TITLE II
LAND DEVELOPMENT REGULATIONS

Chapter 4, Land Subdivision and Development Ordinance

ADOPTION CLAUSE

AN ORDINANCE ESTABLISHING COMPREHENSIVE LAND SUBDIVISION AND DEVELOPMENT REGULATIONS FOR KING AND QUEEN COUNTY, VIRGINIA, DESIGNED TO ASSURE THE ORDERLY SUBDIVISION AND DEVELOPMENT OF LAND WITHIN THE COUNTY BY ESTABLISHING: A TITLE PAGE AND STATEMENT OF PURPOSE; SUPPLEMENTARY DEFINITIONS; A METHOD FOR ADMINISTERING AND ENFORCING THIS ORDINANCE; GENERAL REQUIREMENTS FOR SUBDIVISIONS; PROCEDURES FOR MAKING AND RECORDING PLATS; DESIGN STANDARDS FOR SUBDIVISIONS; MINIMUM IMPROVEMENTS TO BE INSTALLED IN SUBDIVISIONS; REQUIREMENTS FOR PREPARING SITE DEVELOPMENT PLANS; AND VARIOUS CLAUSES REQUIRED TO EFFECTUATE THESE REGULATIONS.

Pursuant to Title 15.2 of the Code of Virginia, 1950, as amended, the governing body of King and Queen County, Virginia, adopted an ordinance regulating subdivision and development of land.

Effective Date: This Ordinance, being adopted by the Board of Supervisors of King and Queen County, Virginia, at a meeting of the Board of Supervisors held on October 12, 1988, shall be in full force and effect upon adoption until repealed or amended.
ARTICLE 1: TITLE AND PURPOSE

4-1 Title

This Ordinance shall be known as the Land Subdivision and Development Ordinance of King and Queen County, Virginia. For brevity, the Ordinance may be cited simply as the "Subdivision Ordinance."

4-2 Purpose

This subdivision ordinance is adopted for the following purposes:

A. To promote the public health, safety, convenience and general welfare;
B. To further the orderly layout and use of land;
C. To avoid undue concentration of population and overcrowding of land;
D. To lessen congestion in the streets and highways;
E. To provide for adequate light and air and for identifying soil characteristics;
F. To facilitate adequate provisions for transportation, water, wastewater, storm drainage, schools, parks, and other public requirements;
G. To provide for adequate street and road access;
H. To ensure proper legal description and proper monumenting of subdivided land;
I. To promote the preservation and integration of environmental resources into subdivision layout;
J. To preserve outstanding natural or cultural features and historic sites and structures;
K. To protect and improve the water quality of the Chesapeake Bay and its tributaries;
L. To minimize the impact of development on environmental resources;
M. To preserve the natural resources, agricultural, and forestal land base and rural character of King Queen County by preventing inappropriate design, location and development of subdivisions.

This subdivision ordinance is established with reasonable consideration of the character of the county with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that this subdivision ordinance shall supplement and facilitate the enforcement of the provisions and development standards contained in the Uniform Statewide Building Code, the King & Queen County Code, the Comprehensive...
Plan, and other applicable laws and regulations.

The subdivision of land is a privilege conferred upon the subdivider by the laws of the Commonwealth of Virginia and King & Queen through this Subdivision Ordinance. It is the subdivider who is seeking to acquire the advantages of lot subdivision and upon him rests the duty of compliance with reasonable conditions laid down by the Board of Supervisor for design, dedication, improvement and restrictive use of land so as to conform to the adopted comprehensive plan for the physical and economical development of the County and for the safety and general welfare of the future plot owners in the subdivision and of the community at large.

Where the conditions imposed by this subdivision ordinance are different from the comparable conditions imposed by any other provisions of this subdivision ordinance or of any other applicable regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

This subdivision ordinance is not intended to invalidate any easement, covenant, or other private agreement; provided, that where the regulations of this subdivision ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of this subdivision ordinance shall govern.

(Ord. Of 2-9-2004)

State law references: Code of Virginia, §§ 15.2-2240 – 15.2-2241
ARTICLE 2: DEFINITIONS

4-3 Common Definitions

For the purpose of this Chapter, the definitions set out in Chapter VI (six), and all conditions related thereto shall apply when such words or terms appear in this Chapter. In addition, the following definitions also apply to this Chapter.

A. Subdivide, Subdivision

The division or re-division of a parcel of land into lots or parcels, for the purpose of transfer of ownership or building development or, if a new street is involved in such division, then any division of a parcel of land. However, the straightening or rearranging of a property line or the enlarging of existing parcels through a boundary line adjustment shall not be considered a subdivision and shall be exempt from the regulations of this ordinance.

The following specific classes of subdivisions are hereby established for King and Queen County:

(1) A "Family Subdivision" A division of land for transfer to members of the owner’s family as authorized by Section 15.2-2244 of the Code of Virginia, 1950, as amended, and as further provided for in this Ordinance;

(2) Minor Subdivision - The division or re-division of a parcel of land to create at least two (2) and no more than seven (7) additional lots or parcels for the purpose of transfer of ownership or building development.

(3) Major Subdivision - The division or re-division of a parcel of land to create eight (8) or more additional lots or parcels for the purpose of transfer of ownership or building development.

(4) One or Two Lot Subdivision -

A. For lots purchased/sold/gifted or otherwise transferred prior to (date here), the adoption date of the one lot subdivision, the following requirements shall apply... The division or re-division of a parcel of land to create no more than two (2) additional lots or parcels for the purpose of transfer of ownership or building development, shall meet all requirements of the Subdivision and Zoning Ordinances except that such subdivision review and approval shall be by the Subdivision Zoning Administrator.

B. For lots purchased/sold/gifted or otherwise transferred subsequent to (date here), the adoption date of the one lot subdivision, the following requirements shall apply... The division or re-division of a parcel of land to create no more than one (1) additional lot or parcel for the purpose of transfer of ownership or building development, shall meet all requirements of the Subdivision and Zoning Ordinances except that such subdivision review and approval shall be by the Zoning Administrator.
(5) Additional lots or parcels - For the purpose of section 4-3 refers to the additional lots or parcels that are created in addition to the original parcel or parent tract which becomes a residual parcel and is not included in the calculation of additional lots or parcels.

B. Subdivider - An individual, firm, corporation, association, registered partnership or trustee owning any tract, lot or parcel of land to be subdivided or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one (1) of their group or to another individual to act in their behalf in planning, negotiating for, representing, or executing the legal requirements of the subdivision.

C. Plat - Notwithstanding the definition of "plat" given in Chapter 6, when the word "plat" is used in this Ordinance, it shall refer to the final plat that is to be recorded unless the word "preliminary", or some other word or term is included with the word "plat" to indicate that the document referred to is other than a final plat.

D. Subdivision Zoning Administrator - The representative of the governing body who has been appointed to serve as the Zoning Administrator of the Board of Supervisors in approving the subdivision plats.

For additional definitions see Chapter 6, Definitions: Land Development Regulations.
ARTICLE 3: ADMINISTRATION

4-4 Zoning Administrator to Administer Ordinance

The King and Queen County Zoning Administrator/Planner is hereby designated as Zoning Administrator of the Board of Supervisors for the administration of this Ordinance.

A. The King and Queen County Zoning Administrator/Planner shall perform all duties regarding subdivision and subdividing in accordance with this subdivision ordinance and applicable state law.

B. The King and Queen County Zoning Administrator/Planner may call on opinions or decisions, either verbal or written, from county officials in considering details of any submitted plat.

C. King Queen County Zoning Administrator/Planner may accept a substitute tentative plat in lieu of the approved tentative plat. The King and Queen County Zoning Administrator/Planner shall, as a part of the acceptance, determine that the substitute plat has no substantive impact on an appealable issue. The King and Queen County Zoning Administrator/Planner shall advise the subdivider if the plat is acceptable.

State law references: Code of Virginia § 15.2-2241.

4-5 Duties of the Zoning Administrator

A. Duties in general.

The Zoning Administrator shall perform his/her duties regarding subdivisions and subdividing in accordance with this Ordinance and the Land Subdivision and Development Act, as set forth in Chapter 11, Article 7, Code of Virginia, 1950, as amended.

B. Enforce violations.

The Zoning Administrator shall also be responsible for initiating the appropriate action in a court of competent jurisdiction for any violation of this Ordinance.

C. Consultations.

In the performance of his/her duties the Zoning Administrator may call for opinions or decisions, either verbal or written, from other departments of the Commonwealth of Virginia, considering details of any submitted plat with particular reference to the opinions of the resident highway engineer and health official or their superiors.

D. Additional authority.

In addition to the regulations herein contained for the platting of subdivisions, the Zoning Administrator may, from time to time, establish any reasonable additional administrative
procedures deemed necessary for the proper administration of this Ordinance.

State law references: Code of Virginia, §§ 15.2-2240.

4-6 Right of Appeal, Restrictions, Conditions, and legal action

If the Zoning Administrator fails to approve, disapprove or recommend disapproval of the proposed plat within sixty (60) days after it has been officially submitted for approval, the subdivider, after ten (10) days' written notice to the Zoning Administrator, and the Board of Supervisors of King and Queen County, Virginia, may petition the circuit court of the county in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall hear the matter and make up and enter such order with respect thereto as it deems proper.

If the Zoning Administrator or Board of Supervisors disapproves a plat and the subdivider contends that such disapproval was not properly based on this Ordinance, or was arbitrary or capricious, he may appeal to the King & Queen Circuit Court in accordance with state law.

A. Transfer or sale without approved plat prohibited.

No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this subdivision ordinance. No plat of any subdivision shall be recorded unless and until it has been submitted and approved in accordance with this subdivision ordinance. No person shall sell or transfer any lot or parcel of an unrecorded subdivision before a plat has been duly approved and recorded in the Circuit Clerk’s Office.

State law references: Code of Virginia, § 15.2-2254

B. Building permit restrictions.

1. No building permit shall be issued for the construction of any building or structure on a lot or parcel if the lot or parcel is created or established in violation of the provisions of this subdivision ordinance.

2. No building permit shall be issued on a proposed lot that has not been recorded.

3. No building permit shall be issued on a lot or parcel which is not in compliance with the Code of King & Queen County.

4. No building permit shall be issued on a lot or parcel until such time the county has assigned all necessary coding and addressing.

C. Tentative, final check and record plats to comply with chapter.

No plat of a subdivision shall be approved which does not comply with all of the provisions of this zoning & subdivision ordinance.

State law references: Code of Virginia, §§ 15.2-2254

D. Alternatives to chapter provisions.

Unless mandated by state code, the King and Queen County Zoning Administrator/Planner or planning commission may approve alternatives to the general provisions of this subdivision ordinance in cases of unusual situations or where strict adherence to these general regulations would result in substantial injustice or hardship. The King and Queen County Zoning Administrator/Planner may refer any request to the planning commission. Such alternatives shall substantially comply with the provisions of this subdivision ordinance so that justice may be done and the public interest secured. Such alternatives shall not have the effect of nullifying the intent and purpose of this subdivision ordinance; and the alternative shall not be approved unless the subdivider presents evidence that:

(1) The granting of the alternative will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood in which the property is located;
(2) The conditions upon which the request for an alternative is based are unique to the property for which the alternative is sought, and are not applicable, generally, to other property;
(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the provisions of this chapter were carried out; and
(4) The purpose of the alternative is not based exclusively upon a financial consideration.

State law references: Code of Virginia, § 15.2-2242.

E. Conditions.

In approving alternatives, the King and Queen County Zoning Administrator/Planner or planning commission may impose such conditions specifically related to the impact of the proposed subdivision as may be deemed necessary to secure substantially the objectives of the standards and requirements of this Code.

F. Planned developments.

The standards and requirements of this subdivision ordinance may be modified in the case of planned developments when the Planning Commission or King and Queen County Zoning Administrator/Planner finds the developments provide adequate public spaces, improvements for the circulation of traffic, recreation, light, air, and stormwater management needs for the fully developed tract, and also provide such covenants or other
legal provisions as will assure conformity and achievement of the comprehensive plan.

State law references: Code of Virginia, § 15.2-2242.

G. Legal remedies for violations.

In addition to the penalties specified in paragraph H, as stated below, the County Administrator or King and Queen County Zoning Administrator/Planner may institute any appropriate action or proceedings to prevent such violation or attempted violation of this subdivision ordinance and to restrain, correct or abate such violation or attempted violation.

State law references: Code of Virginia, §§ 15.2-2241, 15.2-2254, 15.2-2255.

H. Penalties.

Any person violating the provisions of this chapter shall be subject to a judicially imposed fine in the appropriate court of not more than $500.00 for each lot or parcel of land so subdivided or transferred or sold; the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

State law references: Code of Virginia, § 15.2-2254.
ARTICLE 4: GENERAL REQUIREMENTS FOR SUBDIVISIONS

4-7 Establishment of subdivision classes and requirements

The following specific classes of subdivisions are hereby established for King and Queen County. The requirements of each class shall be as stated below or elsewhere in this ordinance or the Zoning Ordinance:

A. Requirements for one and two lot subdivisions.

All lots subdivided under this section shall meet the following application and platting requirements listed herein above before being approved by the Zoning Administrator:

(1) Land Development Application;
(2) A survey
(3) A recorded twenty (20) foot right-of-way
(4) The street must be at least twelve (12) feet wide and is to have a gravel base sufficient to meet the erosion plan
(5) Health Department approval for each lot created and for the residual lot/parcel
(6) Primary and reserve drainfield for each lot created and for the residual lot/parcel
(7) Chesapeake Bay Preservation Area Designation and Management Regulations
(8) Each lot shall contain not less than the minimum size lot permitted by the zoning ordinance for the district in which the said parcels are located and provided that the parcels meet all other applicable provisions of the zoning ordinance.
(9) Multiple one or two lot divisions from the same parent tract or a series of such subdivisions from abutting parent tracts that increase the total lot count of the subdivisions to more than two (2) additional lots for the purpose of circumventing this section shall not be permitted and will be treated as a minor or major subdivision.

B. Requirements for Minor & Major Subdivisions

(1) Streets.

All minor subdivisions established under this Ordinance which contain lots having less than three (3) acres per lot must be served by public streets. All
minor subdivisions in which all lots contain three (3) acres or more per lot may be served by private streets and the deeds for each lot must contain the Private Street Statement. All streets must be paved to meet minimum VDOT standards and accepted into the VDOT system, and be at least twenty (20) feet wide. Generally, the street widths shall not be less than the following:

(a) Collector streets and minor streets in multiple-family residential, commercial and industrial areas, thirty-six (36) feet paved, including curbs and gutters, where provided, except that collector streets serving single-family residential lots of one (1) acre or more may with the approval of the Zoning Administrator have a minimum paved roadway width of twenty-four (24) feet.

(b) Minor streets in single-family residential areas, and service drives, twenty-four (24) feet paved, including curbs and gutters, where provided, except that streets serving lots of three (3) acres or more may with the approval of the Zoning Administrator may have a minimum paved roadway width of twenty (20) feet.

(2) Land Development Application;

(3) Single Entrance Requirements - Each lot shall contain not less than the minimum size lot permitted by the zoning ordinance for the district in which the said parcels are located and provided that the parcels meet all other applicable provisions of the zoning ordinance. Each lot shall have its own driveway with direct access from the newly created public street. Each driveway shall consist of, at a minimum, an all weather surface of rock, stone or gravel, with a minimum depth of three inches and a minimum width of 12 feet. The driveway shall be maintained by the property owner(s) in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat. Passable condition refers not only to the surface, but also to horizontal and vertical clearance.

(3.1) Shared Entrance Requirements - Two (2) lots may share a permanent deeded easement not less than 40 feet in width and 50 feet in length located on the side property line between the two lots in which the drive is shared. The first 50 feet of the entrance must be an asphalt paved surface with a minimum width of 30 feet and a minimum length of 50 feet and shall be approved/permitted by VDOT. Once the shared entrance is established, it shall not be vacated and no other form or access may be used for either lot. The right-of-way shall be maintained by the property owners in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall also be included in the deeds by which the subdivision is affected. Passable condition refers not only to the surface, but also to
horizontal and vertical clearance. A driveway/easement serving more than 2 lots shall be a public road built to the VDOT standards and accepted into the VDOT system.

(4) Multiple minor subdivisions that increase the total lot count of the combined subdivisions to more than seven (7) additional lots for the purpose of circumventing this subsection shall not be permitted.

(5) All minor and major subdivisions must be in a residential zone.

(6) Access to the primary highway system from major and minor subdivisions should be provided by streets paved to meet minimum VDOT standards and accepted into the VDOT system. In exceptional situations, as determined by the Board of Supervisors, the Board may waive the requirement for paved access to Minor Subdivisions.

(7) Manufactured Homes in Minor or Major Subdivision.

No manufactured homes are permitted in a minor or major subdivision that is located in any residential zone.

(8) Changes and Additions to Minor or Major Subdivisions.

Any changes or additions to a minor or major subdivision will require approval. Additions to a minor subdivision which make the total number of lots in the existing and proposed subdivisions to exceed the maximum of seven (7) lots, constitutes the creation of a major subdivision, with all new lots having to meet the requirements of major subdivisions as defined in this Chapter.

(9) Under no circumstances shall two (2) minor subdivisions be linked together to create a minor subdivision with more than the permitted number of lots.

(10) Final Plat Approval of Modified Minor or Major Subdivision.

(11) Any Minor and or Major Subdivision, which was lawfully recorded in the office of the clerk of the circuit court of the county in the form of a plat of subdivision and/or deed prior to the effective date of this article shall be deemed to meet the requirements of this article. Any further division, family division or re-subdivision in any such subdivision after the effective date of this article shall, however, comply with all applicable provisions of this article.

The Board of Supervisors must approve the final plat for any Minor or Major Subdivision changes or additions.
C. Requirements for Family Subdivisions

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the current property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, parent, sibling, grandchild or grandparent of the owner and as prescribed in the Code of Virginia § 15.2-2244. Such subdivision shall be subject to the following provisions:

(1) Only one such sale or gift shall be allowed per immediate family member and each lot created shall be for residential use. The gift or sale shall not, in the opinion of the Zoning Administrator, be for the purpose of circumventing the provisions of this chapter.

(2) The provisions of this section shall apply only to those properties located within the agricultural zoning district. No family subdivision will be allowed within any minor or major subdivision within King & Queen County.

(3) Area requirements:
   a. The minimum lot size of any lot created or remaining under this section shall meet the requirements as described in Chapter 3 Zoning, Article 5, Site Development Regulations.
   b. No more than seven total lots/parcels including the residual lot/parcel may be created from the original parcel under the terms of this section.
   c. The grantor may divide lots from the original parcel in accordance with the Article 5, Site Development Regulations of the Zoning Ordinance and if all other requirements of this section are met.

(4) The grantor shall execute a family subdivision affidavit provided by the Zoning Administrator as a part of the application submission. The affidavit shall stipulate that the proposed family subdivision is not for the purpose of circumventing the requirements of this ordinance and set forth the name and relationship of all eligible grantees. A true copy of said family subdivision affidavit shall be recorded with the plat creating the subdivision.

(5) Where the division creates only two lots or parcels, each lot or parcel shall front a public road or shall front upon a private driveway or road which is in a permanent deeded easement of right-of-way not less than 20 feet in width. Such right-of-way shall include a driveway within it consisting of, at a minimum, an all weather surface of rock, stone or gravel, with a minimum depth of three inches and a minimum width of 12 feet. The right-of-way shall be maintained by the property owners in a condition passable by emergency vehicles at all times. A
notation to this effect shall be placed on the face of the final plat and this provision shall also be included in the deeds by which the subdivision is affected. Passable condition refers not only to the surface, but also to horizontal and vertical clearance.

(6) In the event the division creates three or more lots or parcels, a new permanent deeded 50-foot right-of-way serving those lots shall be provided. The new right-of-way and/or entrance shall meet all Virginia Department of Transportation (VDOT) requirements. Building permits will not be issued on lots until the roadway is constructed and meets county and VDOT approval.

(7) Prior to final approval of the subdivision:
   a. the health department must approve on each lot of the proposed subdivision the location of:
      1. A water well;
      2. A primary septic drain field; and
      3. A 100-percent reserve septic drain field
   b. If there are any extensions of or connections to public roads, the Virginia Department of Transportation must approve the proposed subdivision.

(8) No parcel created by family subdivision shall be further subdivided under another family division.

(9) The property to be divided under this section must have been held by the grantor (current owner) for a period of two years prior to the division.

(10) The grantee of any such sale or gift must hold the property sold or given by the grantor under the provisions of this section for a period of ten years before leasing, reselling or gifting it to another person unless the lot is subject to involuntary transfer through death, foreclosure, judicial sale, condemnation or similar circumstance or an exception is granted by the Zoning Administrator.

(11) The plat shall include the following owner's certificate:

OWNER'S CERTIFICATE
THIS FAMILY SUBDIVISION AND PLAT ARE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S). THE UNDERSIGNED OWNER(S) CERTIFIES THAT THIS SUBDIVISION IS A BONA FIDE DIVISION UNDER THE PROVISIONS OF SECTION 4-7(c) OF THE KING AND QUEEN COUNTY SUBDIVISION ORDINANCE AND IS NOT SUBMITTED FOR THE PURPOSE OF CIRCUMVENTING THE SUBDIVISION ORDINANCE OF KING AND QUEEN COUNTY.

ALL LOTS CREATED BY THIS SUBDIVISION MUST BE HELD BY THE
GRANTEE HEREUNDER FOR A PERIOD OF TEN (10) YEARS FROM DATE OF PLAT RECORDATION.

(12) All lots subdivided under this section shall meet the following application and platting requirements listed herein above before being approved by the Zoning Administrator:

(a) Land Development Application
(b) Name of subdivision
(c) Date, scale and north arrow
(d) Boundaries, dimensions, bearings and area of the new lot(s) including building setback lines
(e) Public street to which the lot has access
(f) Zoning district
(g) Surveyor’s Certificate and Seal
(h) Owner’s Consent statement
(i) Health Department approval for each lot created
(j) Primary and reserve drainfield for each lot created
(k) Chesapeake Bay Preservation Area Designation and Management Regulations
(l) Indicate on the face of the plat to whom each parcel is to be conveyed to and their relationship to the current owner(s)

A. Exceptions to holding periods.

(1) Not withstanding the requirements of subsection (a) above, a grantor or grantee of a family subdivision lot may request an exception to the holding periods by filing a written request with the Zoning Administrator setting forth therein the facts for the request, including what change in life circumstances that was unforeseen at the time of the division has occurred.

(2) The Zoning Administrator shall either grant or deny the request in writing. In approving a request the Zoning Administrator shall find that because of the change in life circumstances that was unforeseen at the time of the division, a strict application of the holding period would produce a unique and undue hardship upon the grantor or grantee.

(3) Appeals of unfavorable actions by the Zoning Administrator shall be made in writing to the Zoning Administrator within 30 days after the decision is rendered by the Zoning Administrator. An Administrative Appeal then will be placed before the Board of Zoning Appeals.

4-8 General Requirements

Upon adoption of this Ordinance by the Board of Supervisors of King and Queen County the following provisions shall apply throughout the territory of the County.
A. Plat to be Made and Recorded.

No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this Ordinance.

B. Plat to be approved by County Prior to Recording.

No plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the duly authorized Zoning Administrator of the Board of Supervisors or of the Board of Supervisors itself, or in the case where the subdivision lies partly in King and Queen County and partly in another jurisdiction, such subdivision shall have been submitted to and approved by both jurisdictions.

C. Sale or Transfer of land in Unrecorded Subdivision.

No person shall sell or transfer any land of a subdivision, before such plat has been duly approved and recorded as provided herein unless such subdivision was lawfully created prior the adoption of this Subdivision Ordinance, provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

D. Penalty of Violation of Foregoing Provisions.

Any person violating the foregoing provision of this Section shall be subject to penalties as provided for in Section 15.2-2254 of the Code of Virginia, 1950, as amended.

E. Clerk of Court not to Record Unapproved Plat.

The King & Queen County Clerk of Court shall not file or record a plat of a subdivision required by this Chapter to be recorded until such plat has been approved as required herein.

F. Plat Submission

Whenever the owner or proprietor of any tract of land located wholly within King and Queen County desires to subdivide the same, he shall submit a plat of the proposed subdivision to the Zoning Administrator established in this Ordinance for such purposes. When the land involved lies partly within King and Queen County and partly within another municipality, the plat shall be submitted to the designated Zoning Administrator, or other appropriate authority, of each municipality in which the tract of land is located.

4-9 Plat to be certified

Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of title of the owner of the land.
subdivided and the place of record of the last instrument in the chain of title.

When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, with an inset block, or by means of a dotted boundary line upon the plat, showing the last instrument in the chain of title for each tract.

Notwithstanding the preceding requirement, nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans, or plats of a proposed subdivision by the owner of the land, city planners, land planners, architects, landscape architects, or others having training or experience in subdivision planning or design.

4-10 Owner's Statement

Every plat, or deed of dedication to which the plat is attached, shall contain in addition to the professional engineer's or land surveyor's certificate a statement, as follows:

"The platting or dedication of the following described land (here insert the correct legal 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."

The statement shall be signed by such persons or by duly authorized Zoning Administrators or attorney in fact or trustee, and duly acknowledged before some officer authorized to take acknowledgment of deeds. When thus executed and acknowledged, the plat, subject to the provisions herein, shall be filed and recorded in the office of the Clerk of the Circuit Court where deeds are admitted to record for lands contained in the plat, and indexed in the general index to deeds under the names of the owners of lands signing such statement, and under the name of the subdivision. Owners shall notify the Commissioner of the Revenues of improvements to real property situated in platted subdivisions.

4-11 Private Street Statement

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

In the event streets in any subdivision will not be constructed to meet the standards necessary for inclusion in the system of state highways, an agreement, in proper form as determined by the Zoning Administrator, shall be recorded in the land records, and reflected in the chain of title of each lot, in order to set forth that the construction, repair, and maintenance of the street connecting such lot to the public street is not the responsibility of the County or the State and to set forth legally-binding responsibilities for the parties who are responsible for the construction, repair, and maintenance, including snow removal, and all pertinent details. The agreement shall be between the owner of the lot and the contract purchaser.

The following statement shall appear on the plat of each lot, and in all approved deeds of
subdivision or similar instruments:

"The street(s) in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The street(s) serving this subdivision are private and their maintenance, including snow removal, is not a public responsibility and will not be maintained by VDOT or King & Queen County. The street(s) shall not be eligible for acceptance into the state system of highways for maintenance until such time as they are constructed and otherwise comply with all requirements of VDOT for the addition of subdivision streets current at the time of such request. Any cost required to cause the street(s) to become eligible for addition to the state system shall be provided from funds other than those administered by VDOT."

4-12 No One Exempt

No person shall subdivide any tract of land which is located within the County of King and Queen and as defined in this Ordinance, except in conformity with this Ordinance. In construing and in the construction of the aforesaid words "as defined in this ordinance" and also "except in conformity with this ordinance", special reference is hereby made to all exceptions contained in this entire Ordinance.

4-13 Reserved

4-14 Private Contracts

This Ordinance bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easements, covenants, agreements or restrictions implied herein to any public official.

4-15 Changes

No changes, erasures or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after the approval of the Zoning Administrator has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Zoning Administrator.

4-16 Fees

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the Zoning Administrator. This fee is due at the time of the filing of the preliminary plat in the amounts set by the Board of Supervisors.
ARTICLE 5: PROCEDURE FOR MAKING, REVIEWING AND RECORDING PLATS

4-17 General

The procedure for review and approval of a subdivision plat consists of three (3) steps. The initial step is a preliminary sketch plan showing the proposed concept of the subdivision shall be prepared and discussed informally with the Zoning Administrator. Secondly, preparation and submission for review and approval of a preliminary plat of the proposed subdivision. The third step is the preparation and submission to the Zoning Administrator of a final plat that becomes the instrument to be recorded in the Office of the Clerk of the Circuit Court when approved by the Board of Supervisors.

4-18 Protection of the Public Health, Safety and Welfare

The purpose of this Ordinance being to promote and protect the public health, safety, and general welfare, as outlined in Section 4-2, through the provisions of this Ordinance including the plan of the proposed subdivision, the performance guarantee bond and the design standards, the Zoning Administrator shall also consider the following elements of public health, safety, and general welfare in determining if the proposal conforms to the purpose of this Ordinance. Approval shall be granted only if such proposal promotes the public health, safety, and general welfare with respect to the following:

A. Water Pollution.

The proposal will not result in undue water pollution. In making this determination, the Zoning Administrator will consider: the relation of the land to floodplain; the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluent; the presence of streams as related to effluent disposal; and the applicable health and water resources department regulations.

B. Potable Water Supply.

The proposal will have sufficient water available per lot, both physically and legally, for the foreseeable needs of the subdivision development and the proposal will not cause an unreasonable depreciation on an existing water supply.

C. Soil.

The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

D. Highway Congestion.

The proposal will not cause unreasonable highway congestion or unsafe conditions with respect to use of the highways existing or proposed.

E. Land Use.
The proposal will be in keeping with the character of the existing area and will aid in the orderly development of the County and the efficient use of land.

F. School Impact.

The proposal will not cause an unreasonable burden on the capacity of the school system.

G. Historic or Natural Resources.

The proposal will not have an undue adverse effect on aesthetics, historic sites or rare or irreplaceable natural areas, or upon wildlife and their habitat.

4-19 Preliminary Sketch Plan

A. Submission and Review.

The subdivider shall submit to the Zoning Administrator a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the Zoning Administrator to advise the subdivider whether his plans in general are in accordance with the requirements of this Ordinance. The Zoning Administrator, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary, and any such marked sketch shall be returned to the Zoning Administrator with the preliminary plat.

B. Sketch Plan to Include Entire Tract.

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for information purposes and is not binding on the subdivider or the governing body.

4-20 Requirements for Preliminary Plat

A. Preliminary Plat Filing.

The subdivider shall present to the Zoning Administrator thirty (30) prints of the preliminary layout as a preliminary plat. The scale shall be one hundred (100) feet to the inch if central public water supply and central public sewer sewage are provided or on lots of two (2) acres or larger where individual septic tanks and/or wells are proposed. If individual septic tanks and/or wells are proposed on lots smaller than two (2) acres, the scale shall be fifty (50) feet to the inch. The preliminary plat shall include the following information; provided, however, that the Zoning Administrator may require such reasonable additional maps, data or evaluations as may be necessary in order to evaluate the impact of the proposed subdivision on the County's resources. Such additional information may include, but need not be limited to, topographic maps, an environmental assessment, and
like information. Preliminary plats shall include:

1. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.

2. Location of proposed subdivision by an inset map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing adjoining streets, their names and numbers, towns, subdivisions and other landmarks.

3. The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred (1:2,500) feet: total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract and adjoining such boundaries.

4. All existing, platted and proposed streets, their names, numbers, and widths: existing and proposed utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.

5. The complete drainage layout, including all pipe sizes and types, drainage retention areas, drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage. The drainage plan shall consider how drainage from adjacent properties both above and below the subject property which lie within the same watershed will be affected by the proposed subdivision.

6. A cross section showing the proposed street construction, depth, and type of base, type of surface, etc.

7. A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.

8. A location map tying the subdivision into the County's present road system, either by aerial photographs or topographic maps of the U.S. Department of Interior.

9. All parcels of land to be dedicated for public use and the conditions of such dedication.

10. Approval from the State Department of Health for each building lot in the subdivision.

11. The boundaries of all Chesapeake Bay Resource Protection Areas and Resource Management Areas and an evaluation of how the subdivision design deals with environmental development constraints and other requirements of the Chesapeake Bay Overlay District of the Zoning Ordinance.
(12) The existing and proposed zoning of the property to be included in the proposed subdivision.

(13) A list of the owners of all abutting property and property immediately across the street or road from the property affected. Include tax parcel numbers and addresses.

(14) A copy of any Restrictive or Protective Covenants, Street Maintenance Agreements, proposed homeowners agreements or similar documents proposed to affect the subdivision.

B. Procedure. Notification of adjoining landowners.

The Zoning Administrator shall notify in writing by U.S. mail, all adjoining landowners of the proposed minor or major subdivision, prior to the first Planning Commission meeting that reviews the preliminary plat.

C. No Guarantee.

Approval of the preliminary plat does not constitute a guarantee of approval of the final plat.

D. Six Months' Limit.

The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the Zoning Administrator a final subdivision plat in accordance with this Ordinance. Failure to do so shall make preliminary approval null and void. The Zoning Administrator may, on written request by the subdivider, grant an extension of this time limit.

E. Status of Site Plan Approval Under Zoning. Whenever a Planned Unit Development or other planned development that envisions the subdivision of land into lots or parcels requires site plan approval under the Zoning Ordinance, such site plan shall consider the requirements herein for preliminary plats under this Subdivision Ordinance. Upon approval of a Site Plan for such Planned Unit Development or other planned development an approved site plan shall have the status of an approved preliminary plat under this Subdivision Ordinance, provided that all conditions of this Subdivision Ordinance shall have been met.

F. Discussion with subdivider.

The Zoning Administrator shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the Subdivision Ordinance and the Zoning Ordinance. The subdivider shall then be advised in writing within sixty (60) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and estimate of the cost of construction or improvements and the amount of the performance bond which will
be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the Zoning Administrator may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

4-21 Requirements for Final Plats

A. Form and Contents of Final Plat.

Subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn in black ink upon a permanent media at the same scale as the preliminary plat on sheets having a size of eighteen (18) inches by twenty-four (24) inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

1. A blank oblong space four (4) inches by six (6) inches shall be reserved for the use of the approving authority.

2. Certificates signed by a surveyor or engineer setting forth his understanding of the source of title of the owners of the land subdivided and the place of the record of the last instrument in the chain of title, if known, or furnished to him by a responsible attorney-at-law.

3. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

4. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat, including the source of title, to the best of his knowledge, or upon information furnished by an attorney-at-law.

5. The accurate location and dimensions by bearings and distances with all curve data on all lot and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to be provided such as sanitary sewer, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.

6. Distances and bearings must balance and close with an accuracy of not less than one in ten thousand (1:10,000) feet.

7. The data of all curves along the street frontage shall be shown in detail on the curve data table containing the following: delta, radius, arc, tangent, chord, and chord
B. Conditions.

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the Zoning Administrator. Approval of the final plat shall be written on the face of the plat by the Zoning Administrator. The subdivider shall record the plat within sixty (60) days after final approval; otherwise, the Zoning Administrator shall mark the plat "void" and return the same to the subdivider.

C. Planning Commission Review.

When required under this Ordinance, the Zoning Administrator will submit a copy of the plat and all attachments to the Planning Commission for their recommendations to be submitted to the Board of Supervisors. The Board of Supervisors shall not approve a minor or major subdivision without first receiving a recommendation from the Planning Commission; provided, however, that if the Planning Commission fails to submit its recommendation to the Board of Supervisors within one hundred (100) days from the date the final plat is received from the Zoning Administrator, then the application shall be deemed to have been approved by the Planning Commission. If the required recommendation is not received within the time period stated, the Board of Supervisors may grant an extension or it may act on the subdivision.

D. Application to Rezone Property to be Subdivide.

Whenever the intended use of a proposed subdivision would result in using the lots of such subdivision in a more restrictive use than is permitted in the zoning district in which the land is located at the time the plat is filed, the subdivider shall file at his own expense, and as a condition to the approval of the final plat, an application for reclassifying the zoning of the area contained within the proposed subdivision to a zoning classification consistent with the use proposed to be made of the subdivision.

4-22 Summary of Approvals Required for Subdivisions

At each phase of the subdivision review process approvals are required by the officials indicated in the following Table.
## APPROVALS REQUIRED FOR SUBDIVISIONS
(RE-ZONINGS MAY ALSO BE REQUIRED)

<table>
<thead>
<tr>
<th>TYPE</th>
<th>SKETCH PLAN</th>
<th>PRELIMINARY PLAT</th>
<th>SITE DEVELOPMENT PLAN</th>
<th>FINAL PLAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINOR &amp; MAJOR SUBDIVISION</td>
<td>ZONING ADMINISTRATOR</td>
<td>ZONING ADMINISTRATOR AND PLANNING COMMISSION</td>
<td>ZONING ADMINISTRATOR AND VDOT ENGINEER AND HEALTH OFFICER AND WETLANDS ENGINEER AND REVIEW BY PLANNING COMMISSION</td>
<td>ZONING ADMINISTRATOR AND PLANNING COMMISSION AND BOARD OF SUPERVISORS</td>
</tr>
</tbody>
</table>

The Zoning Administrator is delegated by the Planning Commission and Board of Supervisors to review and approve the final plat if it is consistent with the preliminary plat and site development plan previously approved. Once the final plat is submitted for approval the Zoning Administrator will notify both the Planning Commission and the Board of Supervisors.

4-23  Reserved for Future Use.
ARTICLE 6: DESIGN STANDARDS

4-24 Lots

A. Residential Lot Size

(1) The lot size for parcels to be included as lots in a subdivision shall conform to the minimum required by the Zoning Ordinance.

(2) The lot width shall conform to the minimum required by the Zoning Ordinance for the District in which the lots are to be located.

(3) The building line for all lots subject to minimum lot sizes shall conform to the minimum required by the Zoning Ordinance for the said District.

(4) Exceptions:

(a) Greater lot areas may be required where individual septic tanks or individual wells are used if the health official or his superior determines that there are factors of drainage, soil condition or other to cause potential health problems. The Zoning Administrator shall procure that data from percolation tests submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.

(b) This Ordinance shall in no way be retroactive in that it shall not apply to any existing subdivision where there is a recorded plat; nor shall any provision of this Ordinance preclude the construction or reconstruction of a dwelling on a lawfully-recorded lot or parcel of land.

B. Shape.

The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area, which would be unusable for normal purposes.

C. Lots to Abut a Street.

Unless otherwise provided for in this Ordinance, each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street or on a street, which has become public by right of use.

D. Corner Lots.

Corner lots shall have extra width sufficient for maintenance of any required sight lines on both streets as determined by the Zoning Administrator.
E. Side Lines.

Sidelines of lots shall be approximately at right angles, or radial to the street line. Within a dead-end street terminating in a turn-a-round, the lot lines shall generally be radial to the center of the turnaround at the end of such street, except in cases where a temporary turnaround is provided to allow for the future extension of the street.

F. Remnants.

All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

G. Separate Ownership.

Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership or tenants by entirety, simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the Circuit Court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

H. Usable Land Area.

Not more than twenty-five (25) percent of the minimum lot area required by the Zoning Ordinance shall be unusable by reason of; wetlands or protected natural resource areas, Chesapeake Bay Resource Protection Area, Zoning, easements or other encumbrances; provided, however, that in all cases a lot shall provide space for the principal building and accessory structures, together with its required yards, and any areas required for on-site water supply and sewage disposal by the Health Officer or any applicable regulations of the County or Commonwealth.

I. Business or Industrial Lots.

Lots that are intended for development for business or industrial use shall be designed specifically for such purposes and shall provide adequate space for parking and loading in accordance with the County's Zoning Ordinance.

4-25 Blocks

Where created by the subdivision of land, all new blocks shall be and shall comply with the following general requirements:

A. Length.

Generally, the maximum length of blocks shall be twelve hundred (1200) feet and the maximum length of blocks upon which lots have frontage shall be six hundred (600) feet.
B. Width.

Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the Zoning Administrator may approve a single tier of lots of minimum depth.

C. Orientation.

Where a proposed subdivision will adjoin a major road, the Zoning Administrator may require that the street entrances be arranged so as to avoid unnecessary ingress or egress.

4-26 Streets

A. Alignment and Layout.

The arrangement of streets in a new subdivision shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Where, in the opinion of the Zoning Administrator, it is desirable to provide for street access to adjoining property proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted.

B. Service Drives.

Whenever a proposed subdivision contains or is adjacent to a major or limited access highway or expressway, provision may be required for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

C. Approach Angle.

Whenever possible, streets should intersect at right (90 degree) angles, except that when approved by the highway engineer: (i) major streets may approach major or minor streets at an angle of not less than eighty (80) degrees to compensate for contour, terrain, or for matching existing patterns; and (ii) in hillside areas where slopes exceed fifteen (15) percent streets running with contours may intersect at angles of not less than sixty (60) degrees.

All street intersections shall have a distance of at least two hundred (200) feet between centerlines or a distance equivalent to the depth of two (2) tiers of lots, whichever is greater.
D. Minimum Street Widths.

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

- Major Streets: not less than eighty (80) feet
- Minor Streets: not less than fifty (50) feet
- Service Drives: not less than fifty (50) feet.

E. Culs-De-Sac.

Terminal Streets (culs-de-sac) designed to have one end permanently closed must be terminated by a turnaround of not less than one hundred (100) feet in diameter.

F. Names.

Proposed streets, which are obviously in alignment with other already existing and named streets shall bear the names of the other existing streets. In no other case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Street names shall be approved by the Zoning Administrator. Names of existing streets shall not be changed except by approval of the governing body.
ARTICLE 7: IMPROVEMENTS REQUIRED IN SUBDIVISIONS

4-27 General Requirements for Improvements

A. Mutual Responsibility.

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

B. General Suitability.

The Zoning Administrator shall not approve the subdivision of land if, from adequate investigations conducted by all necessary public agencies concerned, it has been determined that the land is not suitable for development purposes of the kind proposed.

C. Soil Suitability.

The subdivider shall certify to the purchaser in writing, duly acknowledged as may be required by law for the recordation of a deed, that each building lot offered for sale has passed satisfactory percolation tests by the department of health and/or an independent engineering analysis approved by the department of health or its superior, unless public sewage has been provided.

D. Flooding.

Land deemed to be topographically unsuitable shall not be platted for uses that may increase danger to health, life or property, or aggravate erosion or flood hazard. To insure that residents will have sufficient land upon which to build which is flood free, the Zoning Administrator may require the subdivider to provide elevations and flood profiles sufficient to demonstrate the land to be completely free of the danger of flood waters.

E. Installation of Improvements.

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Transportation for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer and accepted into the VDOT system. All improvements shall be in accordance with the following requirements:

4-28 Street Improvements

A. Construction Requirements for Public Streets.

Construction of new subdivision streets intended for dedication as public streets shall at least conform to the current minimum standards as set forth by the Virginia Department of Transportation.
B. Construction Requirements for Private Streets,

(1) The private streets right of way must be a minimum of fifty (50) feet.

(2) The street surface must be developed to a minimum of twenty (20) feet and the surface of the street must be paved to meet minimum VDOT’s standards. The ditches must be opened and designed properly for proper flow; and each driveway entering upon the private road must have the proper drainage culverts installed before a building permit is issued for the lot.

(3) The Developer must see that the street is properly constructed before any building development on the lots has begun. No building permits will be issued until the private street is built to and complies with the standards set forth in this section. The developer must maintain the street until it is approved and accepted by Virginia Department of Transportation, the residents on the street and approved by the Planning Commission.

4-29 Water and Sewer

A. Public Water.

Where public water is available, the service shall be extended to all lots within a subdivision.

B. Sanitary Sewers.

The Zoning Administrator shall not approve any subdivision for which a public sewage system is not provided unless the Zoning Administrator shall receive in writing from the State Department of Health a statement to the effect that the area contained in the subdivision is satisfactory for the installation of septic tanks, and that they will not create hazards to public health.

C. Private Water and/or Sewer.

Nothing in this Ordinance shall prevent the installation of privately-owned water and/or sewage facilities in areas where public water and/or sewage facilities are not available; provided, however, that such installations must meet all the requirements of the State Water Control Board and the State Department of Health and/or any other state or local regulatory agency having authority over such installations. Where a private water system is in existence at the time of the adoption of this Ordinance, the same shall meet the requirements of privately owned water herein prescribed.

4-30 Storm Water Drainage Facilities

The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans for
flood control devices. The subdivider shall also provide plans for all such improvements together with a properly-qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.

4-31 Fire Protection

The installation of adequate fire protection facilities may be required in major subdivisions at locations approved by the Zoning Administrator. Where a public or private water supply is not provided, dry fire hydrants or other approved facilities shall be required to be installed.

4-32 Easements

The Zoning Administrator shall require that easements for drainage and utilities through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision and recorded in all deeds.

4-33 Utilities.

No subdivision plats will be recorded until agreement has been reached between the developer and the utilities providing the necessary services and the easements and agreements are specified on the recorded plat, provided that said utilities are furnished by a public utility company in the area specified and recorded on the plat.

4-34 Identification Signs

Street identification signs of a design approved by the Zoning Administrator shall be installed at all intersections and be readable from either side.

4-35 Monuments

As required by this Ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the Zoning Administrator are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Zoning Administrator before any improvements are accepted by the governing body.

A. Location.

Concrete monuments four (4) inches in diameter or square, three (3) feet long with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.
B. Iron Rod Location.

All other lot corners shall be marked with concrete monuments or with iron rod not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.
ARTICLE 8: SITE DEVELOPMENT PLANS

4-36 Submission and Approval of Site Development Plan

Two (2) blue or black line prints of plans and specifications for all required physical improvements to be installed shall be prepared by an engineer and shall be submitted to the Zoning Administrator who shall approve or disapprove such plans. The site development plan must also be approved or disapproved by VDOT, the Health Officer, the Wetlands Engineer, and reviewed by the Planning Commission within sixty (60) days. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing.

4-37 Requirements of the Site Development Plans

Each Site Development Plan shall contain the following information; provided, however, that in the case of a Minor Subdivision, the Zoning Administrator may exempt a subdivider from such of these requirements as in his opinion serves the public interest.

A. Identification of Subdivision

Name of the applicant, owner, developer, development, the person who prepared the plan, date of drawing, north arrow, and scale.

B. Adjacent Site Data

Development plans shall show the present use of all-contiguous or abutting properties and the location and width of existing or planned streets or roads around the perimeter of the subdivision; the size and location of existing or planned utilities at the perimeter; and similar development features at the perimeter.

C. Plans and Specifications, Generally

Development plans shall consist of plans and specification of all proposed utilities, drainage, sanitary sewage disposal facilities, and streets. All drainage lines, sewer sewage lines, and road plans shall be shown on standard plan and profile sheets with an overall dimension of twenty-four (24) inches wide by thirty-six (36) inches long. The site development plans shall contain sufficient details and data to enable the improvements to be constructed there from.

D. Drainage and Grading Plan

A proposed finish grade plan, supplemented by spot elevations; a drainage plan and identification of drainage structures by type, size, and location, connections to existing drainage systems, and the contributing drainage area in acres for each sub basin; existing and proposed drainage easements, the direction of flow, dredging or relocation of drainage ways, storm sewers or drainage ways related to street construction; typical drainage section,
proper driveway entrance and computed culvert size; and limits of flood plain, provision and schedule for the adequate control of erosion and sedimentation.

Grading plans for each lot in the subdivision may be required prior to or at the time that application is made for a building permit.

The drainage and grading plan shall be prepared by a professional civil engineer or certified land surveyor. The grading plan for each site shall show the location of the proposed building, the existing and proposed elevations at building corners, lot corners, and the finished floor elevations of ground floors, and the proposed direction of flow of the drainage on each lot.

E. Street Profiles

Profiles along the centerline of each street, with established grades indicated thereon shall be prepared in accordance with standards of the Virginia Department of Transportation for the class of road to be constructed.

F. Sewer Profiles, when Applicable

When a subdivision is to be served by sanitary sewers and/or storm sewers, the plans shall include profiles along the line of every sanitary or storm sewer line showing the percent of slope, invert elevations at all manholes, cleanouts, catch basins, inlets or other changes in line or grade. Such profiles shall show the proposed sewer grades, proposed street grades and the original ground profiles.

G. Erosion and Sediment Control

All subdivision plans shall include adequate provisions for control of temporary flooding or erosion and sediment control, both during construction and after completion of construction, in compliance with applicable ordinances.

H. Common Open Space

All subdivisions under this section containing more than twenty-five (25) lots under five (5) acres in area must provide common open space not less than ten percent (10%) of the total area of all of the lots. This space is to be used by those people who will live in the subdivision and shall include such things as parks and playgrounds and general recreational areas.

I. Cover Sheet

Where the site development plans require two (2) or more sheets, a cover sheet shall be provided showing the entire subdivision with the names of the subdivision, the owner or developer, the professional engineer or certified land surveyor who prepared the plan and a location map.
4-38 Bonds—Bonding Requirements

Before any subdivision plat will be finally approved by the Zoning Administrator the subdivider shall, in lieu of construction, furnish bond a revolving irrevocable letter of credit in an amount calculated by the Zoning Administrator Design Engineer subject to the approval of the governing body to secure the required improvements in accordance with the specification and construction schedule established, which bond revolving irrevocable letter of credit shall be payable to and held by the governing body.

Prior to approval of the final plat, all public improvements required by this ordinance shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for the completion of the required improvements by furnishing to the county a certified check or a revolving irrevocable letter of credit in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the design engineer. Such documents shall be submitted to the Zoning Administrator. The type of surety shall be to the satisfaction of and approved by the county attorney. The length of time in which the improvements are to be completed shall be determined by the design engineer.

If the improvements are not completed in a timely manner, the agent shall proceed to complete the improvements by calling on the surety.

Upon written request by the subdivider, the Zoning Administrator shall make periodic partial releases of surety in a cumulative amount equal to no less than ninety (90) percent of the original amount of the surety based upon the percentage of facilities completed and approved by the county or other agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least thirty (30) percent of the facilities covered by any surety. The Zoning Administrator shall not be required to execute more than three (3) periodic partial releases in any twelve-month period. Within thirty (30) days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the Zoning Administrator shall notify the subdivider of any nonreceipt of approval by an applicable agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the Zoning Administrator requesting reduction of the surety along with a set of as-built plans, if required, and a certificate of completion by a duly licensed engineer. If no action is taken by the agent within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail to the County Administrator. The Zoning Administrator shall act within ten (10) working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider. Upon final completion and acceptance of said facilities, Zoning Administrator or his designee shall release any remaining surety to the subdivider. For the purpose of final release the term "acceptance" is deemed to mean when said public facility is accepted by and taken over for operation and maintenance by the applicable agency which is responsible for maintaining and operating such facility upon acceptance.

In the event that the Board of Supervisors has accepted the dedication of a road for public use and such road, due to factors other than its quality of construction, is not acceptable into the state highway system, then the Zoning Administrator may require the subdivider or developer to furnish the county with an additional maintenance and indemnifying revolving irrevocable letter.
of credit with surety satisfactory to the County Attorney as described in zoning ordinance, Article 14, Section 3.318, in a form and an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the state highway system. "Maintenance of such road" shall be deemed to mean 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.

ARTICLE 9: EFFECTUAL CLAUSES

4-39 Exceptions

A. Nothing contained in this Ordinance shall be construed to apply to and/or affect any cause which jurisdiction by statute or otherwise is conferred upon by any court of competent jurisdiction.

B. Where the subdivider can show that provision of those standards would cause unnecessary hardship if strictly adhered to and where because of topographical or other conditions peculiar to the site, in the opinion of the Zoning Administrator, departure may be made without destroying the intent of such provisions, the Zoning Administrator may authorize an exception with approval of the governing body. Any exception thus authorized is to be stated in writing by the Zoning Administrator with the reasoning, on which the departure was justified.

4-40 Validity

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