten (10) business days of receipt of the plat.

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C. *Decision.* If the agent determines that the plat complies with the applicable requirements of this chapter, he shall approve the plat. If the agent determines that the plat does not comply with the applicable requirements of this chapter, he shall inform the subdivider in writing of the reasons for the disapproval, with citation to the applicable sections of this chapter or other law, and what corrections or modifications are required for the plat to be approved. The agent shall either mail the notice of disapproval by first class mail, or personally deliver it, to the subdivider.

D. *Time for decision.* The agent shall act on the plat within sixty (60) days after it has been submitted, provided that if state agency or public authority review of the plat is required, the agent shall act on the plat within thirty-five (35) days after receipt of all approvals by the state agencies or public authorities.

E. *Procedures for other approvals related to the plat.* Other approvals related to the plat shall be reviewed and approved as provided in sections 14-203.1, 14-231.1 and 14-232 through 14-236.

F. *Appeal of disapproval of plat.* The disapproval of a plat may be appealed as provided in section 14-231.

G. *Period of validity of approved plat; extension thereof.* An approved plat shall be valid for the periods provided in section 14-231.1. The period of validity may be extended as provided in section 14-231.1.

((§ 14-209: (§ 18-13 (part), 12-21-83; 9-5-96)(§ 18-57 (part), 8-28-74; 10-17-79; 12-21-83; 4-13-88; 1-3-96; 9-5-96)(§ 18-58 (part): 8-28-74; 9-5-96); §§ 18-13, 18-57, 18-58; § 14-209, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 11-14(1), 6-1-11) (§ 14-210: § 18-58, 8-28-74; 9-5-96, § 14-210, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05) (§ 14-212.1: §3, 8-28-74; § 18-15, 9-5-96; § 14-239, Ord. 98-A(1), 8-5-98, § 14-212.1(part), Ord. 05-14(1), 4-20-05, effective 6-20-05) (§ 212.3: §3, 8-28-74; § 18-15, 9-5-96; § 14-239, Ord. 98-A(1), 8-5-98' § 14-212.3, Ord. 05-14(1), 4-20-05, effective 6-20-05) (§ 14-212.4: Ord. 05-14(1), 4-20-05, effective 6-20-05) s§ 14-209, 14-210, 14-212.1, 14-212.3, 14-212.4; §14-209; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(1), 15.2-2241(9), 15.2-2244(C), 15.2-2258.

**Sec. 14-210 (Repealed 1-1-14)**

**Sec. 14-211 Family subdivisions; conditions precedent.**

A family subdivision shall be approved only if, in addition to satisfying all other applicable requirements of this chapter, the agent is satisfied that:

- A. Only one lot is created for transfer by sale or gift to the same family member.
- B. The subdivider has not previously divided any other land within the county by family subdivision for transfer by sale or gift to the same family member.
- C. Each lot proposed to be created complies with all applicable requirements of the zoning ordinance.
- D. If the lot proposed to be created will be transferred to a member of the immediate family owning an abutting lot, the family subdivision lot shall be combined with the abutting lot and shall be so noted on the plat by appropriate symbol and wording.

(8-28-74; 10-17-79; 12-21-83; 4-13-88; 1-3-96; § 18-57, 9-5-96; § 14-211, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2244(C).

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**Sec. 14-212 Family subdivisions; conditions of approval.**

Each approval of a plat for a family subdivision shall be subject to the following conditions:

A. No lot may be created by family subdivision unless it has been owned by the current owner or a member of his or her immediate family for at least four (4) consecutive years immediately preceding the date the family subdivision plat is submitted under section 14-209. For the purposes of this section, and subject to approval by the county attorney:

1. Land owned as part of a trust for estate planning purposes may be considered to be owned by the current owner or a member of his or her immediate family upon consideration of the following factors: (i) the title to the real property is in the name of one or more of the trustees; (ii) if there is more than one trustee, the intended grantee is a qualifying member of each trustee's immediate family; (iii) if there is more than one trustee, all of the trustees agree in writing to the family subdivision; (iv) under the trust instrument, the trustee(s) retain complete control over the trust assets; and (v) the trust instrument allows the trustee(s) to convey real property.

2. A lot created by family subdivision may be conveyed to the custodian of a qualifying member of the immediate family under the Virginia Uniform Transfers to Minors Act (*Virginia Code § 64.2-1900 et seq.*)

B. No lot created by the family subdivision, including the residue, may be transferred, except by devise, descent or operation of law, to a person other than an eligible member of the immediate family of the subdivider, for a period of four (4) years after the date of recordation of the plat, except for purposes of securing any purchase money and/or construction loan, including bona fide refinancing, or if the lending institution requires in writing that the spouse of the member of the immediate family be a co-grantee and co-owner of the lot. The subdivider shall place a restrictive covenant on the lots created by the family subdivision prohibiting the transfer of the lots so created to a person who is not a member of the immediate family for the retention period after the date of recordation. The restrictive covenant shall be subject to review and approval by the county attorney before it is recorded. If the lot created is conveyed back to the grantor during the retention period, it shall be recombined with the parent lot within six (6) months after such conveyance and no building permits shall be issued for the lots until they are recombined.

C. The entrance of the principal means of access for each lot onto any public street shall comply with Virginia Department of Transportation standards and be approved by the Virginia Department of Transportation.

D. The following note shall be added to each plat for a family subdivision: "No lot shown on this family subdivision plat may be sold or conveyed to a person other than an eligible 'member of the immediate family,' as that term is defined in Chapter 14 of the Albemarle County Code, for a period of four (4) years after the date of recordation of this plat except as authorized by section 14-212(A) of the Albemarle County Code. If any lot created by the recordation of this plat is conveyed back to the grantor during the four (4) year period, it shall be recombined with the parent lot within six (6) months after such conveyance."

(8-28-74; 10-17-79; 12-21-83; 4-13-88; 1-3-96; § 18-57, 9-5-96; § 14-212, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 08-14(1), 2-6-08; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code § 15.2-2244(C).

**Sec. 14-212.1 Boundary line adjustment; conditions precedent.**

A boundary line adjustment shall be approved only if, in addition to satisfying all other applicable requirements of this chapter, the agent is satisfied that:

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A. The lots affected shall have been: (i) part of an otherwise valid and properly recorded subdivision plat approved pursuant to this chapter or a prior subdivision ordinance of the county; or (ii) part of a properly recorded deed prior to the adoption of the first subdivision ordinance of the county that required an approved subdivision plat under the applicable circumstances.

B. The application shall not involve the relocation or alteration of any streets, alleys, or easements for public passage, or other public areas. Easements or utility rights-of-way may be relocated or altered only with the express written consent of all persons holding an interest therein.

(§ 3, 8-28-74; § 18-15, 9-5-96; § 14-239(part), Ord. 98-A(1), 8-5-98, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code § 15.2-2275.

**Sec. 14-212.2 Vacation of plat or part thereof; procedure.**

A recorded plat or any part thereof may be vacated pursuant to Virginia Code §§ 15.2-2271 through 15.2-2274 as follows:

A. An application to vacate a recorded plat shall be submitted to the agent.

B. If the application to vacate a recorded plat is proceeding under Virginia Code §§ 15.2-2271(1) or 15.2-2272(1):

1. The application shall include the proposed written instrument declaring the plat, or part thereof, to be vacated.

2. The agent shall review each application for compliance with applicable law. In conducting his review and prior to acting on the application, the agent shall transmit the application to appropriate site review committee members for review and recommendation.

3. The agent shall either grant or withhold consent to the vacation upon receipt of the recommendation of the site review committee. If the agent withholds consent, he shall inform the applicant in writing of the reasons for withholding consent. The agent shall either mail the notice of withholding of consent by first class mail, or personally deliver it, to the applicant.

C. If the application to vacate a recorded plat is proceeding under Virginia Code §§ 15.2-2271(2) or 15.2-2272(2), the agent shall make a recommendation to the board of supervisors as to whether it should vacate the plat by ordinance. When the agent has developed his recommendation, he shall transmit it and the application to the commission. The commission shall consider the recommendation and the application in making its recommendation to the board of supervisors.

D. An application which proposes to vacate a public street shall also be reviewed to determine whether the vacation is substantially in accord with the comprehensive plan, or part thereof.

E. An application shall be acted upon by the agent or the board of supervisors, as the case may be, within the time period set forth in section 14-214.

F. The vacation of a recorded plat shall operate to destroy the force and effect of the recording of the plat so vacated, or any portion thereof, and to divest all public rights in, and to reinvest in the owners, proprietors and trustees, if any, the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

(§ 14-240, Ord. 98-A(1), 8-5-98; § 14-212.2, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code §§ 15.2-2241(9), 15.2-2270 through 15.2-2276.

**Sec. 14-212.3 (Repealed 1-1-14)**

**Sec. 14-212.4 (Repealed 1-1-14)**

**DIVISION 4. PROCEDURE FOR ALL OTHER SUBDIVISIONS**

**Sec. 14-213 General.**

The procedures in sections 14-214 through 14-231.2 shall apply to each subdivision that does not qualify for the procedures in section 14-209.

A. *Preapplication conference and schematic plat optional.* The preapplication conference and schematic plat procedure set forth in sections 14-213 through 14-216 is not mandatory and is at the sole option of the subdivider.

B. *Preliminary plat required; prerequisite to submittal of final plat.* The preliminary plat procedure set forth in sections 14-217 through 14-225 is mandatory and no final plat shall be submitted unless a preliminary plat was approved for the subdivision and the preliminary plat is valid at the time the final plat is submitted.

(§ 8, 8-28-74; 5-5-82; § 18-54, 9-5-96§ 14-213, Ord. 98-A(1), 8-5-98; Ord. 01-14(1), 5-9-01; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code § 15.2-2241(9).

**Sec. 14-214 Preapplication conference.**

A subdivider may request a preapplication conference by submitting the following to the department of community development in accordance with the submittal schedule established by the agent:

A. *Preapplication schematic plat.* A preapplication schematic plat meeting the requirements of sections 14-215 and 14-216.

B. *Other information.* A letter stating which provisions of this chapter the subdivider believes will require a variation or exception under section 14-203.1 or a special exception under the zoning ordinance. The letter need not include a justification or any supporting information.

(§ 7, 8-28-74; § 18-44, 9-5-96; § 14-215 (part), Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; §14-214; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2286(A)(8).

**Sec. 14-215 Form and style of preapplication schematic plat.**

Each preapplication schematic plat submitted shall comply with the following:

A. *Number of copies.* Three (3) clearly legible copies in blue or black ink of the plat shall be submitted.

B. *Scale and size.* The plat shall be prepared to the scale of one (1) inch equals twenty (20) feet or to another scale approved by the agent in a particular case. No sheet shall exceed forty-two (42) inches by thirty-six (36) inches in size. The plat may be prepared on one (1) or more sheets. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. The top of the sheet shall be approximately either north or east.

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C. *Dimensions.* The plat shall be dimensioned to at least the following standards for accuracy:

1. *Boundary, setback and zoning lines:* One foot in one thousand (1:1,000) feet.
2. *Existing contours:* One-half (½) of the contour interval required in section 32.5.2(d).
3. *Proposed contours:* Within five (5) feet horizontally and vertically.
4. *Existing structures, utilities and other topographic features:* Within five (5) feet.
5. *Proposed structures, roads, parking lots and other improvements:* Within five (5) feet.

(§7, 8-28-74; § 18-44, 9-5-96; § 14-215(part), Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2286(A)(8).

**Sec. 14-216 Contents of preapplication schematic plat.**

Each preapplication schematic plat shall contain the following information:

A. *General information.* The name of the subdivision; names of the owner, subdivider and individual who prepared the plat; tax map and parcel number; boundary dimensions; zoning district; descriptions of all proffers, special use permits and conditions thereof, special exceptions and conditions thereof, variances and conditions thereof, application plats, codes of development and bonus factors applicable to the site; magisterial district; county and state; north point; scale; one datum reference for elevation (if the site includes land subject to section 30.3, flood hazard overlay district, United States Geological Survey vertical datum shall be shown and/or correlated to plat topography); the source of the topography; departing lot lines; minimum setback lines, yard and building separation requirements; the source of the survey; sheet number and total number of sheets; and the names of the owners, zoning district, tax map and parcel numbers and present uses of abutting parcels.

B. *Information regarding the proposed use.* Written schedules or data as necessary to demonstrate that the site can accommodate the proposed uses, including proposed uses and maximum acreage occupied by each use; maximum number of dwelling units by type including the number of bedrooms for multi-family dwellings; gross residential density; square footage of recreational areas, percentage and acreage of open space; maximum square footage for commercial and industrial uses; maximum floor area ratio and lot coverage for industrial uses; maximum height of all structures; schedule of parking including the maximum amount required and the amount provided; and the maximum amount of impervious cover on the site.

C. *Phase lines.* If phasing is planned, phase lines.

D. *Topography and proposed grading.* Existing topography (up to twenty [20] percent slope, maximum five [5] foot contours, over twenty [20] percent slope, maximum ten [10] foot contours) for the entire site with sufficient offsite topography to describe prominent and pertinent offsite features and physical characteristics, but in no case less than fifty (50) feet outside of the site unless otherwise approved by the agent; proposed grading (maximum five [5] foot contours) supplemented where necessary by spot elevations; areas of the site where existing slopes are steep slopes.

E. *Watercourses and other bodies of water.* The name and location of all watercourses and other bodies of water adjacent to or on the site; indicate whether the site is located within the watershed of a public water supply reservoir.

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F. *On-site sewage system setback lines.* The location of on-site sewage system setback lines from watercourses including intermittent streams and other bodies of water.

G. *Flood plain.* The one hundred (100) year flood plain limits as shown on the official flood insurance maps for Albemarle County.

H. *Streets, easements and travelways.* The existing and proposed streets, access easements, alley easements and rights-of-way, and travelways, together with street names, state route numbers, right-of-way lines and widths, and pavement widths.

I. *Existing sewer and drainage facilities.* The location and size of existing water and sewer facilities and easements, the storm drainage system, and drainage easements.

J. *Proposed sewer and drainage facilities.* The proposed conceptual layout for water and sewer facilities and the storm drainage system, indicating the direction of flow in all pipes and watercourses with arrows.

K. *Existing and proposed utilities.* The location of other existing and proposed utilities and utility easements, including existing telephone, cable, electric and gas easements.

L. *Ingress and egress.* The location of existing and proposed ingress to and egress from the site, showing the distance to the centerline of the nearest existing street intersection.

M. *Existing and proposed improvements.* The location and dimensions of all existing and proposed improvements including buildings (maximum footprint and height) and other structures; walkways; fences; walls; trash containers; outdoor lighting; landscaped areas and open space; recreational areas and facilities; parking lots and other paved areas; and loading and service areas.

N. *Areas to be dedicated or reserved.* All areas intended to be dedicated or reserved for public use.

O. *Symbols and abbreviations.* A legend showing all symbols and abbreviations used on the plat.

P. *Dam break inundation zones.* The limits of a dam break inundation zone.

(Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2286(A)(8).

### **Sec. 14-217 Review of preapplication schematic plat.**

Each preapplication plat meeting the requirements of sections 14-215 and 14-216 and each letter provided by section 14-214(B) shall be reviewed by the agent. Within ten (10) days after the submittal, the agent shall send written comments to the subdivider addressing the following:

A. *Compliance with zoning.* Whether the proposed use and density complies with this chapter and all applicable proffers, special use permits and conditions thereof, special exceptions and conditions thereof, variances and conditions thereof, application plats and codes of development.

B. *Variations, exceptions and special exceptions.* Identify all variations and exceptions that will be required under chapter 14 and all special exceptions that will be required under the zoning ordinance, including references to the sections in this chapter under which the variation, exception or special exception will be sought, the sections authorizing the variation, exception or special exception, and the sections identifying the information the subdivider must submit in order for the variation, exception or special exception to be considered.

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C. *Fees.* The amount of the fees required for reviewing the plat and any request for a variation or exception.

D. *Required changes.* Identify any features on the plat required to be changed in order to comply with this chapter or any applicable requirement of a proffer, special use permit, special exception, variance, application plat or code of development.

E. *Recommended changes.* Identify any features on the plat recommended to be changed to address components of the comprehensive plan or sound planning, zoning or engineering practices.

F. *Additional information.* The agent may require additional information to be shown on the preliminary plat as deemed necessary in order to provide sufficient information for the agent to adequately review the plat including, but not limited to, information from a traffic study, landscaping, historic resources and groundwater.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2283, 15.2-2286(A)(8).

**Sec. 14-218 Submittal of preliminary plat; determination of completeness.**

(Formerly Determining whether agent or commission reviews and acts on preliminary plat, Repealed 1-1-14)

Each preliminary plat shall be submitted to the agent and processed as follows:

A. *Date of official submittal.* A preliminary plat shall be deemed to be officially submitted on the date of the next application deadline established by the agent after the submittal of the plat and the agent's determination that the plat is complete.

B. *Timing of review to determine completeness.* The agent's review to determine whether a preliminary plat is complete shall be made within ten (10) days after the application submittal deadline.

C. *Determination that plat is incomplete; notice.* A preliminary plat omitting any information required by sections 14-302 and 14-304 through 14-307.1 shall be deemed to be incomplete and shall not be accepted for official submittal by the agent. The agent shall inform the subdivider in writing of the reasons for the disapproval, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit acceptance of the plat. The agent shall notify the subdivider or his or her agent of the disapproval in writing by first class mail, personal delivery, or, if consented to by the subdivider in writing, by fax or email.

D. *Resubmittal.* Within fifteen (15) days after the date the notice of disapproval was mailed or delivered by the agent, the subdivider may resubmit the preliminary plat. The date of the next application deadline after the resubmittal of the plat shall be deemed to be the date upon which the plat was officially submitted. In the event the subdivider fails to resubmit the plat within the fifteen (15) day period, the plat shall be deemed to be disapproved and a new application and fee shall be required for submittal of the plat.

E. *Transmittal to site review committee, architectural review board, and state agency.* A preliminary plat deemed officially submitted shall be transmitted to the site review committee. If state agency approval of a preliminary plat is required, the agent shall forward to the state agency all documents necessary to allow it to conduct its review within ten (10) days after the preliminary plat is deemed officially submitted.

F. *Notice; recipients.* When the agent determines that a preliminary plat is officially submitted, he shall send notice that the plat has been submitted to the owner of each lot abutting the site and to each member of the board of supervisors and the planning commission. The notice shall describe the type of use proposed; the specific location of the subdivision; the appropriate county office where the plat may be viewed; and the dates the site review committee will review the plat.

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G. *Notice; how provided.* The notice required by subsection (F) shall be mailed or hand delivered at least ten (10) days prior to the site review committee meeting and, if applicable, the architectural review board meeting at which the preliminary plat will be reviewed. Mailed notice shall be sent by first class mail. Notice mailed to the owner of each lot abutting the site shall be mailed to the last known address of the owner, and mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed to be compliance with this requirement. If a lot abutting the site is owned by the subdivider, the notice shall be given to the owner of the next abutting lot not owned by the subdivider.

H. *Notice; defect does not affect validity of plat.* The failure of any person to receive the notice required by subsection (F), or any error in the notice, shall not affect the validity of an approved plat, and shall not be the basis for an appeal.

(8-28-74; 5-3-79; § 18-45, 9-5-96; § 18-216, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; § 14-218, Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2260.

### **Sec. 14-219 Review of preliminary plat by site review committee.**

Upon receipt of a preliminary plat from the agent, the site review committee shall review each plat for compliance with the technical requirements of this chapter and other applicable laws. Upon completion of its review, the site review committee shall transmit to the agent its requirements and recommendations. The site review committee also may recommend to the agent conditions of preliminary plat approval, including conditions required to be satisfied before a grading permit may be issued under chapter 17. Any recommended conditions shall pertain to any requirements of this chapter and other applicable laws.

(§ 14-217; Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; § 14-219, Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2260, 15.2-2286(A)(4), 15.2-2306.

### **Sec. 14-220 Revisions to preliminary plat to address required changes.**

(Formerly Review and action on preliminary plat by commission, Repealed 1-1-14)

Each preliminary plat for which changes are required shall be revised as follows:

A. *Requirements identified; letter to the subdivider.* If the site review committee or the architectural review board require or recommend revisions to the preliminary plat, the agent shall promptly issue a letter to the subdivider stating the required changes that must be made and the recommended changes that may, in the subdivider's discretion, be made. The letter shall be sent by first class mail, be personally delivered or, if consented to by the subdivider in writing, by fax or email.

B. *Plat revised to address required changes.* The subdivider shall revise the plat to address all of the required changes before approval of the preliminary plat by the agent. The subdivider is not required to revise the plat to address any recommendations of the site review committee or the architectural review board.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2260.

### **Sec. 14-221 Deferral of review of preliminary plat; when application deemed withdrawn.**

The review of, and action on, a preliminary plat may be deferred, and an application for a preliminary plat may be deemed withdrawn, as follows:

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A. *Request to defer by subdivider.* A subdivider may request that review or action on its application for a preliminary plat be deferred for a specified period up to six (6) months. If during the deferral period the subdivider does not request the agent to take action on the preliminary plat as provided in section 14-222 within six (6) months after the date the deferral was requested, the application shall be deemed to have been voluntarily withdrawn.

B. *Failure to submit revised plat.* If a subdivider fails to submit a revised preliminary plat to address all of the requirements within six (6) months after the date of the letter from the agent as provided in section 14-220, the application shall be deemed to have been voluntarily withdrawn by the subdivider.

C. *Extension of deferral period or period to submit revised plat.* Before the deferral period in subsection (A) expires, the subdivider may request that the agent extend the period before the application is deemed to have been voluntarily withdrawn. The request must be received by the agent before the deferral period expires. The agent may grant one extension for a period determined to be reasonable, taking into consideration the size or nature of the proposed subdivision, the complexity of the review, and the laws in effect at the time the extension request is made.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255.

**Sec. 14-222 Review and action on preliminary plat by agent.**

The agent shall review and act on a preliminary plat as follows:

A. *Review.* The agent shall review the preliminary plat for compliance with all requirements, and shall make a good faith effort to identify all deficiencies, if any, during review of the plat. The agent shall consider the recommendation of the site review committee as to whether the plat complies with all applicable requirements and any statement by the subdivider. The agent also may consider any other evidence pertaining to the plat's compliance with the requirements of this chapter as deemed necessary for a proper review of the plat.

B. *Time for action.* The agent shall act on the preliminary plat within sixty (60) days after the date the plat was officially submitted, provided:

1. *Alternative time for action if state agency approval is required.* If approval of a feature on the plat by a state agency is required, the agent shall approve or disapprove the plat within thirty-five (35) days after receipt of approvals from all state agencies, and not more than ninety (90) days after the date the plat was officially submitted.

2. *Suspension of running of time for action.* The running of the time by which the agent must act on a plat shall be suspended: (i) from the date the appeal of a decision on a request for a variation or exception is submitted under section 14-203.1 until the date the planning commission or the board of supervisors, as the case may be, acts on the appeal, whichever takes the final action; (ii) from the date of the letter to the subdivider until the date the revised preliminary plat addressing the required changes is submitted under section 14-223(B); (iii) from the date of the subdivider's request for a deferral under section 14-221(A); and (iv) during any extension granted under section 14-221(C).

C. *Action to approve and notice of approval.* If the agent determines that the preliminary plat complies with all applicable requirements, he shall approve the plat and promptly issue a letter to the subdivider informing the subdivider of the approval and stating the requirements that must be included with submittal of the final plat and those conditions which must be satisfied prior to approval of the final plat and, where applicable, those conditions which must be satisfied prior to issuance of a grading permit under section 17-204(E). The agent shall mail the letter by first class mail, personally deliver it to the subdivider, or, if consented to by the subdivider in writing, deliver it by fax or email.

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D. *Action to disapprove and notice of disapproval.* If the agent determines that the plat does not comply with all applicable requirements, he shall disapprove the plat and promptly issue a letter to the subdivider stating the reasons for disapproval by identifying the plat's deficiencies and citing the applicable sections of this chapter or other applicable laws, and what corrections or modifications will permit approval of the plat. The agent shall mail the letter by first class mail, personally deliver it to the subdivider, or, if consented to by the subdivider in writing, deliver it by fax or email.

E. *Action to disapprove because of failure to make required revisions; notice of disapproval; opportunity to resubmit.* If the subdivider submits a revised plat under section 14-220 that fails to address all of the required changes, the plat shall be disapproved. Within fifteen (15) days after the date the notice of disapproval required by subsection (D) is mailed or delivered by the agent, the subdivider may resubmit the preliminary plat. The date of the next application deadline after the resubmittal of the plat shall be deemed to be the date upon which the plat was officially submitted. In the event the subdivider fails to resubmit the plat within the fifteen (15) day period, the plat shall be deemed to be disapproved and a new application and fee shall be required for submittal of the plat.

((§ 14-214: (§ 7, 8-28-74; § 18-46, 9-5-96)(§ 8, 8-28-74; 6-3-81; § 18-53(part), 9-5-96); §§ 18-46, 18-53; § 14-214, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)(§ 14-219: (§ 18-13, 12-21-83; 9-5-96)(§ 7, 8-28-74; § 18-47 (part), 9-5-9)(§ 7, 8-28-74; § 18-48, 9-5-96); §§ 18-13, 18-47, 18-48; § 14-214, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05); §§ 14-214, 14-219; §14-222; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2260.

**Sec. 14-223 Appeal and judicial review of disapproval of preliminary plat.**

(Formerly Determining whether agent or commission reviews and acts on final plat, Repealed 1-1-14)

The disapproval of a preliminary plat may be appealed as follows:

A. *Appeal to commission and board of supervisors.* If a preliminary plat is disapproved by the agent, or is approved with conditions that the subdivider objects to, the subdivider at its sole option may appeal the decision of the agent to the commission and, if the commission disapproves the preliminary plat or affirms the objectionable conditions, to the board of supervisors. The appeal shall be in writing and be filed with the agent within ten (10) days after the date of the decision by the agent or by the commission, as the case may be. The action by the commission and the board shall comply with subsections 14-222(C), (D) and (E), as applicable.

B. *Judicial review.* If a preliminary plat is disapproved by the agent, the commission or the board of supervisors, the subdivider may appeal the disapproval to the circuit court as provided in Virginia Code § 15.2-2260(E). No subdivider is required to appeal the disapproval of the plat under subsection (A) before appealing it to the circuit court.

(§ 18-4, 11-3-82; 11-4-82; 9-5-96; § 14-226, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; § 14-223; Ord. 13-14(1), 12-4-13, effective 1-1-14;)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2260.

**Sec. 14-224 Period of validity of approved preliminary plat.**

An approved preliminary plat is valid as follows:

A. *Valid for five years; prerequisites.* A preliminary plat shall be valid for: (i) a period of five (5) years from the date it is approved pursuant to this chapter, provided that the subdivider submits a final plat for all or a section of a subdivision as shown on an approved preliminary plat within one (1) year after the approval as provided in section 14-226, and thereafter diligently pursues approval of the final plat; and (ii) any additional period as may be provided by state law.

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B. *Revocation of approval after three years.* After three (3) years following preliminary plat approval, the agent may, after ninety (90) days' written notice provided by certified mail to the subdivider, revoke the approval of the preliminary plat upon a specific finding of fact that the subdivider failed to diligently pursue approval of the final plat.

C. *Approval null and void if final plat not submitted within one year.* The failure of a subdivider to officially submit a final plat as provided in section 14-226 within one (1) year after approval of the preliminary plat shall render the approval of the preliminary plat null and void. For purposes of this section, the date the preliminary plat is approved shall be the date that the letter of approval required by section 14-222(C) is mailed or otherwise delivered as provided therein.

(§ 7, 8-28-74; § 18-50, 9-5-96; § 14-228, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; § 14-224; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference – Va. Code §§ 15.2-2209.1, 15.2-2261

**Sec. 14-225 Effect of approval of preliminary plat on other future and pending approvals.**

(Formerly Review and action on final plat by commission; Repealed 1-1-14)

Subject to sections 14-318, 14-441 and 18-8.5.5.4, for any subdivision within a planned development zoning district, an approved preliminary plat is an “approved plat” within the meaning of section 17-204(E). As such, an erosion and sediment control plan and corresponding grading permit may be approved under chapter 17, provided that the subdivider has satisfied the conditions of approval identified by the agent in the letter required by section 14-222(C), and further provided that any site within a dam break inundation zone is subject to section 14-441. Except as provided in sections 14-318 and 14-441, nothing in this section shall affect the ability of a subdivider to obtain approval of an erosion and sediment control plan and corresponding grading permit prior to approval of a preliminary plat as provided in section 18-8.5.5.4(b).

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference – Va. Code §§ 15.2-2241, 62.1-44.15:55.

**Sec. 14-225.1 Effect of approval of preliminary plat.**

The approval of a preliminary plat does not guarantee approval of the final plat, does not constitute approval or acceptance of the subdivision, and does not constitute authorization to proceed with the construction of the improvements within the subdivision. The approval of a preliminary plat also does not guarantee, or establish any right to, the continued application of county ordinances to the subdivision as the ordinances exist on the date of approval of the preliminary plat, except to the extent any such right is established under Virginia Code § 15.2-2307.

(9-5-96, 8-28-74; 1988 Code, § 18-49; Ord. 98-A(1), 8-5-98; § 14-227, Ord. 05-14(1), 4-20-05, effective 6-20-05; § 225.1, Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code §§ 15.2-2241(9), 15.2-2260.

**Sec. 14-226 Submittal of final plat; determination of completeness.**

Each final plat shall be submitted to the agent and processed as follows:

A. *Prerequisites to submittal.* A final plat shall not be submitted unless: (i) a preliminary plat was approved for the subdivision and it remains valid; (ii) the final plat satisfies all of the requirements of section 14-303 and sections 14-304 through 14-318; and (iii) the final plat satisfies all of the conditions delineated in the letter provided under section 14-222(C) required to be satisfied prior to submitting the final plat.

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B. *Date of official submittal.* A final plat shall be submitted for approval within one (1) year after the date of approval of the preliminary plat was mailed or delivered as provided in section 14-222(C). A final plat submitted ten (10) days or less before the one (1) year period expires shall be deemed to be officially submitted on the date it is submitted provided that it is complete by satisfying the requirements of subsection (A). A final plat submitted more than ten (10) days before the one (1) year period expires shall be deemed to be officially submitted on the date of the next application deadline established by the agent after the submittal of the plat and the agent's determination that the plat is complete.

C. *Timing of review to determine completeness.* The agent's review to determine whether a final plat is complete shall be made within ten (10) days after it was submitted.

D. *Determination that plat is incomplete; notice.* A final plat not satisfying the requirements of subsection (A) shall be deemed to be incomplete and shall not be accepted for official submittal by the agent. The agent shall inform the subdivider in writing of the reasons for the disapproval, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit acceptance of the plat. The agent shall notify the subdivider or his or her agent of the disapproval in writing by first class mail, personal delivery, or, if consented to by the subdivider in writing, by fax or email.

E. *Resubmittal.* Within fifteen (15) days after the date the notice of disapproval was mailed or delivered by the agent, the subdivider may resubmit the final plat together with payment of the fee for the reinstatement of review. The date of the next application deadline after the resubmittal of the plat shall be deemed to be the date upon which the plat was officially submitted. In the event the subdivider fails to resubmit the plat within the fifteen (15) day period, the plat shall be deemed to be disapproved and a new application and fee shall be required for submittal of the plat.

F. *Transmittal.* A final plat deemed officially submitted shall be transmitted to the site review committee. If state agency approval of a final plat is required, the agent shall forward to the state agency all documents necessary to allow it to conduct its review within ten (10) days after the final plat is deemed officially submitted.

((§7, 8-28-74; § 18-51, 9-5-96)(§ 8, 8-28-74; 6-3-81; § 18-53, 9-5-96); §§ 18-51, 18-53; § 14-221, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; § 14-226; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2259, 15.2-2286(A)(8).

**Sec. 14-227 Review of final plat by site review committee.**

Upon receipt of a final plat from the agent, the site review committee shall review the plat and make its recommendations as follows:

A. *Review for compliance with chapter 14.* The plat shall be reviewed to determine that it complies with the requirements of chapter 14 in effect when the preliminary plat was approved.

B. *Review for compliance with chapter 18 and other laws.* The plat shall be reviewed to determine whether it complies with the requirements of chapter 18 and other applicable laws in effect at the time of final plat review, including but not limited to, sections 17-403 and 17-404; provided that the subdivider may establish that its rights have vested to have the final plat reviewed under prior versions of chapter 18 or other applicable laws.

C. *Review for compliance with conditions of preliminary plat approval.* The plat shall be reviewed to confirm that it satisfies all of the conditions required to be satisfied prior to submitting the final plat, and all of the conditions required to be satisfied prior to final plat approval, delineated in the letter provided under section 14-222(C).

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D. *Recommendation.* Upon completion of its review, the site review committee shall transmit to the agent its recommendation for approval if it determines that the plat satisfies the requirements of subsections (A), (B) and (C), or its recommendation for required changes if it determines the plat does not satisfy the requirements of subsections (A), (B) or (C).

(§ 14-222; Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; §14-227; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2121, 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2259, 15.2-2286(A)(8).

**Sec. 14-228 Revisions to final plat to address required changes.**

A final plat for which changes are required shall be revised as follows:

A. *Requirements identified; letter to the subdivider.* If the site review committee identifies required changes to the final plat, the committee shall promptly issue a letter to the subdivider stating the changes required to be made. The letter shall be sent by first class mail, be personally delivered or, if consented to by the subdivider in writing, by fax or email.

B. *Response to address requirements.* The subdivider shall revise the plat to address all of the required changes before approval of the final plat by the agent.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2259.

**Sec. 14-229 Deferral of review of final plat; when application deemed withdrawn.**

The review of, and action on, a final plat may be deferred, and an application for a final plat may be deemed withdrawn, as follows:

A. *Request to defer by subdivider.* A subdivider may request that review or action on its application for a final plat be deferred for a specified period up to six (6) months. If during the deferral period the subdivider does not request the agent to take action on the final plat as provided in section 14-230 within six (6) months after the date the deferral was requested, the application shall be deemed to have been voluntarily withdrawn.

B. *Failure to submit revised plat.* If a subdivider fails to submit a revised final plat to address all of the requirements within six (6) months after the date of the letter from the agent as provided in section 14-228, the application shall be deemed to have been voluntarily withdrawn by the subdivider.

C. *Extension of deferral period or period to submit revised plat.* Before the deferral period in subsection (A) expires, the subdivider may request that the agent extend the period before the application is deemed to have been voluntarily withdrawn. The request must be received by the agent before the deferral period expires. The agent may grant one extension for a period determined to be reasonable, taking into consideration the size or nature of the proposed subdivision, the complexity of the review, and the laws in effect at the time the extension request is made.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255.

**Sec. 14-230 Review and action on final plat by agent.**

The agent shall review and act on a final plat as follows:

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A. *Review.* The agent shall review the final plat for compliance with all requirements, and shall make a good faith effort to identify all deficiencies, if any, during review of the plat. The agent shall consider the recommendation of the site review committee as to whether the plat complies with all applicable requirements and any statement by the subdivider. The agent also may consider any other evidence pertaining to the plat's compliance with the requirements of this chapter as deemed necessary for a proper review of the plat.

B. *Time for action.* The agent shall act on the final plat within sixty (60) days after the date the plat was officially submitted, provided:

1. *Alternative time for action if state agency approval is required.* If approval of a feature on the plat by a state agency is required, the agent shall approve or disapprove the plat within thirty-five (35) days after receipt of approvals from all state agencies, and not more than ninety (90) days after the date the plat was officially submitted.

2. *Suspension of running of time for action.* The running of the time by which the agent must act on a plat shall be suspended: (i) from the date the appeal of a decision on a request for a variation or exception is submitted under section 14-203.1 until the date the planning commission or the board of supervisors, as the case may be, acts on the appeal, whichever takes the final action; (ii) from the date of the letter to the subdivider until the date the revised preliminary plat addressing the required changes is submitted under section 14-228(B); (iii) from the date of the subdivider's request for a deferral under section 14-229(A); and (iv) during any extension granted under section 14-229(C).

C. *Action to approve and notice of approval.* If the agent determines that the final plat complies with all applicable requirements, he shall approve and sign the plat, and may issue a letter to the subdivider informing the subdivider of the approval. The agent shall mail the letter by first class mail, personally deliver it to the subdivider, or, if consented to by the subdivider in writing, deliver it by fax or email.

D. *Action to disapprove and notice of disapproval.* If the agent determines that the plat does not comply with all applicable requirements, he shall disapprove the plat and promptly issue a letter to the subdivider stating the reasons for disapproval by identifying the preliminary plat's deficiencies and citing the applicable sections of this chapter or other law, and what corrections or modifications will permit approval of the plat. The agent shall mail the letter by first class mail, personally deliver it to the subdivider, or, if consented to by the subdivider in writing, deliver it by fax or email.

E. *Submittal of corrected or modified plat.* Any subdivider who has received a notice of disapproval under subsection (D) may submit a corrected or modified final plat addressing the deficiencies identified in the notice of disapproval, as follows:

1. *Deadline for submittal.* The subdivider shall submit the corrected or modified plat within sixty (60) days after the date of the notice of disapproval.

2. *Time for action.* The agent shall act on the corrected or modified plat within forty-five (45) days after it was submitted.

3. *Action to approve or disapprove.* The agent shall approve or disapprove the corrected or modified plat and provide notice of the action to the subdivider as provided under subsections (C) and (D).

((§ 14-214: (§ 7, 8-28-74; § 18-46, 9-5-96)(§ 8, 8-28-74; § 18-53(part), 9-5-96); §§ 18-46, 18-53; § 14-214, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)(§ 14-224: (§ 8, 8-28-74; 6-3-81; § 18-53, 9-5-96; § 14-224, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05) §§ 14-214, 14-224; § 14-230; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2259.

**Sec. 14-231 Appeal and judicial review of disapproved final plat.**

The disapproval of a final plat may be appealed as follows:

A. *Appeal to planning commission and board of supervisors.* If a final plat is disapproved by the agent, the subdivider at its sole option may appeal the disapproval to the planning commission and, if the commission disapproves the plat, to the board of supervisors. The appeal shall be in writing and be filed with the agent within ten (10) days after the date of the disapproval by the agent or by the commission, as the case may be. The action by the commission and the board shall comply with sections 14-230(C) and (D).

B. *Judicial review.* If a final plat is disapproved by the agent, the planning commission or the board of supervisors, the subdivider may appeal the disapproval to the circuit court as provided in Virginia Code § 15.2-2259(D). No subdivider is required to appeal the disapproval of the plat under subsection (A) before appealing it to the circuit court.

(11-3-82; 11-4-82; § 18-4, 9-5-96; § 14-226, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; § 14-231; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(9), 15.2-2255, 15.2-2258, 15.2-2260.

**Sec. 14-231.1 Period of validity of approved final plat.**

An approved final plat is valid as follows:

A. *Subdivisions generally; valid for five years or longer.* An approved final plat that is not eligible for being platted in phases under subsection (B) shall be valid for: (i) a period of not less than five (5) years after the date of its approval or for a longer period as the agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed subdivision; and (ii) any additional period as may be provided by state law. A plat shall be deemed to be approved once it has been signed by the agent and if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows.

B. *Subdivisions eligible to be platted in phases; right to record final plats in remaining sections.* If a subdivider records a final plat that is a section of a subdivision as shown on an approved preliminary plat and the subdivider furnishes the surety required by section 14-435 in the amount of the estimated cost of construction of the facilities to be dedicated for public use within the section and maintained by the county, the Commonwealth, or any other public agency, the subdivider may record final plats for the remaining sections shown on the preliminary plat for a period of five (5) years after the recordation date of any section, or for such longer period as the agent may, at the time approval, determine to be reasonable, taking into consideration the size and phasing of the proposed subdivision, subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

C. *Request for extension.* Upon application by the subdivider submitted prior to expiration of a final plat, the agent may grant one or more extensions of the approval for additional periods as the agent may, at time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed subdivision, and the laws, ordinances and regulations in effect at the time of the request for an extension. If the agent denies the request, he shall promptly issue a letter to the subdivider stating the reasons for the denial. The agent shall mail the letter by first class mail, personally deliver it to the subdivider, or, if consented to by the subdivider in writing, deliver it by fax or email.

D. *Judicial review if request for extension denied.* If the agent denies an extension requested under subsection (C) and the subdivider contends that the denial was not properly based on the regulation applicable thereto, the considerations for granting an extension delineated in subsection (C), or was

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arbitrary or capricious, the subdivider may appeal the denial to the circuit court as provided in Virginia Code § 15.2-2261.

E. *Rights attached to valid approved final plat.* For so long as the final plat remains valid in accord with the provisions of this section, no change or amendment to any county ordinance, map, resolution, rule, regulation, policy or plat adopted after the date the plat was approved shall adversely affect the right of the subdivider or its successor in interest to commence and complete an approved subdivision in accordance with the lawful terms of the approved plat unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

F. *Effect of minor amendments and boundary line adjustments.* A subdivider’s application for a minor amendment to an approved final plat or for a boundary line adjustment during a final plat’s period of validity shall not constitute a waiver of the provisions of this section. The agent’s approval of a minor amendment or a boundary line adjustment shall not extend the period of validity of the final plat.

((§ 14-229: Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)(§ 14-230: Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)(§ 14-231: § 7, 8-28-74; § 18-50, 9-5-96; § 14-231, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05); §§ 14-229, 14-230, 14-231; § 14-231.1; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2209.1, 15.2-2241(5), 15.2-2261.

**DIVISION 5. PROCEDURES FOR THE APPROVAL  
OF PRIVATE STREETS, SHARED DRIVEWAYS AND ALLEYS**

**Sec. 14-232 When private streets in rural areas may be authorized.**

A private street may be authorized in the rural areas under the following circumstances, provided that the findings required by section 14-234(C) are made:

A. *By the commission.* The commission may authorize a subdivision to be developed with one (1) or more new private streets only under any of the following circumstances:

1. *To alleviate significant degradation to the environment.* One or more private streets may be authorized if: (i) the property is within either the rural areas (RA) or village residential (VR) zoning districts; (ii) the private streets will alleviate a clearly demonstrable likelihood of significant degradation to the environment of the property or any land adjacent thereto resulting from the construction of a public street in the same alignment; (iii) no alternative public street alignment is available which would alleviate significant degradation of the environment; (iv) no more lots are proposed on the private streets than could be created on a public street due to right-of-way dedication; and (v) the proposed private streets demonstrably promote sensitivity toward the natural characteristics of the land and encourages the subdivision of land in a manner that is consistent and harmonious with surrounding development. The term “significant degradation” means either:

(a) The total volume of grading for construction of a public street would be thirty (30) percent or more than that of a private street in the same alignment, based upon profiles, typical sections, earthwork computations, and other information deemed necessary by the county engineer, submitted by the subdivider and reviewed by the county engineer; or

(b) Environmental impacts including, but not limited to, erosion and sedimentation, stormwater runoff, surface water pollution, loss of tree cover and/or the loss of indigenous vegetation resulting from a public street, which would be substantially greater than that of a private street in the same alignment, based upon evidence submitted by the subdivider and reviewed by the county engineer and other qualified staff.

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2. The lots will be used for non-residential or non-agricultural purposes.

3. *General welfare.* One or more private streets may be authorized if the general welfare, as opposed to the proprietary interest of the subdivider, would be better served by the construction of one or more private streets than by the construction of public streets.

B. *By the agent.* The agent may authorize the following subdivisions to be developed with one (1) or more new private streets or shared driveways:

1. A family subdivision.

2. A two-lot subdivision if the division contains only two lots and the private street will serve only those lots and will be the sole and direct means of access to a public street.

(8-28-74; § 18-36, 9-5-96; § 14-232, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2242(3).

**Sec. 14-233 When private streets in development areas may be authorized.**

A private street may be authorized in the development areas under the following circumstances, provided that the findings required by section 14-234(C) are made:

A. *By the commission.* The commission may authorize a subdivision to be developed with one (1) or more new private streets in the following circumstances:

1. *Neighborhood model development.* The proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances: (i) the subdivision would have a streetscape more consistent with the neighborhood model; (ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan; (iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resource would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided.

2. *Two-lot subdivision.* The proposed private street(s) would be within a two-lot subdivision.

3. *General welfare.* The general welfare, as opposed to the proprietary interest of the subdivider, would be better served by the construction of one or more private streets than by the construction of public streets.

B. *By the agent.* The agent may authorize one (1) or more new private streets in the following circumstances:

1. *Subdivision containing attached dwelling units or non-residential uses.* The proposed private street(s) would be in a subdivision containing attached dwelling units or non-residential uses where the units, groups of units, or non-residential uses are to be located on individual lots.

2. *Family subdivisions.* The proposed private street(s) would be within a family subdivision.

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2242(3).

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**Sec. 14-234 Procedure to authorize private street and related matters.**

Requests under sections 14-232 and 14-233 shall be submitted, processed and acted upon as follows:

A. A subdivider shall submit a request in writing to the agent at the time of the submittal of the preliminary plat or may, within the development areas, submit the written request prior to submittal of a preliminary plat or with an application to rezone the land.

1. The request shall state the reasons and justifications for the request, and shall particularly address one or more applicable bases for granting the request as identified in sections 14-232 or 14-233, and each of the five findings identified in paragraph (C) required to be made.

(a) The request shall include: (i) a map of the subdivision having contour intervals of not greater than twenty (20) feet showing the horizontal alignment; (ii) field-run profiles and typical cross-sections of the proposed streets; (iii) the maximum number of lots to be served by each private street; and (iv) documentation explaining how the perpetual maintenance of the private street including, within the development areas, the curb, curb and gutter, sidewalks, and planting strip landscaping will be funded, and identifying the person or entity that will be responsible for maintaining the improvements. The county engineer may waive the requirement for the field-run profile in the case of an existing street or where deemed appropriate due to topography, or if the topographic map is based on aerial or field collected data with a contour interval accuracy of five (5) vertical feet or better. A request under section 14-232(A)(1) shall include earthwork computations demonstrating significant degradation.

(b) If the request is made prior to submittal of a preliminary plat or with an application to rezone the land, it also shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; (vii) proposed private street profiles; and (viii) the maximum number of lots to be served.

2. The agent shall forward the map to the county engineer for review and comment. When the agent has received comments on the map from the county engineer, the agent shall then consider the request. The agent shall then proceed as follows:

(a) If the request for a private street is made under sections 14-232(A) or 14-233(A), he may recommend approval, approval with conditions, or denial. A recommendation of approval or conditional approval shall be accompanied by a statement by the agent as to the public purpose served by the recommendation, particularly in regard to the purpose and intent of this chapter, the zoning ordinance, and the comprehensive plan; or

(b) If the request for a private street is made under sections 14-232(B) or 14-233(B), he may approve, approve with conditions, or deny the request.

3. The commission shall not consider a request until it has received and considered the recommendation of the agent.

B. In considering a request for approval of one or more private streets, the agent and commission shall consider that: (i) private streets are intended to be the exception to public streets; and (ii) absent compelling circumstances, private streets should not cross over dams or bridges or involve other infrastructure that would be reasonably prohibitive to maintain, should not serve as the primary or sole

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interconnection between the subdivision and abutting property, or serve through traffic by being the connector between two or more public streets.

C. The agent and the commission may authorize one or more private streets in a subdivision if it finds that one or more of the circumstances described in sections 14-232 or 14-233 exist and it determines that:

1. The private street will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.

2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private street;

3. The fee of the private street will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the street;

4. Except where required by the commission to serve a specific public purpose, the private street will not serve through traffic nor intersect the state highway system in more than one location; and

5. If applicable, the private street has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.

D. In considering a request for a private street, the commission may waive the requirements of sections 14-404 and/or 14-412 as provided therein, provided that all of the applicable requirements of sections 14-232, 14-233 and this section are satisfied.

E. In approving a request for a private street, the commission or the agent may impose any condition pertaining to the private street it deems reasonable and necessary, including any condition pertaining to the funding or responsibility for maintaining the private street, including the curb, curb and gutter, sidewalks, and planting strip landscaping to be addressed in the maintenance instrument required by section 14-317.

(8-28-74; § 18-36, 9-5-96; § 14-234, Ord. 98-A(1), 8-5-98; § 14-233 (part); Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2242(3).

**Sec. 14-235 Effect of approval of private street.**

If the agent or the commission approves one or more private streets in a subdivision, the following requirements shall apply:

A. The subdivider shall submit a maintenance agreement as required by section 14-317.

B. The final plat shall contain the statement required by section 14-303(N).

C. The subdivider shall provide surety for the completion of the private street as required by section 14-435 if the private street will not be completed prior to approval of the final plat, unless the private street was authorized under sections 14-232(B)(1), 14-232(B)(2), or 14-233(B)(2).

(8-28-74; § 18-36, 9-5-96; § 14-235, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2242(3).

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**Sec. 14-236 When shared driveways and alleys may be authorized.**

A shared driveway or alley may be authorized as follows:

A. The agent may authorize a subdivision to be developed with one or more shared driveways when street frontage meeting the street frontage requirements of the zoning district exists or will be provided to both lots.

B. The agent may authorize a subdivision to be developed with one or more alleys in the development areas when street frontage exists or will be provided for all lots to be served by the alley(s).

C. Where alleys are authorized, driveways shall be provided only from the alley unless otherwise approved by the agent for cases such as, but not limited to, corner lots or lots where access is prevented by topographical constraints.

(§ 14-241, Ord. 02-14(1), 2-6-02; § 14-236, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**ARTICLE III. SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED**

**DIVISION 1. PLAT REQUIREMENTS**

**Sec. 14-300 Persons authorized to prepare plat.**

Each plat shall be prepared by a professional engineer or a land surveyor, to the limits of his license.

(8-28-74; 5-3-79; § 18-45, 9-5-96; § 14-300, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2262.

**Sec. 14-301 Form and style of plats.**

Each subdivision plat shall comply with the following:

A. *Standards.* Except as otherwise provided in subsection (E), each plat shall meet the standards for plats set forth in 17 VAC 15-60-10 *et seq.*; provided that each final plat to be submitted for recordation in the office of the clerk of the Albemarle County circuit court shall meet the standards for plats set forth in 17 VAC 15-60-10 *et seq.*

B. *Scale.* The plat shall be drawn to a scale of one (1) inch equals fifty (50) feet or to such scale as may be approved by the agent in a particular case.

C. *Size.* The plat shall be prepared on one (1) or more sheets, provided that no sheet shall exceed twenty-four (24) inches by thirty-six (36) inches in size, and further provided that if the plat is prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

D. *Approximate North.* The top of each sheet shall be approximately north.

E. *Number of copies.* The following number of copies of plats shall be submitted for review, and each copy shall be clearly legible in blue or black ink:

1. Plats eligible for the procedures in sections 14-206 through 14-208.2: Five (5) copies.

2. Preliminary plats: Sixteen (16) copies.

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3. Final plats: One original on mylar and one copy.

((§ 18-45: §8-28-74; 5-3-79; § 18-45, 9-5-96)(§ 18-51: § 7, 8-28-74; § 18-51, 9-5-96)(§ 18-55: § 8, 8-28-74; 2-4-81; § 18-55, 9-5-96); §§ 18-45, 18-51, 18-55; § 14-301; Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(1), (9).

**Sec. 14-302 Contents of preliminary plat.**

A preliminary plat shall contain the following information:

A. A preliminary plat shall contain the following information, which must be included in order for a preliminary plat to be deemed complete under section 14-218:

1. *Name of subdivision.* The title under which the subdivision is proposed to be recorded. The title shall not duplicate or be a homonym of an existing or reserved subdivision name within the county, the City of Charlottesville, or the Town of Scottsville, except if the subdivision is an extension of an existing subdivision.

2. *Vicinity map.* A map at a scale of one (1) inch equal to two thousand (2,000) feet showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for which a final plat has been approved, in detail adequate to describe the location of the property without field review.

3. *Existing or platted streets.* The location, width and names of all existing or platted streets and all other rights-of-way.

4. *Private easements.* The location and dimensions of all existing and proposed private easements. Existing easements shall be labeled with the deed book and page number and the name of the owner of record.

5. *Public easements.* The location and dimensions of all existing and proposed public easements outside of a street right-of-way. Existing easements shall be labeled with the deed book and page number and the name of the public owner of record. Proposed easements shall be labeled as “dedicated to public use.”

6. *Alleys and shared driveways.* The location and dimensions of all easements for alleys and shared driveways.

7. *Existing and departing lot lines.* If the property consists of more than one existing lot, then the identification of the existing lots and their outlines, which shall be indicated by dashed lines; and, the location of departing lot lines of abutting lots.

8. *Proposed lots.* The number, approximate dimensions, and area of each proposed lot.

9. *Building sites on proposed lots.* The location, area and dimensions of a building site on each proposed lot complying with the requirements of section 18-4.2. The plat shall also contain the following note: “Parcel [letter or number] and the residue of Tax Map/Parcel [numbers] each contain a building site that complies with section 4.2.1 of the Albemarle County Zoning Ordinance.”

10. *Right of further division of proposed lots.* The number of lots, as assigned by the subdivider, into which each proposed lot may be further divided by right pursuant to section 18-10.3.1, if applicable. The plat shall also contain the following note: “Parcel [letter or number] is assigned [number] development rights and may/may not be further divided and when further divided these rights shall not comprise more than [number] acres. The residue of Tax Map/Parcel [numbers] is retaining

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[number] development rights and when further divided it shall not consist of more than [number] acres.” Development rights need not be assigned to a special lot.

11. *Instrument creating property proposed for subdivision.* The deed book and page number of the instrument whereby the property was created, as recorded in the office of the clerk of the circuit court of the county.

12. *Topography.* Existing topography at the time of plat submittal at up to twenty [20] percent slope, with a contour interval that is not greater than the interval on aerial topography available from the county. The source of topography, including survey date and name of the licensed professional; or a statement that topography data provided by the county was used. Proposed grading, with a contour interval equal to the intervals of the existing topography, supplemented where necessary by spot elevations; areas of the site where existing slopes are steep slopes. Existing topography for the entire site with sufficient offsite topography to describe prominent and pertinent offsite features and physical characteristics, but in no case less than fifty (50) feet outside of the site unless otherwise approved by the agent. For property in the rural areas zoning district, the proposed grading shall show all grading on each proposed lot, including access, clearing and all other lot improvements.

13. *Proposed facilities.* The location of proposed water and sewer lines and related improvements; proposed drainage and stormwater management facilities and related improvements.

14. *Land to be dedicated in fee or reserved.* The location, acreage, and current owner of all land intended to be dedicated in fee or reserved for public use, or to be reserved in a deed for the common use of lot owners in the subdivision.

15. *Identification of all owners and certain interest holders.* The names and addresses of each owner of record and holders of any easements affecting the property.

16. *Dam break inundation zones.* The limits of a dam break inundation zone.

B. A preliminary plat shall also contain the following information, provided that the preliminary plat shall not be deemed incomplete for purposes of section 14-218 if it does not include this information in the initial plat submittal:

1. *General information.* The date of drawing, including the date of the last revision, the number of sheets, the north point, and the scale. If true north is used, the method of determination shall be shown.

2. *Name of plat preparer.* The name of the person who prepared the plat.

3. *Public areas, facilities or uses.* The location of all areas shown in the comprehensive plan as proposed sites for public areas, facilities or uses, as described in Virginia Code § 15.2-2232, which are located wholly or in part within the property.

4. *Places of burial.* The location of any grave, object or structure marking a place of burial located on the property.

5. *Zoning classification.* The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.

6. *Tax map and parcel number.* The county tax map and parcel number of the property.

7. *Reservoir watershed; agricultural-forestal district.* A notation as to whether the land is within an Albemarle County and/or City of Charlottesville water supply watershed or an agricultural-forestal district.

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8. *Yards.* The location of all yards required by this chapter and the zoning ordinance, which may be shown graphically or described in a note on the plat.

9. *Floodplain and related information.* If section 30.3, flood hazard overlay district, applies to any portion of the site, United States Geological Survey vertical datum shall be shown and/or correlated to plat topography and show existing and proposed ground elevations. The boundaries of the flood hazard overlay district, the base flood elevation on the site, the elevation of the lowest floor, including any basement, and for any structures to be flood-proofed as required by section 30.3, the elevation to which the structures will be flood-proofed.

10. *Stream buffers.* The location of stream buffers required by the water protection ordinance, with the following note: “The stream buffer(s) shown hereon shall be managed in accordance with the Albemarle County Water Protection Ordinance.”

(8-28-74; 2-4-81; § 18-52, 9-5-96; § 14-302, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 08-14(1), 2-6-08; Ord. 11-14(1), 6-1-11; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(1), 3-5-14; Ord. 14-14(2), 3-5-14)

**State law reference**--Va. Code §§ 15.2-2241(1), 15.2-2258, 15.2-2262.

**Federal law reference** – 44CFR § 60.3(b)(3).

### **Sec. 14-303 Contents of final plat.**

In addition to containing all of the information required by section 14-302, except for the information required by section 14-302(A)(12), a final plat shall contain the following information:

A. *Statement of consent to division.* A statement that: “The platting or dedication of the following described land [insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.”

B. *Section name or number.* The name or number of the section if the property is a part of a larger piece of land.

C. *Boundary lines.* The exterior boundary lines of the property with bearings in degrees, minutes and seconds. Curvilinear data shall include radius, central angle, arc length, and tangent distance. All dimensions shall conform to the standards set forth in this chapter.

D. *Acreage of lots.* The total acreage of each existing lot and each proposed lot.

E. *Dimension standards and information on all lots, streets, alleys, easements, and shared driveways.* All linear, angular, and curvilinear dimensions of lots, streets, alleys, public easements and private easements and shared driveways shall conform to the requirements set forth in 18 VAC 10-20-370(C), a copy of which shall be on file in the department of community development. Curvilinear data shall include radius, central angle, arc length, and tangent distances and may be shown either directly on the corresponding boundary or surveyed line or in table form. Easements shown for private streets, alleys and shared driveways shall be labeled as “private street easement”, “alley easement” or “shared driveway easement.” The easement holder(s) shall be identified on the plat. If shared driveways are shown, a note shall be added to the plat stating that maintenance shall be by the owners of the lots affected by the shared driveway easement, not by the Virginia Department of Transportation or the county.

F. *Identification of sections, blocks and lots.* Sections (phases) shall be identified by numbers; blocks shall be identified by letters; lots shall be identified by numbers, assigned in numerical order.

G. *Ownership of common areas.* The intended ownership of all common areas.

H. *Monuments.* The location and material of all permanent reference monuments. Monuments found or installed prior to plat recordation may be referred to if they are permanent and

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undisturbed. If any monument required by this chapter will be installed after recordation of the final plat, the certification of the professional engineer or land surveyor shall so note.

I. *Bearing and distance ties.* A definite bearing and distance tie between not less than two (2) permanent monuments on the exterior boundary of the property and further tie to existing street intersection where possible and reasonably convenient.

J. *Restrictions.* Restrictions imposed in conjunction with the approval of the preliminary plat and their period of existence. If the length of a restriction makes its inclusion on the final plat impractical, and does not necessitate the preparation of a separate instrument, reference shall be made to the restriction on the final plat.

K. *Temporary turnarounds.* The location of temporary turnarounds, if needed, with the following accompanying note: "The area on this plat designated as a temporary turnaround will be constructed and used as other streets in the subdivision until (street name) is/are extended to (street name), at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining property owners in accordance with specific provisions in their respective deeds."

L. *Public utility, drainage and sight distance easements.* The location and dimensions of each public utility, drainage and sight distance easement outside of a street right-of-way; for each existing easement, include a note stating the deed book and page number.

M. *Street names.* The name of each proposed street, which names shall be subject to approval by the agent.

N. *Statement pertaining to private streets.* If the subdivision will contain one or more private streets, the following statement: "The streets in this subdivision may not meet the standards for acceptance into the secondary system of state highways and will not be maintained by the Virginia Department of Transportation or the County of Albemarle."

O. *Signature panels.* Signature panels for each owner and for the agent or his designee. The signature panel for the owner shall be located immediately below the statement required by paragraph (A).

P. *Notary panels.* Notary panels for the notary to acknowledge the signature of the owner.

Q. *Water supply.* A statement as to whether the subdivision will be served by a public water supply and a public sewer system. If the property is not within the service authority jurisdictional area, the following statement: "Under current county policy, public water and/or sewer service will not be available to this property."

R. *Parent parcel access.* If the subdivision is in the rural areas, the following statement, unless a waiver is granted as provided in section 14-404: "All subsequent divisions of the residue shall enter only onto such street(s) shown on the approved final plat and shall have no immediate access onto to any public street."

S. *Control points.* At least four (4) control points, evenly distributed across the property and located at survey property corners, and shown on each sheet depicting the property. At the option of the subdivider, the control points may be shown on a copy of the final plat, rather than on the original final plat.

T. *Special lots.* If the subdivision creates a special lot, the following note shall be placed on the plat: "Lot 'X' is a special lot established solely for (insert purpose for the special lot as identified in the definition of special lot in section 14-106)."

(§ 8, 8-28-74; 2-4-81; § 18-55, 9-5-96; § 14-303, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 11-14(1), 6-1-11; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(1), 15.2-2262, 15.2-2264.

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**DIVISION 2. DOCUMENTS AND INFORMATION TO BE  
SUBMITTED WITH PRELIMINARY OR FINAL PLAT**

**Sec. 14-304 Request to disturb steep slopes.**

If the proposed subdivision will require disturbing steep slopes, the subdivider shall submit with each preliminary plat, or if none, with each final plat, a written request or application under the applicable sections of the zoning ordinance.

(Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

*State law reference--*Va. Code §§ 15.2-2241(9).

**Sec. 14-305 Stormwater management information.**

The subdivider shall submit with each preliminary plat or, if none, with each the final plat:

A. Removal rate computations and project drainage area maps as described in the design standards manual to support conceptual stormwater management plans. In addition, the subdivider shall submit a written request and justification for any waiver of water detention requirements allowed by the water protection ordinance, if such a waiver is needed.

B. If applicable, a mitigation plan as provided in section 17-322 of the water protection ordinance.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

*State law reference--*Va. Code §§ 15.2-2241(3), 15.2-2262.

**Sec. 14-306 Private streets information.**

If authorization for one or more private streets is requested and has not been previously approved as provided by section 14-234, the subdivider shall submit with each preliminary plat or, if none, with each final plat, the information required to support authorization under the applicable requirements of sections 14-232, 14-233 and 14-234(A).

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**Sec. 14-307 Stream crossings.**

If any lot within the subdivision would be served by a street or driveway crossing a perennial or intermittent stream, the subdivider shall submit with each preliminary plat or, if none, with each final plat, the information required to show that the stream crossing would satisfy the requirements of section 17-320(D) or, in the alternative, section 17-321(4).

(Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

*State law reference--*Va. Code §§ 62.1-44.15:73.

**Sec. 14-307.1 Dam break inundation zones.**

If the proposed subdivision is wholly or partially within the boundaries of a dam break inundation zone, and the proposed subdivision is a "development" as defined in this chapter, the site review committee shall review the preliminary plat, or if none, the final plat, as follows: (i) it shall review the dam break inundation zone map on file with the county for the affected impounding structure; (ii) notify the dam owner about the proposed subdivision; and (iii) within ten (10) days after the application is deemed complete, send a written request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed subdivision on the spillway design flood standards required for the dam as provided in Virginia Code § 10.1-606.3.

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(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 10.1-606.3, 15.2-2243.1.

**DIVISION 3. DOCUMENTS AND INFORMATION TO BE SUBMITTED WITH FINAL PLAT**

**Sec. 14-308 Floodplain and topographic information; information to demonstrate that damage from flooding will be minimized.**

The subdivider shall submit with each final plat floodplain and topographic information in a form acceptable to the county engineer which demonstrates:

A. *Flood limits.* For each natural stream with an upstream drainage area of fifty (50) acres or more, the flood limits for a one hundred (100) year storm; provided that the county engineer may waive this requirement for drainage areas of less than one hundred (100) acres upon his determination that the information is unnecessary for review of the proposed final plat.

B. *Natural drainage not impeded.* The property contains sufficient land upon which to place structures without impeding natural drainage.

C. The floodplain limits, elevations, and floodplain profiles and cross-sections, if floodplain profiles and cross-sections are determined by the county engineer to be necessary.

D. *Design to minimize flood damage.* The subdivision will be reasonably safe from flooding and, if the subdivision is in a flood-prone area: (i) that it is designed to minimize flood damage within a flood-prone area; (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems will be located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage will be provided to reduce exposure to flood hazards.

(§ 3, 8-28-74; 12-15-82; § 18-21, 9-5-96; § 14-308, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 14-14(1), 3-5-14)

**State law reference--**Va. Code §§ 15.2-2241(3), 15.2-2262.

**Sec. 14-308.1 Groundwater assessment information.**

Groundwater assessments required by section 17-402 shall be initiated by the program authority upon the submittal of the preliminary plat. The draft groundwater management plans and aquifer testing workplans required by sections 17-403 and 17-404, as applicable, shall be submitted in conjunction with the submittal of the preliminary plat. The requirements of sections 17-402, 17-403 and 17-404 shall be satisfied prior to final plat approval.

(Ord. 04-14(1), adopted 12-8-04, effective 2-8-05; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference --** Va Code §15.2-2121.

**Sec. 14-309 Soil evaluations.**

The subdivider shall submit to the agent with each final plat the results of percolation tests or other methods of soil evaluation used to determine the suitability of the soil for subsurface drainfields, if conventional onsite sewage systems are proposed to be used in the development of the subdivision, and the results are requested by the agent. These results shall be forwarded by the agent to the health director.

(8-28-74; § 18-23, 9-5-96; § 14-309, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 12-14(1), 7-11-12)

**State law reference--**Va. Code §§ 15.2-2241(3), 15.2-2262.

**Sec. 14-310 Health director approval of individual private wells and/or onsite sewage systems.**

If required as a condition of final plat approval, a final plat shall not be approved if individual private wells are proposed for the subdivision until written approval has been received from the health director by the agent. A final plat shall not be approved if onsite sewage systems are proposed for the subdivision until written approval has been received from the health director by the agent, provided further that if the subdivision will be served by conventional onsite sewage systems:

A. The health director shall determine the suitability of the soil of each lot of the subdivision for which conventional onsite sewage systems will be constructed, and shall submit his opinion to the agent.

B. The health director may require as a condition of his approval of the installation of conventional onsite sewage systems that individual lots be graded and drained so as to assure the effective removal of surface water from each lot.

C. Special lots shall not be subject to this section unless the special lot is created for a water supply or waste disposal purpose.

(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 11-14(1), 6-1-11; Ord. 12-14(1), 7-11-12)

**State law reference--**Va. Code §§ 15.2-2242(2), 15.2-2262.

**Sec. 14-311 Infrastructure improvement plans, computations and documents.**

The subdivider shall submit with each final plat detailed plans, computations and necessary supporting documents for all physical improvements including, but not limited to, road plans, drainage plans and computations, erosion and sediment control plans and stormwater management plans and computations as required by the water protection ordinance, landscape plans, water and sewer plans and computations as required by the service authority, flooding computations and plans if applicable, and any other documents deemed necessary by the county engineer. The plans, computations and necessary supporting documents shall also be submitted to other appropriate agencies.

(§8, 8-28-74; 2-4-81; § 18-55, 9-5-96; § 14-311, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241.

**Sec. 14-312 Location of existing buildings.**

The subdivider shall submit with the final plat a survey showing the location of all existing buildings on the land to be subdivided within fifty (50) feet of a proposed lot line or a proposed street.

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241.

**Sec. 14-313 Reserved.**

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**Sec. 14-314 Identification of all interests of the county in property.**

The subdivider shall submit, prior to or with the final plat, a plan which shows all rights-of-way, easements or other interests of the county or any authority within the subdivision that would be terminated and extinguished by recordation of the final plat, as provided in section 14-433.

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(Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2262, 15.2-2265.

**Sec. 14-315 Reserved.**

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**Sec. 14-316 Approval of entrance onto public streets.**

The subdivider shall submit, prior to or with the final plat, evidence satisfactory to the agent that the entrance of the principal means of access for each lot onto any existing or proposed public street complies with Virginia Department of Transportation standards; provided that this requirement shall not apply to any subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

(Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 10-14(1), 2-10-10)

**14-317 Instrument evidencing maintenance of certain improvements.**

If the subdivision will contain one (1) or more improvements that are not to be maintained by the county or any authority or other public agency, the subdivider shall submit with the final plat an instrument assuring the perpetual maintenance of the improvement, as follows:

- A. The instrument shall, at a minimum:
  - 1. Identify the plat to which the instrument applies; if the plat has been recorded, the identification shall include a deed book and page number.
  - 2. State that the improvement will be maintained in perpetuity.
  - 3. State that the improvement will be maintained to a standard that, at a minimum, ensures that it will remain in substantially the condition it was in when approved by the county if the improvement was installed prior to the agent signing the plat or the condition it is to be in when the surety was released as provided in section 14-436; for a private street, shared driveway, or alley, the instrument also shall state substantially as follows: "The travelway shall at all times be maintained so that it is safe and convenient for passenger automobiles and emergency vehicles at all times except in severe temporary weather conditions."
  - 4. If the instrument pertains to the maintenance of one or more private streets, alleys or shared driveways, it shall define "maintenance" by stating substantially as follows: "For purposes of this instrument, 'maintenance' includes the maintenance of the private streets or alleys, and all curbs, curbs and gutters, drainage facilities, utilities, dams, bridges and other private street improvements, and the prompt removal of snow, water, debris, or any other obstruction so as to keep the private street or alley reasonably open for usage by all vehicles, including emergency services vehicles."
  - 5. Describe the condition of the improvement when it was approved by the county if the improvement was installed prior to the agent signing the plat or the condition it is to be in when the surety was released as provided in section 14-436.
  - 6. Identify the timing or conditions warranting maintenance of the improvement.
  - 7. State a means to collect funds necessary for the cost of maintaining the improvement; at a minimum, the means stated shall include the right of any landowner subject to the instrument to record a lien against a non-contributing landowner, to bring an action at law to collect the funds, or both.

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8. Describe how maintenance costs will be prorated among the landowners subject to the instrument (*e.g.*, “equally,” or on a percentage basis); if any lot within the subdivision may be further divided, the instrument shall also describe how maintenance costs will be prorated among the landowners after division.

9. State substantially as follows: “No public agency, including the Virginia Department of Transportation and the County of Albemarle, Virginia, will be responsible for maintaining any improvement identified herein.”

B. The instrument shall be subject to review and approval by the county attorney and shall be in a form and style so that it may be recorded in the office of the clerk of the circuit court of the county. The agent may require that the instrument be on a form prepared by the county attorney.

C. For purposes of this section, the term “to maintain,” or any derivation of that verb, includes the maintenance, replacement, reconstruction and correction of defects or damage.

D. Nothing in this section shall affect the rights of the county reserved under section 14-440.

((§ 18-7: 12-21-83; 9-5-96)(§ 18-36 (part): 8-28-74; 9-5-96); §§ 18-7, 18-36; § 14-313, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02, § 14-317, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

### **Sec. 14-318 Dam break inundation zones; engineering study and mapping information.**

If the proposed subdivision is wholly or partially within the boundaries of a dam break inundation zone, and the proposed subdivision is a “development” as defined in this chapter, the subdivider shall submit with the final plat the following:

A. *Engineering study.* If the Virginia Department of Conservation and Recreation determines that a plan of development proposed by a subdivider would change the spillway design flood standards of an impounding structure pursuant to Virginia Code § 10.1-606.3, the subdivider shall submit an engineering study in conformance with the Virginia Soil and Water Conservation Board’s standards under the Virginia Dam Safety Act in Virginia Code § 10.1-604 *et seq.* and the Virginia Impounding Structure regulations in 4 VAC 50-20. The engineering study shall be reviewed and acted upon by the Virginia Department of Conservation and Recreation as provided in Virginia Code § 15.2-2243.1.

B. *Mapping information.* The subdivider shall provide the dam owner, the county, and any other affected localities with information necessary for the dam owner to update the dam break inundation zone map to reflect any new development within the dam break inundation zone following completion of the development.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 10.1-606.3, 15.2-2243.1.

## **ARTICLE IV. ON-SITE IMPROVEMENTS AND DESIGN**

### **DIVISION 1. LOTS AND BLOCKS**

#### **Sec. 14-400 Minimum lot requirements.**

Each lot within a subdivision shall satisfy the minimum lot requirements established in the zoning ordinance; provided that no street frontage or lot access requirement shall apply to any lot that would be created from the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

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((§ 18-29 (part): 8-28-74; 9-5-96)(§ 18-34 (part): 8-28-74; 9-5-96) §§ 18-29, 18-34; § 14-500(part), Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02; § 14-400, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 10-14(1), 2-10-10)

**State law reference--**Va. Code §§ 15.2-2241(3).

### **Sec. 14-401 Double frontage lots.**

Double frontage lots for single family detached and attached residential uses are prohibited. The prohibition of double frontage lots may be varied or excepted by the agent as provided in section 14-203.1. Double frontage lots shall be screened as provided in section 14-419.

(§ 14-500(part), Ord. 98-A(1), 8-5-98; § 14-401, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(3), 15.2-2242(1).

### **Sec. 14-402 Lot shape.**

Each lot within a subdivision shall be of a shape which provides a satisfactory and desirable building site, and shall otherwise be at least the minimum lot width allowed by the applicable provisions of the zoning ordinance. No lot shall contain peculiarly shaped elongations designed solely to provide the required square footage of area or frontage on a street. All portions of each lot shall be contiguous.

(8-28-74; § 18-29, 9-5-96; § 14-503, Ord. 98-A(1), 8-5-98, § 14-402, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code § 15.2-2241(3).

### **Sec. 14-403 Lot frontage.**

Each lot within a subdivision shall have frontage on an existing or proposed street; provided that this requirement shall not apply to any lot that would be created from the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

((§ 18-30 (part): 8-28-74; 9-5-96)(§ 18-36: 8-28-74; 9-5-96); §§ 18-30, 18-36; § 14-504, Ord. 98-A(1), 8-5-98; § 14-403, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 10-14(1), 2-10-10)

**State law reference--**Va. Code § 15.2-2241(3).

### **Sec. 14-404 Lot location to allow access from lot onto street or shared driveway.**

Each lot within a subdivision shall be located as follows:

A. *Single point of access required.* Each lot, other than a corner lot within the development areas, shall have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision; provided that, if the subdivision is in the rural areas, each lot created from the subsequent division of any lot within the subdivision shall enter only onto such street(s) established at the same time as the original subdivision and shall have no immediate access onto any other public street.

B. *Conditions when single point of access not required.* Notwithstanding subsection (A), a lot may be located so that it has reasonable access to the building site from a public street abutting the subdivision if: (i) the agent approves a variation or exception under subsection (D) and section 14-203.1; (ii) the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access; (iii) the entrance complies with the design standards set forth in sections 14-410(F) and 14-410(G);

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and (iv) the subdivider demonstrates to the agent prior to approval of the final plat that the variation or exception does not violate any covenants to be recorded for the subdivision.

C. *Lots exempt from requirements of subsections (A) and (B).* The requirements of subsections (A) and (B) shall not apply to the subdivision of a parcel where two (2) or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

D. *Standards for variation or exception.* The requirements of subsection (A) may be varied or excepted by the agent as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary or final plat, as follows:

1. *Information to be submitted.* A request shall include a justification for the variation or exception and a conceptual plan. The conceptual plan shall: (i) be drawn at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property or an alternative scale approved by the agent; (ii) show the topography of the property at the best interval available from the County including delineation of proposed building sites; (iii) show the locations of streams, stream buffers, steep slopes, floodplains, and known wetlands; and (v) show the proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features.

2. *Consideration.* In reviewing a request for a variation or exception and determining whether the findings provided in section 14-203.1 can be made, the agent shall consider whether: (i) installing a single point of access would substantially impact environmental resources such as streams, stream buffers, steep slopes, and floodplain; (ii) construction of a single point of access would substantially impact features existing on the property prior to October 14, 2009; (iii) granting the variation or exception would contribute to maintaining an agricultural or forestal use of the property; and (iv) granting the a variation or exception would facilitate development of areas identified in the open space plan as containing significant resources.

E. *Terms defined.* For purposes of this section, the term “reasonable access” means a location for a driveway or, if a driveway location is not provided, a location for a suitable foot path from the parking spaces required by the zoning ordinance to the building site; the term “within the subdivision” means within the exterior boundary lines of the lands being divided.

((§ 14-500(C): (§ 18-29(part), 8-28-74; 9-5-96)(§ 18-34(part), 8-28-74; 9-5-96); §§ 18-29, 18-34; § 14-500; Ord. 98-A1, 8-5-98; Ord. 02-14(1), 2-6-02) (§14-505: (§ 18-36 (part): 8-38-74; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-36, 18-39; § 14-505, Ord. 98-A(1), 8-5-98); §§ 14-500(C), 14-505; § 14-404, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09; Ord. 10-14(1), 2-10-10; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

**State law reference--**Va. Code §§ 15.2-2241(5), 15.2-2242(1).

### **Sec. 14-405 Side lot lines.**

Side lot lines of each lot within a subdivision shall be approximately at right angles or radial to the street line, except turnaround terminal points.

The requirements of this section may be varied or excepted by the agent as provided in section 14-203.1.

(8-28-74; § 18-32, 9-5-96; § 14-506, Ord. 98-A(1), 8-5-98; § 14-405, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(3), 15.2-2242(1).

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**Sec. 14-406 Remnants.**

Remnants shall not be created by the subdivision of land. All pre-existing remnants shall be eliminated when the land is subdivided.

(8-28-74; 2-4-81; § 18-33, 9-5-96; § 14-507, Ord. 98-A(1), 8-5-98; § 14-406, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(3).

**Sec. 14-407 Block width.**

Each block within a subdivision shall be wide enough to allow two (2) tiers of lots of the minimum depth allowed by the applicable provisions of the zoning ordinance fronting on all streets.

The requirements of this section may be varied or excepted by the agent as provided in section 14-203.1. In reviewing a request for a variation or exception and determining whether the findings provided in section 14-203.1 can be made, the agent shall consider whether the creation of two (2) tiers of lots of the minimum depth are prevented by topographical conditions or the size of the property.

(8-28-74; § 18-34, 9-5-96; § 14-508, Ord. 98-A(1), 8-5-98; § 14-407, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(3), 15.2-2242(1).

**Sec. 14-408 Block orientation.**

Blocks within a subdivision shall meet the following minimum requirements:

A. If the property is adjacent to a major highway, the agent or the commission, as the case may be, may require that the greater dimension of a block adjacent to the major highway front or back upon the major highway to avoid unnecessary ingress or egress.

B. A block designed for business or industrial purposes shall be designed specifically for those purposes, with adequate space set aside for both off-street loading and delivery facilities required by the zoning ordinance.

(§3, 8-28-74; § 18-35, 9-5-96; § 14-509, Ord. 98-A(1), 8-5-98; § 14-408, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(3).

**DIVISION 2. STREETS AND ALLEYS**

**Sec. 14-409 Coordination and extension of streets.**

Public streets within the development areas shall be coordinated and extended as follows:

A. *Coordination.* All public streets within a subdivision shall be coordinated as to location, width, grades and drainage with other public streets, as follows: (i) by coordinating with existing or planned streets within the general area of the subdivision, including but not limited to existing or future adjacent subdivisions, or subdivisions contiguous to such adjacent subdivisions; and (ii) by continuing the public streets to planned, existing, or platted streets into adjoining areas by dedication or reservation of right of way adequate to accommodate continuation of the streets.

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B. *Extension.* All public streets within a subdivision shall be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to future development on adjoining lands, terminating within the subdivision with a temporary turnaround. The arrangement of the public streets shall provide adequate access to adjoining lands within the subdivision where necessary to provide for the orderly development of the county including, but not limited to, reserving temporary construction easements of sufficient area to accommodate the future completion of the street when the adjoining lands are developed.

C. *Variation or exception by commission of coordination requirement.* The requirements of subsection (A) may varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of the nearest development and rural area boundaries, and the maximum number of lots proposed in the subdivision.

2. *Consideration.* In reviewing a request for a variation or exception under section 14-203.1, the commission shall consider: (i) the engineering requirements for coordination and connection; (ii) whether the need for coordination and connection outweighs the impacts on environmental resources such as streams, stream buffers, steep slopes, and floodplain; (iii) whether the street would and should be extended into the rural areas; (iv) whether there is an alternative street connection from another location in the subdivision that is preferable because of design, traffic flow, or the promotion of the goals of the comprehensive plan, including the neighborhood model, and the applicable neighborhood master plan; and (v) whether the variation or exception would enable a different principle of the neighborhood model to be satisfied to a greater extent so that the overall goals of the neighborhood model are more fully achieved.

D. *Variation or exception by agent of extension requirement.* The requirements of subsection (B) may be varied or excepted by the agent as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) identification of the location of the nearest development and rural area boundaries and the maximum number of lots proposed in the subdivision.

2. *Consideration.* In reviewing a request for a variation or exception under section 14-203.1, the agent shall consider whether: (i) extending the street to the abutting property line would require offsite easements; (ii) the need for the extension outweighs the impacts on environmental resources such as streams, stream buffers, steep slopes, and floodplain; (iii) alternative connections to the abutting lands from a different location would provide a better connection; (iv) the subdivider would contribute to

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the cost to complete the extension to the abutting property line when the adjoining lands are developed, and how; and (v) the street would be extended into the rural areas.

3. *Requirements if variation or exception granted.* If the agent grants the variation or exception: (i) the public street shall be constructed past the point at which the primary structures on the lots abutting the street would rely on the finished grade for landscaping and other improvements, but in no case less than thirty (30) feet beyond the curb line or ditch line on those lots; (ii) the subdivider shall dedicate the required right of way to the abutting property line, along with all easements required to allow the street connection to be constructed in the future; (iii) the required easements shall prohibit any improvements being established therein; (iv) the subdivider shall provide a surety guarantee or an escrow of funds for its share of the cost to complete the extension if determined by the agent to be necessary; the type of surety guarantee or the escrow shall be acceptable to the county engineer and be approved by the county attorney; and (v) the agent may require that the subdivider install and maintain a sign at the end of the constructed portion of the street stating that the street is a future through street, and that the sign is maintained until the county grants final approval of extending the street to the abutting property.

(8-28-74; 3-29-78; 11-21-79; § 18-37, 9-5-96; § 14-510, Ord. 98-A(1), 8-5-98; § 14-409, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(2), (4), 15.2-2242(1).

**Sec. 14-410 Standards for all streets and alleys.**

The following minimum design standards shall apply to all streets and alleys within a subdivision:

A. *Layout.* Each street shall be configured, to the extent practicable, to conform to the natural topography, to minimize the disturbance of steep slopes and natural drainage areas, and to provide vehicular and pedestrian interconnections within the subdivision and existing or future development on adjoining lands, as provided in section 14-409.

B. *Angle of intersection.* An angle of intersection of not less than eighty (80) degrees is acceptable; however, a perpendicular intersection, where practical, is preferred. The county engineer may grant an exception to this requirement for a private street in accord with American Association of State Highway and Transportation Officials guidelines.

C. *Temporary turnarounds.* Streets more than three hundred (300) feet in length from an intersection, or proposed to serve more than four (4) dwelling units that terminate temporarily shall be provided with a temporary turnaround meeting American Association of State Highway and Transportation Officials guidelines. The temporary turnaround shall be extended to the abutting property line unless a waiver is granted as provided in section 14-409(D). The temporary turnaround shall exist until the street extensions are accepted into the secondary system of state highways.

D. *Alleys.* Alleys with a right-of-way or easement width of not less than twenty (20) feet may be provided in the rear or side of all commercial, industrial, and residential lots. The design specifications shall be determined by the county engineer, subject to the following: (i) the alley design shall allow emergency services vehicles such as police cars and ambulances to use the alley; and (ii) an alley need not be designed to accommodate the largest emergency services vehicles, except that if firetrucks do not have adequate access to one or more lots from a street, the county engineer shall require that the alley be designed to accommodate firetrucks. The agent may authorize an alley to be established with a right-of-way or easement width of less than twenty (20) feet if the county engineer determines that the proposed design incorporates features that assure public safety and welfare. The county engineer shall consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions. Alley rights-of-way may either be established as privately held fee simple interests or as privately held easements.

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E. *Reserved or spite strips.* Reserved or spite strips restricting access from adjoining lands to an existing or future street or alley shall not be permitted; provided that nothing herein shall prohibit areas for scenic planting and landscaping where adequate access to the adjoining lands is otherwise available.

F. *Principal means of access to subdivision.* The principal means of access to a subdivision shall be either a public street or a private street. The principal means of access shall conform, in the case of a public street, to Virginia Department of Transportation standards, or, in the case of a private street, to the standards of the county as set forth in section 14-412, throughout the street's length, including any distance between the boundary of the subdivision and any existing public street. If discharge water of a twenty-five (25) year storm could be reasonably anticipated to inundate, block, destroy or otherwise obstruct a principal means of access to a residential subdivision, the following shall also apply:

1. The principal means of access shall be designed and constructed so as to provide unobstructed access at the time of flooding; and/or

2. An alternative means of access which is not subject to inundation, blockage, destruction or obstruction, and which is accessible from each lot within the subdivision shall be constructed.

G. *Drainage.* Adequate drainage control shall be provided for streets by installing culverts under streets; side, lead, or outlet ditches; catch basins; curb inlets; or any other devices, including piping, as determined to be necessary by the county engineer. All of these improvements shall meet the standards of the county or, in the event no county standards exist, Virginia Department of Transportation standards.

H. *Curb, curb and gutter, sidewalks and planting strips.* In the development areas, streets shall be constructed with curb or curb and gutter, sidewalks and planting strips. Sidewalks and planting strips shall designed and constructed in compliance with section 14-422.

I. *Variation of or exception to requirement for curb or curb and gutter.* The requirement for curb or curb and gutter may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the maximum number of lots to be served by the rural cross-section street, the location of the nearest development and rural area boundaries, and a cross-section of existing streets to which the proposed subdivision streets would be extended, if any.

2. *Consideration.* In reviewing a request for a variation or exception under section 14-203.1 to allow a rural cross-section (no curb and no curb and gutter) instead, the commission shall consider: (i) the number of lots in the subdivision and the types of lots to be served; (ii) the length of the street; (iii) whether the proposed street(s) or street extension connects into an existing system of streets constructed to a rural cross-section; (iv) the proximity of the subdivision and the street to the boundaries of the development and rural areas; (v) whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnections to abutting lands; (vi) whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan; (vii) whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully

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implemented; and (viii) whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan.

((§ 18-37: 8-28-74; 3-29-78; 11-21-79; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-37, 18-39; § 14-512, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02, § 14-410, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

**State law reference--**Va. Code §§ 15.2-2241(4), 15.2-2242(1), 15.2-2242(3).

**Sec. 14-411 Standards for public streets only.**

In addition to the minimum design requirements set forth set forth in section 14-410, all public streets within a subdivision shall be designed and constructed according to Virginia Department of Transportation standards.

For all public streets to be coordinated and extended as provided in section 14-409, the agent may allow a public street to be constructed at less than the ultimate pavement width, provided the street meets public street standards for the lots to be served by the streets. In determining whether to require the ultimate pavement width, the agent shall be guided by the size of the subdivision, the street length and the types of lots to be served relative to the cost of providing the ultimate width.

((§ 14-511: § 5, 8-28-74; 5-10-77; 10-19-77; § 18-38, 9-5-96; § 14-511, Ord. 98-A(1), 8-5-98)(§ 14-513: 8-28-74; 5-10-77; 10-19-77; § 18-39, 9-5-96; § 14-513, Ord. 98-A(1), 8-5-98) §§ 14-511, 14-513; § 14-411, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(4).

**Sec. 14-412 Standards for private streets only.**

In addition to the minimum design requirements set forth in section 14-410, the following minimum design requirements shall apply to private streets authorized by this chapter:

A. *Residential private streets.* Each private street serving detached residential uses authorized under sections 14-232 or 14-233 shall satisfy the following:

1. *Streets serving two lots.* Each private street serving two (2) lots: (i) shall not exceed a sixteen (16) percent grade calculated over a distance of fifty (50) feet; (ii) shall have a travelway that is at least ten (10) feet in width; and (iii) shall include a rectangular zone superjacent to the driveway that is clear of all obstructions, including any structures and vegetation, that is at least ten (10) feet in width and fourteen (14) feet in height. The subdivider shall demonstrate to the satisfaction of the county engineer that the street will meet the requirements of this subsection.

2. *Streets serving three to five lots.* Each private street serving three (3) to five (5) lots shall satisfy the following: (i) vertical centerline curvature shall meet a minimum design K value of five (5) for crest curves and fifteen (15) for sag curves; (ii) sight distances shall not be less than one hundred (100) feet; (iii) turnarounds shall be provided at the end of each street per American Association of State Highway and Transportation Officials guidelines; (iv) street easements or right-of-way widths shall be thirty (30) feet minimum; and (v) the radius for horizontal curvature shall be forty (40) feet or greater, unless otherwise authorized by this chapter. Any standard in this paragraph (2) may be reduced to the standard for streets serving two (2) lots where a driveway departs from the street and two lots remain to be served, and a turnaround is provided. In addition, the following shall also apply:

(a) *Private streets in the rural areas.* For such private streets in the rural areas: (i) travelway widths shall be fourteen (14) feet minimum, with three (3) feet minimum shoulder widths, and a minimum of four (4) feet from the edge of the shoulder to the ditch centerline; (ii) the grade shall not exceed sixteen (16) percent calculated over a distance fifty (50) feet; (iii) if the grade of any

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portion of the street exceeds seven (7) percent, the entire street shall be surfaced as required by Virginia Department of Transportation standards; streets having a grade of seven (7) percent or less may have a gravel surface; and (iv) the street shall have a rectangular zone superjacent to the street that is clear of all obstructions, including any structures and vegetation, that is at least fourteen (14) feet in width and fourteen (14) feet in height.

(b) *Private streets in the development areas.* For such private streets in the development areas: (i) an urban cross-section street design shall be provided, with a minimum width of twenty (20) feet measured from the curb faces or such alternative design, including a street easement or right-of-way width, deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare; additional widths shall be provided for gutters to control drainage at the discretion of the county engineer; and (ii) the entire street shall be surfaced as required by Virginia Department of Transportation standards.

3. *Streets serving six lots or more.* Each private street serving six (6) or more lots shall satisfy Virginia Department of Transportation standards, provided:

(a) *Private streets in the rural areas.* For such private streets in the rural areas, the commission may approve Virginia Department of Transportation standards for mountainous terrain if the subdivider demonstrates, for a specific, identifiable reason, the general welfare, as opposed to the proprietary interests of the subdivider, would be better served by the application of those standards.

(b) *Private streets in the development areas.* For such private streets in the development areas, the agent may approve Virginia Department of Transportation standards for mountainous terrain or an alternative standard deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare.

4. *Streets serving family subdivisions.* Each private street authorized to serve a family subdivision under section 14-232(B)(1) shall satisfy the following: (i) easement or right-of-way widths shall be ten (10) feet minimum; and (ii) the surveyor shall include the following wording on the plat: "The existing and/or proposed right-of-way is of adequate width and horizontal and vertical alignment to accommodate a travelway passable by ordinary passenger vehicles in all but temporary extreme weather conditions, together with area adequate for maintenance of the travelway, as required by section 14-412 of the Albemarle County Code."

B. *Private streets serving non-residential, non-agricultural, attached residential, multi-unit residential and combined residential and non-residential uses.* Each private street authorized to serve non-residential, non-agricultural, attached residential, multi-unit residential and combined residential and non-residential uses under sections 14-232 or 14-233 shall satisfy Virginia Department of Transportation standards or an alternative standard deemed adequate by the agent, upon the recommendation of the county engineer, to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare. The agent may require minimum travelway widths to provide for on-street parking upon a determination that the provisions for off-street parking may be inadequate to reasonably preclude unauthorized on-street parking.

C. *Clearing land for improvements.* A private street constructed to Virginia Department of Transportation standards shall not be subject to that department's clear zone requirements.

D. *Landscaping and other improvements permitted.* Subsequent to construction of a private street, a subdivider may install ornamental plantings and any other improvements provided that they do not conflict with sight distance, drainage facilities or other required improvements.

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E. *Variation or exception.* The standards of sections 14-412(A)(1)(i) and 14-412(A)(2)(a) relating to street easement or right-of-way widths may be varied or excepted by the agent as provided in section 14-203.1, as follows:

1. *Variation of or exception to section 14-412(A)(1)(i).* The agent, with the recommendation of the county engineer and the fire marshal, may vary or except the standard in section 14-412(A)(1)(i) and authorize a street having a grade that exceeds sixteen (16) percent if the subdivider demonstrates to the satisfaction of the county engineer and the fire marshal that public safety vehicles would be able to access each lot even though the grade may exceed sixteen (16) percent. In developing their recommendation to the agent, the county engineer and the fire marshal shall consider: (i) the length of the segment of the street that would exceed sixteen (16) percent; and (ii) whether the segment that would exceed sixteen (16) percent would require the public safety vehicle to travel uphill towards each lot. In authorizing such a grade, the agent may impose reasonable conditions to ensure that the public safety vehicles may access the lot including, but not limited to, a condition limiting the maximum length any segment of the driveway may exceed sixteen (16) percent.

2. *Variation of or exception to section 14-412(A)(2)(a).* In reviewing a request for a variation or exception for a lesser street easement or right-of-way width under section 14-412(A)(2)(a), the agent shall consider whether: (i) the subdivision will be served by an existing easement or right-of-way of fixed width that cannot be widened by the subdivider after documented good faith effort to acquire additional width; and (ii) the existing easement or right-of-way width is adequate to accommodate the required travelway and its maintenance. If the variation or exception pertains to minimum street easement or right-of-way widths over an existing bridge, dam or other structure, the agent shall consider whether: (i) the long-term environmental impacts resulting from not widening the bridge, dam or other structure outweigh complying with the minimum width requirements, as determined by the county engineer; or (ii) whether the bridge, dam or other structure is a historical structure.

F. *Eligibility for future acceptance into the system of state highways.* Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current Virginia Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

((§ 18-36: 8-28-74; § 18-36, 9-5-96)(§ 18-37; 8-28-74(part), 3-29-78; 11-21-79; § 18-37, 9-5-96); §§ 18-36, 18-37; § 14-514, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02; § 14-412, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2242(3), 15.2-2242(1), 33.1-72.2.

### **Sec. 14-413 Improvement of existing public streets.**

Existing public streets that will serve a subdivision shall be improved as follows:

A. Prior to approval of a preliminary plat, the agent shall consider whether existing public streets that will serve the subdivision are adequate to accommodate the increase in traffic which may be reasonably expected to result from the development of the subdivision. If the agent determines that the existing streets will be inadequate, he may require that the streets be improved so as to accommodate traffic resulting from the development of the subdivision.

B. For purposes of this section, the term "street that will serve the subdivision" shall mean a public street that is either: (i) located on the property; (ii) will provide immediate vehicular access to any lot of the subdivision; (iii) the principal means of access to the subdivision as described in section 14-410(F); or (iv) a public street which will serve as an entrance to the subdivision as described in section 14-410(F), but which is not the principal means of access to the subdivision.

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C. For purposes of this section, the term “improved to accommodate traffic” shall mean: (i) for a public street that is located on the property, any street improvement which may be required by this chapter; and (ii) for any street that will serve the subdivision, improvements on that part of the public street that abuts either the subdivision or the street that provides access to the subdivision, if the need for the improvements are substantially generated by the development of the subdivision.

(8-28-74; 5-10-77; 10-19-77; § 18-39, 9-5-96; § 14-515, Ord. 98-A(1), 8-5-98, § 14-413, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(4).

**DIVISION 3. WATER, SEWERS AND OTHER IMPROVEMENTS**

**Sec. 14-414 Public water and sewerage systems.**

A subdivision within the jurisdictional area of the service authority shall be served by public water and/or sewerage if the service is reasonably available to the subdivision, as follows:

A. The public water and/or sewerage service shall be provided to each lot within the subdivision within the jurisdictional area, and to assure that service is available to abutting parcels that would rely on such systems by constructing such systems to the boundary lines of abutting lands.

B. All facilities required to be constructed to provide the services to the lots shall be designed and constructed to service authority specifications. Sewer facilities constructed to the boundary lines of abutting lands shall be constructed at a depth and location that allows gravity sewers to provide service to the developable land draining towards the sewer.

C. For purposes of this section, the term “water and/or sewerage service” shall be deemed not to be reasonably available in a particular case in which:

1. The commission, in consultation with the service authority, finds that the capacity of the public water and/or sewerage system is inadequate to serve the proposed development; or

2. The commission, in consultation with the service authority, finds that the capacity of the public water and/or sewerage system is adequate to serve the proposed development, but the commission finds that the cost of connecting to the public water and/or sewerage system, exclusive of connection fees, is unreasonable. In determining whether the cost of connecting is unreasonable, the commission shall consider, among other things, the distance the system must be extended to serve the subdivision, the cost of extension, the uses to be served by the extended system, and the scale of those uses.

D. *Variation or exception.* The requirements of subsection (A) that such systems be constructed to the boundary lines of abutting lands may be varied or excepted by the commission as provided in section 14-203.1. In reviewing a request for a variation or exception, the commission shall consult with the service authority and consider whether the system is needed and whether construction of the system would unnecessarily disturb significant environmental resources. If variation or exception is granted and the systems are not constructed to the boundary lines, easements for such future systems shall be shown on the final plat.

((§ 18-22 (part): § 3, 8-28-74; 12-20-78; 2-4-81; 1-3-96; § 18-22, 9-5-96) (§ 18-25: 8-28-74; 1-3-96; § 18-25, 9-5-96); §§ 18-22, 18-25; § 14-516, Ord. 98-A(1), 8-5-98, § 14-414, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2121, 15.2-2241(4), 15.2-2242(1).

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### **Sec. 14-415 Central water supplies and sewerage systems.**

A subdivision for which public water and/or sanitary sewerage service is not reasonably available as provided in section 14-414, and which will have twenty-five (25) or more lots of two (2) acres or less, may be served by a central water supply or central sewerage system, or both, if authorized by the board of supervisors under chapter 16 of the Code, as follows:

A. The design and construction of each central water system and central sewerage system required by this section shall be approved by the Virginia Department of Health, or its local office, the Virginia Department of Environmental Quality, and the board of supervisors. Each system shall complement or supplement existing or proposed county utilities to the extent that the agent finds existing public utilities to be inadequate.

B. Neither a central water system nor a central sewerage system shall be required if the subdivider establishes to the satisfaction of the county engineer that the soils and parent materials of all of the lots created for the purpose of transfer of ownership are such that waste disposal methods for the entire property are satisfactory to the health director, and that no well pollution can occur from the proposed lot configuration.

C. No final plat for a subdivision served by a central water system and/or a central sewerage system shall be approved until the requirements of Chapter 21 of Title 15.2 of the Code of Virginia have been satisfied.

(8-28-74; § 18-23, 9-5-96; § 14-517, Ord. 98-A(1), 8-5-98; § 14-415, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 12-14(1), 7-11-12)

**State law reference--**Va. Code § 15.2-2241(4).

### **Sec. 14-416 Individual private wells and onsite sewage systems.**

A subdivision for which public water and/or public sewerage service is not reasonably available as provided in section 14-414, and for which a central water supply and/or a central sewerage system is not authorized under section 14-415, shall be served by individual private wells or onsite sewage systems, or both, and shall meet all requirements of the health department and be approved by the health director.

((§ 18-23 (part): 8-28-74; § 18-23, 9-5-96)(§ 18-27: 8-28-74; § 18-27, 9-5-96); §§ 18-23, 18-27; § 14-518, Ord. 98-A(1), 8-5-98; § 14-416, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 12-14(1), 7-11-12)

**State law reference--**Va. Code § 15.2-2241(3).

### **Sec. 14-417 Stormwater management facilities and other control measures.**

Stormwater management facilities serving a subdivision shall be designed to comply with the water protection ordinance. The subdivider shall design and construct all on-site stormwater management facilities and other control measures required by the water protection ordinance or determined by the county engineer to be necessary to control stormwater runoff in compliance with the water protection ordinance, any proffers applicable to the subdivision, or any other applicable law.

(§ 14-520, Ord. 98-A(1), 8-5-98; § 14-417, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(3).

### **Sec. 14-418 Fire protection.**

Where public water is reasonably available, a final plat shall not be approved without verification from the service authority and the department of fire and rescue that adequate capability exists to provide

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adequate fire protection to serve the subdivision, including required fire flows, together with all other developments to be served by the system. Fire hydrants and distribution systems shall be installed and constructed by the subdivider. Hydrant locations and fire flow requirements shall be as prescribed by Insurance Service Offices (ISO) standards and be subject to approval by the department of fire and rescue, or the service authority, whichever requirements are greater. In areas where public water is not reasonably available, the department of fire and rescue may require such alternative provisions as deemed reasonably necessary to provide adequate fire protection.

(8-28-74; § 18-26, 9-5-96; § 14-521, Ord. 98-A(1), 8-5-98; § 14-418, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(3).

**Sec. 14-419 Landscaping for double frontage lots.**

Double frontage lots shall be screened as provided in section 18-32.7.9.7. If existing vegetation is to be used to provide the required screening the subdivider shall sign a conservation checklist approved by the agent to ensure that the specified trees will be protected during construction. Except as otherwise expressly approved by the agent in a particular case, the checklist shall conform to the specifications in the Virginia Erosion and Sediment Control Handbook, pages III-393 through III-413, and as hereafter amended.

The screening requirements may be varied or excepted by the agent as provided in section 14-203.1. In reviewing a request for a variation or exception, the agent shall consider whether adequate screening by topography and vegetation exists so that the rear of the dwelling units will not be visible from a public street or a street intended to provide rear access to lots.

(§ 14-522, Ord. 98-A(1), 8-5-98; § 14-419, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-11, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241(3), 15.2-2242(1).

**Sec. 14-420 Location of utilities above- and underground.**

All utilities, including but not limited to wires, cables, pipes, conduits and appurtenant equipment for electricity, gas, water, sewer, telephone or similar service, shall be located within a subdivision as follows:

A. Each utility shall be located, to the extent practicable, in a manner that conforms to the natural topography, minimizes the disturbance of steep slopes and natural drainage areas, and allows vehicular and pedestrian interconnections within the subdivision and existing or future development on adjoining lands.

B. All new utilities shall be located underground except the following, which may be located above-ground: (i) electric transmission lines and facilities; (ii) equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennae and associated equipment, which is, under accepted utility practices, normally installed above-ground; (iii) meters, service connections, and similar equipment normally attached to the outside wall of a utility customer's premises; and (iv) satellite dishes.

C. If it is necessary to locate a new or existing public utility within the right-of-way of a public street, the subdivider shall first obtain a permit from the Virginia Department of Transportation.

D. Installation of utilities in or adjacent to the right-of-way shall not preclude the installation of street trees or required landscaping.

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E. The requirements of this section may be varied or excepted by the agent as provided in section 14-203.1. In reviewing a request for a variation or exception, the agent shall consider whether the requirement would unreasonably impact the existing above-ground electrical network so that extensive off-site improvements are necessary.

(§ 2, 8-28-74; § 18-12, 9-5-96; § 14-523, Ord. 98-A(1), 8-5-98; § 14-420, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

**State law reference--**Va. Code §§ 15.2-2241(4), 15.2-2242(1).

**Sec. 14-421 Monuments.**

The subdivider shall have monuments set as follows:

A. All boundaries, both exterior and interior, of the original survey for the subdivision shall be monumented as provided in 18 VAC § 10-20-370(B), a copy of which shall be on file in the department of community development.

B. No monuments other than those required by paragraph (A) shall be required to be set before recordation of the final plat or the conveyance of land by reference to plat if the professional engineer or land surveyor includes in his certification on the plat that any additional monuments required by this chapter shall be set on or before a specified later date.

C. The setting of any monument at any time after recordation of the final plat shall be established both at law and in equity, at prorated positions as determined from direct remeasurements between the established monuments of record rather than as precisely stated or shown on the recorded plat.

D. The subdivider shall be responsible for resetting any monument on the property which is damaged, disturbed or destroyed during construction of any improvements required by this chapter.

((§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; § 18-39, 9-5-96)(§18-55 (part): § 8, 8-28-74; 2-4-81; § 18-55, 9-5-96); §§ 18-39, 18-55; § 14-524, Ord. 98-A(1), 8-5-98; § 14-421, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(7).

**Sec. 14-422 Sidewalks and planting strips.**

Sidewalks and planting strips shall be provided as follows:

A. *Requirement.* Sidewalks and planting strips for street trees and other vegetation shall be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.

B. *Sidewalk design.* Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. The agent may allow privately maintained sidewalks to be a 10-foot multi-use asphalt path in unique circumstances such as a path leading to a school or major employment center. The asphalt path generally shall run parallel to the street and shall be constructed to a standard deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare.

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C. *Sidewalk ownership.* Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be dedicated to public use. Each sidewalk proposed to be privately maintained shall be conveyed to a homeowners association for ownership and maintenance. The agent may require that a sidewalk proposed by the subdivider to be privately maintained instead be dedicated to public use if the agent determines there is a need for the sidewalks to be publicly owned and maintained.

D. *Planting strip design.* Each planting strip shall be a minimum of six (6) feet in width except that the minimum width may be less in areas of transition between rural cross-section and urban cross-section streets. On an urban cross-section street, the planting strip shall be located between the curb and the sidewalk. The planting strip shall be located between the paved travelway and the sidewalk.

E. *Variation of or exception to sidewalk requirements.* The requirements for sidewalks may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of any existing pedestrian network in the area, whether it is publicly or privately maintained, descriptions by widths and surfaces of the pedestrian ways within the existing pedestrian network, a proposed alternative profile and the intended ownership and maintenance.

2. *Consideration.* In reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (iii) sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street; (iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (v) the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit; (vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider; (vii) the sidewalks would be publicly or privately maintained; (viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

F. *Variation of or exception to planting strip requirements.* The requirements for planting strips may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent;

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(v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable.

2. *Consideration.* In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a sidewalk variation or exception has been granted; (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

(8-28-74; 5-10-77; 10-19-77; § 38-39, 9-5-96; § 14-422, Ord. 98-A(1), 8-5-98, § 14-525; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

*State law reference--*Va. Code §§ 15.2-2241(5), 15.2-2242(1).

### **Sec. 14-423 Street signs.**

Signs identifying the name of each street within a subdivision shall be installed and maintained as provided in chapter 7 of the Code.

(§ 14-526, Ord. 98-A(1), 8-5-98; § 14-423, Ord. 05-14(1), 4-20-05, effective 6-20-05)

*State law reference--*Va. Code § 15.2-2019.

## **DIVISION 4. CONTRIBUTIONS, DEDICATIONS, RESERVATIONS AND TRANSFERS**

### **Sec. 14-424 Contributions for off-site improvements.**

Each plat for subdivision may be approved on the condition that the subdivider contributes a pro rata share of the cost of the following off-site improvements:

A. Each subdivider shall pay to the board of supervisors his pro rata share of the cost of providing reasonable and necessary sewer, water and drainage improvements not located on the property if they are necessitated or required, at least in part, by the construction or improvement of the subdivision, provided that: (i) no payment shall be required until the county establishes a general sewer, water and drainage improvement program for an area having related and common sewer, water and drainage conditions and within which the property is located or the board of supervisors has committed itself to such a program is located; and (ii) the program complies with the requirements of Virginia Code § 15.2-2243.

B. Each subdivider may voluntarily contribute and the board of supervisors may accept funds for off-site street improvements substantially generated and reasonably required by the construction or improvement of the subdivision. The determination of whether the need for an improvement is substantially generated by the subdivision shall be made by the agent, who shall consult with the county engineer and the county attorney prior to making the determination. In determining whether the need for an improvement is substantially generated by the subdivision, the agent shall consider whether: (i) the impact of the subdivision would create a threat to the public health, safety or welfare if not addressed by the improvement; (ii) the improvement is identified in the county's capital improvement program, including its six (6) year road plan; (iii) the improvement is identified in the comprehensive plan as a needed or desired improvement; and (iv) the need generated is more than an incremental effect that would otherwise result, as determined by annual population growth, vehicular traffic, or other appropriate criteria.

(§ 3, 8-28-74; 12-20-78; 2-4-81; 1-3-96; § 18-22, 9-5-96; § 14-401, Ord 98-A(1), 8-5-98; § 14-424, Ord. 05-14(1), 4-20-05, effective 6-20-05)

*State law reference--*Va. Code §§ 15.2-2242(4), 15.2-2243.

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**Sec. 14-425 Reserved.**

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**Sec. 14-426 Dedication of land for public use.**

The subdivider may dedicate to the county a part of the property suitable for parks, schools, open space and other public facilities, utilities and other public or semipublic uses, as follows:

A. The board of supervisors shall not be required to compensate the subdivider for the land dedicated if the dedication is a gift, required by a proffer as part of a conditional rezoning, required as a condition of a special use permit, variance, or other approval, or if the need for the land is substantially generated by the subdivision.

B. Land dedicated under this section shall be set apart on the final plat and be identified by a note on the plat stating that the land is dedicated for public use.

C. The determination of whether the need for the land is substantially generated by the subdivision shall be made by considering the factors for a determination set forth in section 14-424(B).

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(5).

**Sec. 14-427 Reservation of land for public use.**

The subdivider may reserve for future dedication to the county a part of the property suitable for parks, schools, open space and other public facilities, utilities and other public or semipublic uses, as follows:

A. The board of supervisors shall not be required to compensate the subdivider for the reservation of land if the dedication is a gift, required by a proffer as part of a conditional rezoning, required as a condition of a special use permit, variance, or other approval, or if the need for the land is substantially generated by the subdivision.

B. Land reserved under this section shall be set apart on the final plat and be identified by a note on the plat stating that the land is reserved for future dedication for public use.

C. The determination of whether the need for the land is substantially generated by the subdivision shall be made by considering the factors for a determination set forth in section 14-424(B).

D. Nothing in this section precludes land being reserved for public use which is not included in the comprehensive plan, provided the land is acceptable to the county for reservation.

E. The agent shall not require that land be reserved in a manner that would render it unusable to the subdivider if not used for the intended public purpose.

F. The subdivider may petition the board of supervisors to release a reservation if the land is not used for a public purpose, using the procedure in section 14-212.2.

(§ 14-405, Ord. 98-A(1), 8-5-98; § 14-427, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(5).

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**Sec. 14-428 Dedication of streets, alleys, curbs, gutters, sidewalks, stormwater management facilities, bicycle trails, pedestrian trails.**

The agent shall require a subdivider to dedicate to the county for public use each public street, including each non-constructed street extension as provided in section 14-409, and including any required curb, curb and gutter, planting strip and sidewalk, each drainage improvement for the public street, and may require a subdivider to dedicate to the county for public use any stormwater management facility, bicycle trail or pedestrian trail within a subdivision or section thereof, as follows:

A. The board of supervisors shall not be required to compensate the subdivider for any dedicated land or improvements thereon.

B. The land and improvements to be dedicated shall be set apart on the final plat and be identified by a note on the plat stating that the land is dedicated for public use.

C. When a subdivision abuts one side of an existing or platted street, the subdivider shall dedicate at least one-half of the right-of-way necessary to make the street comply with the minimum width fixed for the street by this chapter.

((§ 18-30 (part): 8-28-74; § 18-30, 9-5-96)(§ 18-38 (part): § 5, 8-28-74; § 18-38, 9-5-96); §§ 18-30, 18-38; § 14-406, Ord. 98-A(1), 8-5-98; § 14-428, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(5).

**Sec. 14-429 Reservation of land for streets, alleys, walkways, waterways or public areas shown on map.**

The agent may require a subdivider to reserve for future dedication to the county a part of the property suitable for streets, alleys, walkways, waterways or public areas if they are shown on an official map or other map adopted under Virginia Code § 15.2-2233, as follows:

A. Land reserved for future dedication under this section shall be set apart on the final plat and be identified by a note on the plat stating that the land is reserved for future dedication for public use. The land reserved shall not be developed except as provided in this section.

B. When a subdivision plat or site plan to allow the reserved land to be developed is submitted to the county, the subdivision plat or site plan shall be reviewed and acted on as provided in this chapter (subdivision plat) or section 32 of the zoning ordinance (site plan). If the subdivision plat or site plan is disapproved for the sole reason that the county wants the land to be dedicated to public use, the county shall have sixty (60) days to request that the land be dedicated to public use and the dedication shall be completed within one hundred twenty (120) days after the date of disapproval. If the county has not acted within the one hundred twenty (120) day period, the subdivision plat or site plan shall be approved provided that all other requirements of law have been satisfied. The board of supervisors shall not be required to compensate the subdivider for the land dedicated if the need for the land is substantially generated by the subdivision. The determination of whether the need for the land is substantially generated by the subdivision shall be made by considering the factors for a determination set forth in section 14-424(B).

C. The subdivider may petition the board of supervisors to release the reservation if the map is amended to remove the street, alley, walkway, waterway or public area from the lands reserved on the plat.

(Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2233.

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**Sec. 14-430 Dedication of water and sewerage systems.**

The agent shall require each subdivider to dedicate to the service authority for public use all water and sewerage facilities designed, constructed and approved to be dedicated as public water and public sewerage systems, and to establish an easement on the land appurtenant thereto and extending to any abutting property identified by the agent, if the facilities are required by this chapter, as follows:

A. The board of supervisors and the service authority shall not be required to compensate the subdivider for the dedicated facilities or the establishment of the easement.

B. The facilities to be dedicated and the easement to be established shall be set apart on the final plat and shall be identified by a note on the plat stating that the facilities are dedicated to, and the easement is established for, the service authority.

(8-28-74; 1-3-96; § 18-25, 9-5-96; § 14-408, Ord. 98-A(1), 8-5-98, § 14-430; Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(5).

**Sec. 14-431 Easements for stormwater management facilities and other control measures.**

The agent shall require each subdivider to establish easements for stormwater management facilities and other control measures, as follows:

A. The following easements shall be required:

1. An easement for all stormwater management facilities and other control measures located on the property shall be established whenever the improvement is designed and/or constructed beyond a street right-of-way or access easement, and shall extend from all drainage outfalls to an adequate channel as defined in 4 VAC § 50-30-10 that satisfies the minimum standards in 4 VAC § 50-30-40(19) to the boundary of the property.

2. An easement along any natural stream or man-made waterway located on the property.

B. The area of each easement shall be sufficient, as determined by the county engineer, to: (i) accommodate the facilities and the drainage characteristics from each drainage outfall from a control measure; and (ii) allow access to a natural stream or man-made waterway to allow widening, deepening, relocating, improving, or protecting the natural stream or man-made waterway for drainage purposes.

C. Each easement shall include the right of ingress and egress for installation, maintenance, operation, repair and reconstruction of any improvement within the easement. The agent also may require that an easement be provided through abutting land under the same ownership as the property.

D. The board of supervisors shall not be required to compensate the subdivider for any easement or any improvements thereon.

E. No easement shall be considered part of any required street width.

((§ 18-16: § 3, 8-28-74; § 18-16, 9-5-96)(§ 18-21: § 3, 8-28-74; 12-15-82; § 18-21, 9-5-96); §§ 18-16, 18-21; § 14-409, Ord. 98-A(1), 8-5-98; § 14-431, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code § 15.2-2241(3).

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**Sec. 14-432 Easements for cable television and public service corporations.**

The agent may require a subdivider to convey, where appropriate, common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the subdivision, as follows:

A. The location of each easement shall be adequate for use by franchised cable television operators and public service corporations which may be expected to occupy them.

B. Each easement shall include the right of ingress and egress for installation, maintenance, operation, repair and reconstruction of any improvement within the easement. The agent also may require that an easement be provided through abutting land under the same ownership as the property.

C. The easement shall be conveyed by reference on the final plat to a declaration of the terms and conditions of the common easements.

(§ 14-410, Ord. 98-A(1), 8-5-98; § 14-432, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2241(6).

**Sec. 14-433 Effect of recordation of plat on dedications and certain easements.**

The recording of a final plat shall transfer dedicated land and improvements and establish certain easements as follows:

A. Recordation shall operate to transfer, in fee simple, to the county that portion of the land set apart on the plat and dedicated for public use as provided in sections 14-426, 14-428 and 14-431.

B. Recordation shall operate to transfer to the county any easement indicated on the plat to create a public right of passage over the property.

C. Recordation shall operate to transfer to the service authority, in fee simple, the water and sewer facilities, and the easement, as provided in section 14-430.

D. Recordation shall operate to terminate and extinguish all rights-of-way, easements or other interests of the county in the property not shown on the plat, except that an interest acquired by the county by eminent domain, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of Virginia Code §§ 15.2-2271 or 15.2-2272 shall not be affected by recordation.

E. Recordation shall not constitute acceptance of any improvements by the county or any service authority, state agency or department.

(§ 14-411, Ord. 98-A(1), 8-5-98; § 14-433, Ord. 05-14(1), 4-20-05, effective 6-20-05)

**State law reference--**Va. Code § 15.2-2265.

**DIVISION 5. COMPLETION OF ON-SITE IMPROVEMENTS AND SURETY**

**Sec. 14-434 Completion of on-site improvements required prior to plat approval.**

Except as provided in section 14-435, all on-site improvements required by this chapter shall be completed prior to approval of the final plat. Prior to approval of the final plat:

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A. *Certification regarding all completed improvements.* The subdivider shall submit to the agent a certificate of completion of all of the improvements prepared by a professional engineer or a land surveyor, to the limits of his license; and

B. *Certification of payment.* The subdivider shall certify to the agent that all of the construction costs for the improvements, including those for materials and labor, have been paid to the person constructing the improvements.

(§3, 8-28-74; 2-19-76; 4-21-76; 12-15-82; § 18-18, 9-5-96; § 14-412, Ord. 98-A(1), 8-5-98; § 14-434, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(5), 15.2-2241(9), 15.2-2255.

**Sec. 14-435 Agreement and surety.**

Any subdivider who does not complete all required improvements as provided in this chapter shall, prior to approval of a final plat, enter into an agreement with the county to complete the construction and installation of all improvements required by this chapter within a period of time agreed to by the parties, and shall provide a surety to guarantee the completion of the improvements, as follows:

A. *Form of the agreement.* The agreement accompanying the surety shall be on a form prepared by the county attorney and any proposed amendment to the agreement shall be subject to review and approval by the county attorney.

B. *Type of surety permitted and amount.* The subdivider shall furnish to the agent a certified check, official check, bond with surety, letter of credit, or collaterally assign funds in a manner satisfactory to the county attorney (collectively, the “surety instrument”), in an amount sufficient for and conditioned upon the completion of the construction and installation of the improvements, as determined under subsection (C). Any proposed surety instrument shall be subject to being acceptable to the county engineer, shall be in a form and have the substance approved by the county attorney, and shall be subject to review and approval by the county attorney.

C. *Estimate.* The subdivider shall submit a request for an estimate of the surety amount to the county engineer. The county engineer shall prepare a cost estimate of all improvements, based upon unit prices for new public or private sector construction in the county, and a reasonable allowance for estimated administrative costs, including inspection fees required by section 14-203, inflation, and potential damage to existing streets or utilities, which shall not exceed ten (10) percent of the estimated construction costs.

D. *Use of surety.* The county may make use of monies guaranteed by the surety instrument if either: (i) the subdivider fails to timely renew the bond with surety, letter of credit, or the collaterally assigned funds; or (ii) the county engineer, in his discretion, determines that any of the improvements have not been completed in a timely manner and the completion of the improvements is deemed necessary to protect the public health, safety or general welfare. The county’s use of the monies guaranteed by the surety instrument shall not terminate the agreement accompanying the surety instrument.

E. Surety shall not be required for a private street authorized under section 14-232(B)(1), 14-232(B)(2), 14-233(A)(2) or 14-233(B)(2).

(§ 3, 8-28-74; 12-15-82; § 18-19, 9-5-96; § 14-413, Ord. 98-A(1), 8-5-98; § 14-435, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference** – Va. Code §§ 15.2-2241(5), 15.2-2241(9), 15.2-2255.

**Sec. 14-435.1 Surety for maintenance of streets until accepted into state system.**

If one or more public streets within a subdivision are proposed for dedication or have been dedicated for public use and the street or streets, due to factors other than quality of construction, is not acceptable into the secondary system of state highways, the subdivider shall, prior to approval of the final plat or prior to the final release of surety as provided in section 14-436, provide surety for the maintenance of the street or streets as provided herein:

A. The subdivider shall furnish to the agent a certified check, official check, bond with surety satisfactory to the county, or a letter of credit satisfactory to the county, or collaterally assign funds in a manner satisfactory to the county, in an amount established by the Virginia Department of Transportation sufficient for and conditioned upon the maintenance of the street or streets until it is accepted into the secondary system of state highways, and assume the subdivider's liability for maintenance of the street or streets. The form and the type of the surety shall be to the satisfaction of and be approved by the county attorney.

B. For purposes of this section, the term "maintenance" means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

(§3, 8-28-74; 2-19-76; 4-21-76; 12-15-82; § 18-18, 9-5-96; §14-414, Ord. 98-A(1), 8-5-98; § 14-435.1, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code § 15.2-2241(5).

**Sec. 14-436 Release of surety.**

Any surety provided under section 14-435 or 14-435.1 shall be released as follows:

A. *Partial releases, generally.* Upon written request by the subdivider, the agent shall make periodic partial releases of the surety as provided in Virginia Code § 15.2-2245.

B. *Request for partial or final release; response.* Within thirty (30) days after receipt of a written notice by the subdivider of completion of part or all of any improvements required to be constructed by this chapter, the agent shall respond in writing to the subdivider in one of the following ways: (i) grant the partial or final release, if the applicable state agency, county department, or any applicable authority or other entity has accepted the improvements; or (ii) inform the subdivider that the improvement has not been accepted by the applicable state agency, county department, authority or other entity and/or identify any specified defects or deficiencies in construction and suggested corrective measures.

C. *Failure to respond to request.* If the agent fails to take action within the thirty (30) day period provided in subsection (B), the request of the subdivider shall be deemed approved and a partial release shall be granted to the subdivider. No final release shall be granted until after expiration of the thirty (30) day period and there is an additional request in writing sent by certified mail by the subdivider to the county executive. The agent shall act within ten (10) working days after receipt of the request by the county executive. If he fails to timely act, the request shall be deemed approved and final release shall be granted to the subdivider.

D. *Final release.* Upon final completion and acceptance or approval of the improvements and upon receipt from the subdivider of a certification of final completion from a professional engineer, land surveyor, or the county engineer, the agent shall release any remaining surety to the subdivider. A public improvement shall be deemed to be accepted when it is accepted by and taken over for operation and maintenance by the county, an authority, or a state agency or department responsible for maintaining and operating the improvement. A private improvement shall be deemed to be approved when the agent determines that the improvements are completed.

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(§ 3, 8-28-74; 2-19-76; 4-21-76; 12-15-82; § 18-18, 9-5-96; § 14-515, Ord. 98-A(1), 8-5-98; § 14-436, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code §§ 15.2-2241(9), 15.2-2245, 15.2-2255.

**Sec. 14-437 Effect of acceptance or approval of improvements.**

Acceptance or approval of an improvement shall be made only if the improvement satisfies all applicable statutes, regulations, ordinances, guidelines and design and construction standards for acceptance or approval of the improvement, upon completion of inspections as provided in section 14-438.

(§ 14-416, Ord. 98-A(1), 8-5-98; § 14-437, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code § 15.2-2255.

**Sec. 14-438 Inspections; right of entry.**

Improvements required by this chapter shall be inspected as follows:

A. *Application deemed consent.* The submittal of a preliminary or final plat by a subdivider shall constitute consent by the subdivider to all officers and employees of the county, the service authority and any other authority, and any state department or agency, responsible for permitting, approving or accepting, or both, any improvement required by this chapter, to enter upon the property at all reasonable times for the purpose of making periodic inspections related to the review of the preliminary or final subdivision plat for compliance with this chapter and to the completion of all improvements required by this chapter. The deemed consent shall expire when all improvements required by this chapter are completed, permitted, approved, or accepted as the case may be, and all surety is finally released as provided in section 14-436.

B. *Notice prior to request for inspection.* Each developer shall notify the zoning administrator when each stage of the development is ready for inspection.

C. *Scope of inspections.* Any inspection of improvements required by this chapter shall be conducted solely to determine compliance with the requirements and specifications provided by law and the approved design plan.

(§ 14-717, Ord. 98-A(1), 8-5-98; § 14-438, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code §§ 15.2-2245, 15.2-2255.

**Sec. 14-439 Improvements completed at expense of subdivider; exception.**

All on-site improvements required by this chapter shall be completed at the expense of the subdivider, except where the subdivider and the county, or any authority, state agency or department, or any other public body, enter into a cost-sharing or reimbursement agreement prior to final plat approval.

(§ 3, 8-28-74; 2-19-76; 4-21-76; 12-15-82; § 18-18, 9-5-96; § 14-402, Ord. 98-A(1), 8-5-98; § 14-439, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code §§ 15.2-2241, 15.2-2242, 15.2-2243.

**Sec. 14-440 County and other public entities not obligated to maintain improvements.**

Nothing in this chapter, including the approval of a final plat, obligates the county to: (i) install or maintain facilities for the conveyance of stormwater, domestic water or sewage unless otherwise agreed to

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by the county; (ii) pay for grading or paving, or for sidewalk, sewer, curb and gutter improvements or construction; (iii) assume financial responsibility for upgrades to an impounding structure except as the owner of an impounding structure; or (iv) to otherwise maintain, repair, replace or reconstruct any improvement required by this chapter.

Nothing in this chapter, including the approval of a final plat, obligates the county, any authority, or any state agency or department, to accept and take over for operation and maintenance any improvements completed by a subdivider as required by this chapter.

(§ 14-403, Ord. 98-A(1), 8-5-98; § 14-440, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 15.2-2241, 15.2-2243.1, 15.2-2265, 15.2-2268.

**Sec. 14-441 Dam break inundation zones; prerequisite to development.**

Following the completion of the engineering studies in accordance with Virginia Code § 15.2-2243.1(A) and the determination by the Virginia Department of Conservation and Recreation that the subdivider's plan of development would change the spillway design flood standards of the impounding structure, before any development within a dam break inundation zone:

A. *Payment for portion of necessary upgrades.* The subdivider shall pay fifty (50) percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the subdivision, together with an administrative fee not to exceed one (1) percent of the total amount of payment required or one thousand dollars (\$1,000.00), whichever is less. Any payments shall be made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority pursuant to Virginia Code § 10.1-603.19:1. "Necessary upgrades" do not include costs associated with routine operation, maintenance, and repair, nor do they include repairs or upgrades to the impounding structure not made necessary by the proposed subdivision.; or

B. *Redesign the subdivision.* The subdivider shall amend the plat so that it does not alter the spillway design flood standard required of the impounding structure.

(Ord. 13-14(1), 12-4-13, effective 1-1-14)

**State law reference--**Va. Code §§ 10.1-606.3, 15.2-2243.1.