

CHAPTER 68

SUBDIVISION OF LAND

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ARTICLE I. GENERAL PROVISIONS**Sec. 68-100 Short title.**

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

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

Sec. 68-101 Purpose.

The purposes of this chapter are to:

A. Improve the public health, safety, convenience and welfare of the citizens of the town 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 town is consonant with efficient and economical use of public funds; and

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.

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

Sec. 68-102 Applicability.

This chapter shall apply to all divisions of land, either by subdivision or family division as provided herein, the vacation of plats or parts thereof, and the relocation of boundary lines.

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

Sec. 68-103 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 divide land by subdivision or family division.

B. A plat shall not be recorded unless and until it has been signed by the chairman of the planning commission or his designee.

C. A person shall not sell or transfer any land of a division of land to which this chapter applies before a plat has been duly approved and recorded as provided in this chapter, unless the division 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 plat of a division of land to which this chapter applies until the plat has been approved as provided in this chapter.

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

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

Sec. 68-104 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 town 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.

C. Separate from the requirements, terms or conditions of any private easement, covenant, agreement or restriction. Neither the town nor any of its officers, employees or agents shall have any duty to enforce a private easement, covenant, agreement or restriction. When an applicable requirement of this chapter is more restrictive than a similar applicable requirement of a private easement, covenant, agreement or restriction, the requirements of this chapter shall apply.

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

Sec. 68-105 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 1-2 of the town Code, the following rules of construction shall apply in 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 shall be 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. All references to “days” shall be to calendar days.

C. All distances and areas refer to measurement in a horizontal plane.

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

Sec. 68-106 Definitions.

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

(1) *Agent*. The town zoning administrator.

(2) *Alley*. A permanent service way providing a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

(3) *Applicable county*. The county, Albemarle or Fluvanna, within which specified land lies.

(4) *Architect*. A person licensed to practice as an architect in the Commonwealth of Virginia.

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

(5) *Boundary adjustment.* The sale and/or exchange of land, including the relocation or other alteration of a boundary line, between the owners of abutting lots, provided that:

(i) The land so sold and/or exchanged is added to and becomes part of an existing abutting lot as evidenced by appropriate symbols and wording on the plat, together with signatures of all owners pursuant to section 68-303(O) and by the instrument of conveyance thereof;

(ii) As a result of the sale and/or exchange, all lots conform with all applicable requirements of the zoning ordinance; and

(iii) No additional lot is created by the sale and/or exchange.

(6) *Central sewerage system.* 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 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 council pursuant to Article 4, Chapter 21 of Title 15.2 of the Code of Virginia.

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

(7) *Central water system.* 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 council pursuant to Article 6, Chapter 21 of Title 15.2 of the Code of Virginia.

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

(8) *Certified landscape architect.* A person licensed to practice as a certified landscape architect in the Commonwealth of Virginia.

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

(9) *Commission.* The planning commission of the Town of Scottsville, Virginia.

(10) *Commission, chairman.* The chairman of the planning commission of the Town of Scottsville, Virginia or his designee.

(11) *Conservation easement.* Land that has been designated by legal agreement to have permanent limitations on its further development.

(12) *Council.* The council of the Town of Scottsville, Virginia.

(13) *Cul-de-sac.* A vehicular turnaround area at the end of a dead end street provided for the purpose of safe and convenient reverse of traffic in one continuous forward movement.

(14) *Development.* Any action of a subdivider which is subject to this chapter.

(15) *Drainage control.* The removal of runoff from the property, including any improvement thereon, through water collection systems, conveyances, other related facilities and non-structural measures, in order to prevent flooding or standing water.

(16) *Dwelling unit.* 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.

(17) *Easement.* 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.

(18) *Family division.* 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.

(19) *Health director.* The health director of the Thomas Jefferson Health District or his designee.

(20) *Highway engineer.* The resident highway engineer serving the town employed by the Virginia Department of Transportation.

(21) *Improvement.* All public utilities and facilities required by this chapter, including, but not limited to, streets, roads, cul-de-sacs, traffic signalization and controls, sanitary sewers, stormwater management and erosion control facilities, drainage control facilities, water systems, and curbs and gutters.

(22) *Jog-street.* An offset intersection of two streets resulting in a jog less than two hundred and fifty (250) feet from between the two intersecting streets.

(23) *Land surveyor.* Any person licensed to practice as such in the Commonwealth of Virginia.

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

(24) *Lot.* A separate unit, division or piece of land shown on a plat of record or described by metes and bounds or other legal description. The word *lot* is synonymous with the words *tract*, *parcel*, and *plot*.

(25) *Lot, corner.* A lot abutting on two (2) or more streets at their intersection.

(26) *Lot, depth of.* The mean horizontal distance between the front and rear lot line.

(27) *Lot, double frontage.* An interior lot having frontage on two streets and having a depth of less than three hundred fifty (350) feet.

(28) *Lot, interior.* A lot other than a corner lot.

(29) *Lot of record.* A lot shown on a plat which has been recorded among the land records in the office of the clerk of the circuit court of the applicable county.

(30) *Lot, width of.* The mean horizontal distance between the side lot lines.

(31) *Member of the immediate family.* The natural or legally defined off-spring, grandchild, grandparent, or parent of the owner of property.

(32) *Natural stream.* 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.

(33) *Person.* A natural person, corporation, partnership, sole proprietorship, trust, trustee, joint venture, or any other entity.

(34) *Phased subdivision.* A subdivision for which a preliminary plat is approved for the entire property and for which a master phasing plan was submitted with the preliminary plat, and for which two or more final plats, individually pertaining to less than the entire property, are submitted sequentially for review and approval.

(35) *Plat.* A schematic representation of land divided or to be divided.

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

(36) *Plat, final.* 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.

(37) *Plat, preliminary.* 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.

(38) *Private road.* Any road, street, highway, driveway or other way or means of vehicular access to a lot, which way or means of vehicular access is not maintained by the Virginia Department of Transportation or any other public agency, regardless of ownership, approved pursuant to sections 68-232 through 68-235. Any road identified on a recorded plat as a restricted road, access road or other designation which was not approved by the town as a private road pursuant to this chapter or any prior ordinance of the town regulating the subdivision of land is not a private road as defined herein.

(39) *Professional engineer.* A person licensed to practice as a professional engineer in the Commonwealth of Virginia.

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

(40) *Property.* One or more lots, plots, parcels or tracts collected together for the purpose of dividing or subdividing.

(41) *Public sewerage system.* 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.

(42) *Public water system.* 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.

(43) *Remnant*. Any tract, lot, parcel or several of the same, other than that specified for open space, or well lot or lot for public utilities, which does not meet the minimum lot requirements of this chapter and the zoning ordinance.

(44) *Resubdivision*. Any division of a lot or contiguous lots shown on a recorded plat or alteration to a recorded plat that eliminates, relocates or otherwise alters a lot line.

(45) *Runoff*. The portion of precipitation which is discharged across the land surface or through conveyances to one or more waterways.

(46) *Service authority*. The service authority of the applicable county.

(47) *Site review committee*. A committee established pursuant to section 68-202. If a site review committee is not formed, all references to said committee shall instead be to the agent.

(48) *Staff*. The town zoning administrator, qualified persons as may from time to time be retained by the town, and others as may be assigned to assist the town.

(49) *Stormwater management*. The control of runoff through facilities, non-structural measures and best management practices for the purposes of water quality protection pursuant to the water protection ordinance of the applicable county.

(50) *Street*. A dedicated strip of land or right-of-way subject to vehicular or pedestrian traffic providing a means of access to property.

(51) *Street, arterial*. A highway utilized primarily as a supplement to, and as an extension of, the interstate highway system, defined in the Commonwealth Transportation Board standards as an arterial highway.

(52) *Street, collector*. A street that carries or is anticipated to carry a volume of through traffic exceeding four hundred (400) vehicles per day.

(53) *Street, local*. A street that carries or is anticipated to carry a volume of traffic less than four hundred (400) vehicles per day.

(54) *Street, major collector*. A street that carries or is anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day.

(55) *Street, major highway*. Any arterial street, major collector street or primary street or highway as defined in this section.

(56) *Street, primary*. A street or highway anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, designed and maintained as a part of the primary system of state highways.

(57) *Street, public*. A street which affords the principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained as a part of the primary or secondary system of state highways.

(58) *Street, service drive.* A public or private right-of-way, generally parallel with and contiguous to a major highway, primarily designed to promote safety by eliminating pernicious ingress or egress to a major highway by providing safe and orderly points of access to the major highway.

(59) *Street width.* The total width of the strip of land or right-of-way, dedicated or reserved for public travel including roadway, and which may include curb and gutter, sidewalks, bicycle paths, planting strips, and, where necessary, utility easement.

(60) *Subdivide.* The process of dividing land to establish a subdivision.

(61) *Subdivider.* One or more persons who own property to be subdivided, or to be divided by family division or subject to a boundary adjustment.

(62) *Subdivision.* The division, including resubdivision, of property or the establishment of any condominium regime, resulting in two or more lots each conforming with all applicable requirements of the zoning ordinance for the purpose of transfer of ownership or building development. References to a *subdivision* in this chapter include, in the appropriate context, a proposed subdivision.

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

(63) *Town.* The Town of Scottsville, Virginia.

(64) *Town attorney.* The Town of Scottsville attorney or his designee.

(65) *Town engineer.* A person having appropriate civil engineering qualifications appointed to serve as town engineer by the council or his designee.

(66) *Two-lot subdivision.* A subdivision resulting in two lots.

(67) *Virginia Department of Transportation standards.* 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 Manual, and Subdivision Street Requirements Manual.

(68) *Water protection ordinance.* The water protection ordinance of the applicable county or any other applicable regulation.

(69) *Wetlands.* The part of the natural or impounded topography that is covered either continuously, seasonally or occasionally with standing water and includes, but is not limited to: ponds, swamps, marshes and similar bodies of water.

(70) *Zoning ordinance.* The zoning ordinance of the Town of Scottsville, Virginia, as codified in the town 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 town Code or by statute, regulation or by the Virginia Supreme Court or the Virginia Court of Appeals, and the definition is applicable to the context in which the term is used.

Sec. 68-107 Procedure to amend chapter.

This chapter may be amended in whole or in part by the council, as follows:

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

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

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

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

Sec. 68-108 Filing of chapter.

A certified copy of this chapter and all amendments hereto shall be filed in the office of the clerk of council and in the office of the clerk of the circuit court of Albemarle County and Fluvanna County.

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

Article II. ADMINISTRATION AND PROCEDURE**DIVISION 1. ADMINISTRATION****Sec. 68-200 Designation of agent; powers and duties.**

The town zoning administrator is hereby designated as the agent of the council for the purposes of administering and enforcing this chapter. The agent shall have the following powers and duties:

A. To administer and enforce this chapter and, in so doing, to make those determinations and findings and impose all requirements specifically delegated to the agent by this chapter. The agent shall have no authority to modify, vary or waive, nor accept substitution for, any requirement of this chapter unless expressly provided.

B. To interpret this chapter, and to request opinions or decisions, either verbal or written, from the chairman of the commission, site review committee (if formed), from other officials and departments of the applicable county and the Commonwealth of Virginia, and from other qualified persons as may from time to time be retained.

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

D. To establish procedures to govern the administration of this chapter which are deemed by the agent to be necessary for its proper administration. The procedures shall be consistent with this chapter and Article 6, Chapter 22 of Title 15.2 of the Code of Virginia.

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

Sec. 68-201 Designation of commission; powers and duties.

The commission is hereby designated the approval body for any preliminary or final plat. The commission shall be guided by the adopted comprehensive plan in making their determination. Evidence for the approval of a plat is the signature of the chairman of the commission thereon. If the chairman determines that there are no associated matters to be resolved by the commission meeting as a body, the chairman may act on behalf of the commission to approve family divisions, two-lot subdivisions, and other approvals cited in sections 68-232 through 68-240. Members shall be informed of any such actions taken by the chairman at the next regular meeting of the commission. In addition, 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 council.
- B. To approve modifications, variations, waivers and substitutions when those matters are referred to the commission as provided in this chapter.
- C. To consult with and advise the agent on matters contained in this chapter.

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

Sec. 68-202 Establishment of site review committee; powers and duties.

A site review committee may be formed from time to time to assist the agent and commission in the performance of their duties. Such committee may be chaired and shall be provided administrative support by the agent. The decision to form a review committee, its composition, and schedule of meetings shall be as deemed appropriate by the agent in consultation with the chairman of the planning commission. Its composition may include, but is not limited to: the town's agent for building code enforcement, town zoning administrator, town engineer, fire marshall, and representation from the applicable service authorities, the Thomas Jefferson Soil and Water Conservation District, the Virginia Department of Health, and the Virginia Department of Transportation, and it shall have the following duties:

- A. To confer as needed to review preliminary and final subdivision plats as provided in sections 68-217 and 68-222.
- B. To transmit to the agent the requirements and recommendations it has identified relative to each preliminary plat, and to transmit to the agent its recommendations relative to each final plat.

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

Sec. 68-203 Fees.

The council shall establish reasonable fees sufficient to recover incurred costs for review of plats and plans and for inspection of facilities and improvements required to be installed by this ordinance. A schedule of fees applicable to such reviews may be adopted in accordance with the provisions of section 15.2-107 of the Code of Virginia.

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

Sec. 68-204 Enforcement and penalties.

The 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. The description of the lot by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies herein provided.

B. The council 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 town 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.

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

**DIVISION 2. PROVISIONS OF CHAPTER APPLICABLE TO
SUBDIVISIONS AND OTHER DIVISIONS OF LAND****Sec. 68-205 General.**

This chapter applies to all divisions of land which are subdivisions, family divisions or boundary adjustments. 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.

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

Sec. 68-206 Subdivisions.

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

A. *General*: Sections 68-100 through 68-108.

B. *Administration and procedure*: Sections 68-200 through 68-204, and 68-213 through 68-240, as applicable.

C. *Plat requirements and documents to be submitted*: Sections 68-300 through 68-315, as applicable.

D. *Minimum improvements*: Sections 68-400 through 68-417.

E. *Design requirements*: Sections 68-500 through 68-526.

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

Sec. 68-207 Reserved

Sec. 68-208 Family divisions.

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

- A. *General*: Sections 68-100 through 68-108.
- B. *Administration and procedure*: Sections 68-200 through 68-204 and sections 68-210 through 68-212.
- C. *Plat requirements and documents to be submitted*: Section 68-302(B), (N), (O), (P) and (R), and section 68-303(A), (C), (D), (L), (M), (O) and (P).
- D. *Minimum improvements*: None.
- E. *Design requirements*: Sections 68-501 and 68-502; if a private road will be constructed as authorized by section 68-232(B)(2), then also sections 68-512 and 68-514 apply; if any part of the property within a proposed family division is within the jurisdictional area of the service authority, then also section 68-516, but if not, each lot, including a lot not required to connect to public sewer service pursuant to section 68-516, which is less than five (5) acres, shall comply with the requirements of section 68-518.

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

DIVISION 3. PROCEDURE FOR FAMILY DIVISIONS

Sec. 68-209 Reserved

Sec. 68-210 Family divisions; procedure.

A plat for a family division shall be submitted, reviewed and approved as provided herein:

A. The plat shall meet the standards for plats set forth in Virginia Code § 42.1-82. If land is to be transferred to a member of the immediate family owning an abutting lot as part of a family division, the land shall be combined with the abutting lot and shall be so noted on the plat by appropriate symbol and wording.

B. Within sixty (60) days after submittal of the plat, the agent shall determine whether it complies with the applicable requirements of this chapter. If the agent determines that the plat complies with the applicable requirements of this chapter, he shall transmit the plat to the chairman of the commission for review and approval. 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 denial, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit approval. The agent shall either mail the notice of denial by first class mail, or personally deliver it, to the subdivider. However, if the plat requires approval by any agency, department or authority other

than the town, and no evidence is provided at the time the plat is submitted that such approval has been obtained, the agent shall transmit the plat to the chairman of the commission for review and approval as provided herein within thirty-five (35) days after receipt of approval from the agency, department or authority, provided that the plat shall be approved or denied not later than ninety (90) days after submittal of the plat.

C. The approval of a plat for a family division shall be subject to the conditions of approval set forth in section 68-212.

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

Sec. 68-211 Family divisions; conditions precedent.

A family division 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 town by family division 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. The family division is not sought for the purpose of circumventing the requirements of this chapter applicable to subdivisions. In determining whether a family division is sought for the purpose of circumventing the requirements of this chapter, the agent shall consider the following factors, among others:

1. Whether the division promotes the cohesiveness of the family;

2. Whether the division is profit motivated for short-term investment purposes;

3. The length of time the subdivider has owned the property; and

4. Whether, after the family division is approved, a lot created by the family division is conveyed back to the grantor or to a third party.

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

Sec. 68-212 Family divisions; conditions of approval.

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

A. No lot created by the family division may be transferred, except by devise, descent or operation of law, to a person other than a member of the immediate family of the subdivider, for a period of two (2) years, except for purposes of securing any purchase money and/or construction loan, including bona fide refinancing. If the lot created is conveyed back to the grantor, it shall be recombined with the parent lot within six (6) months after such conveyance.

B. 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.

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

DIVISION 4. PROCEDURE FOR SUBDIVISIONS

Sec. 68-213 General.

Each preliminary and final plat shall be submitted, reviewed and approved as provided in this division 4, subject to the following:

A. If approval of a feature of a preliminary plat by a state agency is necessary or if the agent determines that the subdivision is of a degree of complexity that the town will be better served by reviewing and acting on both a preliminary and final plat, the agent may require a developer to submit a preliminary plat. Otherwise a subdivider is not required to submit and obtain approval of a preliminary plat before submitting and seeking approval of a final plat. However, the agent may require the submittal of all information required by section 68-302 if such information is deemed by the agent to be necessary for review of the final plat.

B. The commission is not required by any provision of this chapter to approve any final plat, or any development, use, plan or feature thereof, which are found to constitute a danger to public health, safety or welfare, or which are determined to be a departure from or a violation of sound engineering design or standards.

C. If the subdivision is a two-lot subdivision, the agent may waive final plat requirements of section 68-303 and substitute the requirements of section 208(C).

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

Sec. 68-214 Period in which to act on preliminary and final plat.

The review and action on each preliminary and final plat shall be according to the following schedule:

A. Except as otherwise provided in paragraphs (B) and (C), which pertains to preliminary plats only, the commission shall approve or deny a preliminary or final plat within sixty (60) days after the date the plat was officially submitted. The date a preliminary or final plat is officially submitted shall be determined pursuant to sections 68-216 or 68-221, respectively.

B. If approval of a feature of a preliminary plat by a state agency is necessary, the agent shall promptly forward to the state agency all documents necessary to allow the state agency to conduct its review. Any state agency making a review shall complete its review within forty-five (45) days of its receipt of the preliminary plat.

C. Upon receipt of the approvals from all state agencies, the commission shall approve or deny the preliminary plat within forty-five (45) days. All actions by the commission, and, if necessary, state agencies, shall be completed within a total of ninety (90) days after the date the preliminary plat was officially submitted, as that date is determined pursuant to section 68-216.

State law reference—Va. Code §§ 15.2-2259, 15.2-2260.

Sec. 68-215 Preliminary conference; master plans.

Prior to submittal of a preliminary plat, the subdivider shall participate in a preliminary conference with staff, the chairman of the commission and, at the discretion of the chairman of the commission, members of the commission. The purpose of the conference shall be to allow the subdivider to inform staff and the commission of the nature of the subdivision so that staff and the subdivider can develop an informal program that will guide the review and approval of the preliminary plat, or parts thereof. The following requirements shall also apply:

A. Unless paragraph (B) applies, the subdivider shall present a preliminary schematic master plan at the preliminary conference which shows:

1. the boundary lines of the property;
2. existing land conditions, existing topography at a maximum of twenty (20) foot contour intervals, and soils information;
3. the general lay-out design of what is proposed for the subdivision, on a scale of not smaller than one (1) inch equals one hundred (100) feet;
4. building setback lines;
5. the applicable zoning of the property, including all applicable proffers, special use permit conditions and variances;
6. the applicable zoning of all abutting properties; and
7. a notation as to whether the land is within the Mink Creek watershed and whether surface runoff flows into the impoundment pond.

B. If the subdivider proposes to establish a phased subdivision, the subdivider shall submit a master phasing plan which shall include all of the information required in paragraph (A), and the following information:

1. phasing lines for each section, which shall include the delineation of lots, open space, public street or private road rights-of-way, and other areas, to be platted by each phase; and a written schedule of acreage and percentage of each such land area for each section, stated on individual and cumulative bases;
2. the location of temporary cul-de-sacs, means to emergency access and other temporary road improvements as may be necessitated by the phased development; and a written time schedule for the removal or discontinuance of such improvements; and
3. a complete description of the extent to which improvements required by this chapter and other improvements proposed by the subdivider will be installed with each phase of the subdivision.

C. Statements made by staff and the subdivider during the preliminary conference, and the preliminary schematic master plan, shall not be binding on the town or the subdivider.

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

Sec. 68-216 Submittal of preliminary plat.

Each preliminary plat shall be submitted to the agent, which shall then be initially processed as provided herein:

A. 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 preliminary plat.

B. A preliminary plat which lacks any information required by section 68-302 shall be deemed to be incomplete and shall be denied by the agent within ten (10) days after the application deadline. The agent shall inform the subdivider in writing of the reasons for the denial, 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 either mail the notice of denial by first class mail, or personally deliver it, to the subdivider.

C. Within fifteen (15) days after the date the notice of denial was mailed or delivered by the agent, the subdivider may resubmit the preliminary plat together with payment of the fee for the reinstatement of review. The date of the next application deadline after the resubmittal of the preliminary plat shall be deemed to be the date upon which the plat was officially submitted. In the event the subdivider fails to resubmit the preliminary subdivision plat within the period described herein, the preliminary plat shall be deemed to be denied and a new application and fee shall be required for submittal of the preliminary plat.

D. A preliminary plat which is deemed to be complete by the agent shall be transmitted to the site review committee (if formed).

E. When the agent determines that a preliminary plat is complete, he shall send notice that a preliminary plat has been submitted to the owner of each lot abutting the subdivision and to each member of the council and the planning commission. The notice shall state the type of use proposed; the specific location of the subdivision; the appropriate town office where the preliminary plat may be viewed; and the date of the site review committee meeting for the preliminary plat. The notice also shall advise each recipient of the right to request review of the preliminary plat by the commission and the date by which such review must be requested; or, if review by the commission is otherwise required, the date of the review.

F. The notice required by paragraph (E) shall be mailed or hand delivered at least five (5) days prior to the site review committee meeting for the preliminary plat. Notice which is mailed shall be sent by first class mail. Notice mailed to the owner of each lot abutting the subdivision 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 town shall be deemed compliance with this requirement. If a lot abutting the subdivision is owned by the subdivider, the notice shall be given to the owner of the next abutting property not owned by the subdivider.

G. The failure of any person to receive the notice required by paragraph (E) shall not affect the validity of an approved preliminary subdivision plat, and shall not be the basis for an appeal.

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

Sec. 68-217 Review of preliminary plat by site review committee or agent.

This section applies to the site review committee, if formed as provided for in section 68-202. If the site review committee has not been formed, the agent will perform the preliminary plat review specified in the remainder of this section. Upon receipt of a preliminary plat from the agent, the site review committee shall review the plat as provided herein:

A. Both the agent and the site review committee (if formed) shall review each preliminary plat for compliance with the technical requirements of this chapter.

B. Upon completion of its review, the site review committee (if formed) shall transmit its requirements and recommendations to the agent. For the purposes of this section, the term “requirements” means the regulatory provisions of this chapter and the rules and regulations of each of the agencies of the site review committee; the term “recommendations” means suggestions for design change as may be deemed in the public interest by site review committee members in the area of their respective expertise.

C. If a revision is required by the site review committee or the agent, the subdivider shall revise the preliminary plat to include the required revision and shall submit the revision by a date prescribed by the agent. The revision shall be made prior to the review of the preliminary plat by the agent.

D. If a revision is recommended by the site review committee or the agent, the subdivider is not required to make the revision. If the subdivider elects not to revise the preliminary plat to include the recommended revision, the subdivider shall submit a written statement to the agent by the revision date prescribed by the agent which states the reasons and justification for not incorporating the recommendation in the revised plat. The written statement shall be deemed to be a part of the required revision.

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

Sec. 68-218 Reserved.**Sec. 68-219 Review and action upon preliminary plat by agent.**

Upon completion of the review required in section 68-217, the agent shall review the plat as provided herein:

A. The agent shall review the preliminary plat for compliance with the requirements of this chapter. The agent shall consider the recommendations of the site review committee (if formed) and any statement by the subdivider submitted pursuant to section 68-217(D). The agent also may consider any other evidence pertaining to the compliance of the preliminary plat with the technical requirements of this chapter as deemed necessary for a proper review of the plat.

B. The agent shall prepare a statement of findings, formulate a proposed course of action and transmit his recommendation of approval, approval with conditions or denial to the commission.

State law reference—Va. Code §§ 15.2-2241(9), 15.2-2259, 15.2-2260.

Sec. 68-220 Review and action upon preliminary plat by commission.

Upon its receipt of a preliminary plat the commission shall review the plat as provided herein:

A. The commission shall review the preliminary plat for compliance with the requirements of this chapter and conformance with the comprehensive plan. The commission shall consider the recommendations of the site review committee (if formed), any statement by the subdivider submitted pursuant to section 68-217(D), and the agent's comments and recommendations, which shall be transmitted by the agent to the commission. The commission also may consider any other evidence pertaining to the compliance of the preliminary plat with the requirements of this chapter as deemed necessary for a proper review of the plat.

B. If the commission determines that the preliminary plat complies with the requirements of this chapter and the goals and objectives of the comprehensive plan, it shall approve the preliminary plat and direct the agent to issue a letter to the subdivider stating the conditions, if any, which must be satisfied prior to submittal of the final plat. If the commission determines that the preliminary plat does not comply with the requirements of this chapter, it shall disapprove the preliminary plat and, at the time of its action to disapprove the preliminary plat, identify the reasons for disapproval, with citation to the applicable section of this chapter or other law and, with the advice of the agent and staff, state what corrections or modifications will permit approval of the plat. If the commission disapproves the preliminary plat, it shall also direct the agent to issue a notice of disapproval to the subdivider stating the reasons for disapproval, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit approval of the preliminary plat. The agent shall either mail the notice of disapproval by first class mail, or personally deliver it, to the subdivider. Within fifteen (15) days after the date the notice of disapproval was mailed or delivered, the subdivider may resubmit the preliminary plat together with payment of a fee for the reinstatement of review. The date of the next application deadline following the resubmittal of the preliminary plat shall be deemed to be the date upon which the preliminary plat was officially submitted. In the event the subdivider fails to resubmit the preliminary plat within the period described herein, the preliminary plat shall be deemed to be denied and a new application and fee shall be required for submittal of the preliminary plat.

C. In reviewing and acting upon a preliminary plat, the commission may exercise any power or authority expressly granted herein to the agent which is applicable to the review and action.

State law reference—Va. Code §§ 15.2-2241(9), 15.2-2259, 15.2-2260.

Sec. 68-221 Submittal of final plat.

Each final plat shall be submitted to the agent, which shall then be initially processed as provided herein:

A. Except as provided by section 68-230, a subdivider shall submit a final plat for approval within one (1) year of the date of approval of the preliminary plat. For purposes of this section, a final plat shall be deemed to be officially submitted on the date that it is received by the agent. A final plat which is received by the agent that does not satisfy the requirements of paragraph (B) shall not be deemed to be officially submitted.

B. Prior to submitting a final plat, a subdivider shall satisfy all conditions of the approval of the preliminary plat and shall obtain all tentative approvals for the final plat from the departments and agencies represented on the site review committee. A final plat shall not be accepted by the agent if the subdivider has not satisfied all of the conditions or has not obtained all required tentative approvals. For

purposes of this section, a *tentative approval* is a formal communication from a reviewing staff member to the agent stating that all of the requirements of the reviewing staff have been satisfied.

C. A final plat which lacks information required by section 68-303 shall be deemed to be incomplete and shall be denied by the agent within ten (10) days after the application deadline. The agent shall inform the subdivider in writing of the reasons for the denial, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit acceptance of the plat. The notice of denial shall either be mailed to the subdivider by first class mail, or personally delivered to the subdivider.

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

E. A final plat which is deemed to be complete by the agent shall be transmitted to the site review committee (if formed).

F. If a preliminary plat was not first submitted and approved, the agent shall send notice that a final plat has been submitted pursuant to the procedures and requirements set forth in sections 68-216(E), 68-216(F) and 68-216(G).

State law reference—Va. Code §§ 15.2-2241(9), 15.2-2258.

Sec. 68-222 Review of final plat by site review committee.

This section applies to the site review committee, if formed as provided for in section 68-202. If it has not been formed, the agent will perform the final plat review specified in the remainder of this section. Upon receipt of a final plat from the agent, the site review committee shall review the final plat as provided herein:

A. Each final plat shall be reviewed by both the agent and the site review committee (if formed) for compliance with the requirements of this chapter in effect at the time of preliminary plat approval, provided that all other requirements of sections 68-300, 68-301 and 68-303 are met.

B. Individual members of site review committee or the agent shall determine whether the final plat complies with their functional area of responsibility and whether conditions of the preliminary plat approval applicable to their area of responsibility have been satisfied. If the site review committee or the agent determines that the final plat does not comply with the technical requirements of this chapter, or that all conditions of the preliminary plat approval have not been satisfied, the committee or agent shall identify those requirements which have not been complied with and those conditions which have not been satisfied.

C. The determinations of the site review committee made pursuant to paragraph (B) shall be in writing and shall be submitted to the agent within the time period as may be specified by the agent.

State law reference—Va. Code §§ 15.2-2241(9), 15.2-2258.

Sec. 68-223 Reserved.**Sec. 68-224 Review and action upon final plat by agent.**

Upon completion of the review required in section 68-222, the agent shall independently review the final plat as provided herein:

A. The agent shall review the final plat for compliance with the requirements of this chapter in effect at the time of preliminary plat approval, provided that other requirements of sections 68-300, 68-301 and 68-303 are met. The agent shall consider the recommendations and determinations made by the site review committee (if formed).

B. The agent shall prepare a statement of findings, formulate a proposed action and transmit a recommendation of approval, approval with conditions or denial to the commission.

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

Sec. 68-225 Review and action upon final plat by commission.

Upon its receipt of a final plat the commission shall review the plat as provided herein:

A. The commission shall review the final plat for compliance with the requirements of this chapter and conformance with the comprehensive plan. The commission shall consider the recommendations of the site review committee (if formed), the recommendations and comments of the agent, and any statement of the subdivider in response to the recommendations and comments, which shall be transmitted by the agent to the commission. The commission also may consider any other evidence pertaining to the compliance of the preliminary plat with the requirements of this chapter as deemed necessary for a proper review of the plat.

B. If the commission determines that the final plat complies with the requirements of this chapter and the goals and objectives of the comprehensive plan and, if a preliminary plat was submitted and approved, that all conditions of approval of the preliminary plat have been satisfied, the commission shall approve the final plat and the chairman of the commission shall sign the plat. If the commission determines that the final plat does not comply with all requirements of this chapter or that all conditions of approval of the preliminary plat have not been satisfied, it shall disapprove the final plat and, at the time of its action to disapprove the plat, identify the reasons for disapproval, with citation to the applicable section of this chapter and, with the advice of the agent and staff, state what corrections or modifications will permit approval of the plat. If the commission disapproves the final plat, it shall also direct the agent to issue a notice of disapproval to the subdivider stating the reasons for disapproval, with citation to the applicable section of this chapter or other law, and what corrections or modifications will permit approval of the final plat. The agent shall either mail the notice of disapproval by first class mail, or personally deliver it, to the subdivider. Within fifteen (15) days after the date the notice of disapproval was mailed or delivered, the subdivider may resubmit the final plat together with payment of a fee for the reinstatement of review. The date of the next application deadline following the resubmittal of the final plat shall be deemed to be the date upon which the final plat was officially submitted. In the event the subdivider fails to resubmit the final plat within the period described herein, the final plat shall be deemed to be denied and a new application and fee shall be required for submittal of the final plat.

D. In reviewing and acting upon a final plat, the commission may exercise any power or authority expressly granted herein to the agent which is applicable to the review and action.

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

Sec. 68-226 Appeal of disapproval of preliminary or final plat.

The disapproval of a preliminary or final plat shall be subject to judicial review as provided in Virginia Code § 15.2-2259. In the alternative and in addition to seeking judicial review, and at the sole option of the subdivider, the subdivider may appeal the disapproval to the council, provided that the appeal is filed in writing with the agent within ten (10) days of the date of the disapproval. The council may affirm, reverse, or modify in whole or in part, the disapproval. In so doing, the council shall give due consideration to the recommendations of the agent, the site review committee (if formed) and the commission. In addition, it may consider such other evidence as it deems necessary for a proper review of the application.

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

Sec. 68-227 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, does not constitute authorization to proceed with the construction of the improvements within the subdivision, and does not otherwise guarantee, or establish any right to, the continued application of town ordinances to the subdivision as the ordinances exist on the date of approval of the preliminary plat.

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

DIVISION 5. PERIOD OF VALIDITY OF SUBDIVISION PLATS

Sec. 68-228 Period of validity of approved preliminary plat.

A preliminary plat shall be valid for a period of one (1) year from the date that it is approved or, if the matter is appealed to the council, by the council. The failure to officially submit a final plat as provided in section 68-221 within the one (1) year period 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 68-220(B) is mailed.

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

Sec. 68-229 Period of validity of approved final plat.

A final plat for a subdivision which is not a phased subdivision eligible to be subject to section 68-230 shall be valid for the periods as provided herein:

A. Except as provided in paragraph (B), a final plat shall be valid for a period of one (1) year from the date the agent affixes his signature to the plat. The failure to record an approved final plat within the one (1) year period in the office of the clerk of the circuit court of the applicable county shall render the approval null and void.

B. A final plat shall be valid for a period of one (1) year from the date the chairman of the planning commission affixes his signature to the plat or for any other period specified in a surety agreement

entered into by and between the subdivider and the town, whichever is later, if: (i) the subdivider has commenced construction of facilities to be dedicated for public use pursuant to an approved plan or permit with approved surety; or (ii) the subdivider has furnished surety by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities.

State law reference—Va. Code § 15.2-2241(8).

Sec. 68-230 Period of validity of approved plat for phased subdivision.

If a subdivider of a phased subdivision records a final plat which is a section of a subdivision shown on an approved preliminary plat, the plat shall be valid for the period as provided herein:

A. The subdivider shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the date the final plat for the first section was recorded, or for any longer period as the commission may determine to be reasonable if the subdivider furnished to the council, as part of the approval of the final plat for that section, a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within that section for public use and maintained by the town, the commonwealth, or other public agency.

B. The commission may grant a longer period to record the final plats for the remaining sections, if at all, upon the request of the subdivider and at the time of the approval of the final plat for the first section. In acting on a request, the commission shall consider the size and phasing of the proposed development.

C. During the period that a final plat is valid as provided in this section, each plat for each subsequent phase shall be subject to this chapter, engineering and construction standards, and all requirements of the zoning ordinance in effect at the time the plat for each remaining phase is recorded.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-231 Extension of period of validity of approved preliminary or final plat.

The period of validity of an approved preliminary or final plat may be extended as follows:

A. The period of validity of an approved preliminary plat or an approved but not recorded final plat may be extended by the agent for up to one (1) year from the original date the approval of the plat was scheduled to expire. An extension may be granted only if the subdivider submits a written request for an extension, accompanied by the required fee, which is received by the agent at least five (5) days prior to the expiration date of the plat. The agent shall act upon the request on or prior to the date the approval of the plat was scheduled to expire. The written request shall address, and the agent shall grant such an extension only upon finding that governmental agencies or acts of God have caused unusual delays in satisfying all requirements of the plat approval or construction, or the following criteria, as may be applicable:

1. the subdivider has substantially satisfied all conditions of preliminary plat approval;
2. significant progress has been made in construction of improvements;

3. there has been no significant change in comprehensive plan policy or any requirement of the town Code, including the zoning ordinance, which affects the property; and

4. the project has progressed without being cited for any construction-related violation of the town Code or, in the event a violation has occurred, it has been corrected in a timely manner.

B. The period of validity of a recorded final plat may be extended by the commission one (1) or more times for a period as the commission determines to be reasonable. An extension shall be granted only upon a written request of the subdivider which is received by the agent in a timely manner so as to allow the commission to act on a request at a regular scheduled meeting of the commission on or prior to the date the approval of the final plat was scheduled to expire. The written request shall address, and the commission shall grant an extension only upon finding, the criteria set forth in paragraph (A).

C. A subdivider may appeal the denial of an extension request made pursuant to paragraph (B) as provided in Virginia Code § 15.2-2259.

State law reference—Va. Code § 15.2-2261.

DIVISION 6. PROCEDURES FOR OTHER APPROVALS RELATED TO PLATS

SUBDIVISION 1. PRIVATE ROADS

Sec. 68-232 Circumstances when private roads may be authorized.

A private road may be authorized as provided herein:

A. The commission may authorize a subdivision to be developed with one or more private roads only under the following circumstances:

1. *To alleviate significant degradation to the environment.* One or more private roads may be authorized: (i) if the property is within either the rural areas (RA) or village residential (VR) zoning districts; (ii) the private roads will alleviate a clearly demonstrable danger of significant degradation to the environment of the property or any land adjacent thereto which would be occasioned by 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; and (iv) no more lots are proposed on the private road or roads than could be created on a public street due to right-of-way dedication. 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 road in the same alignment, based upon evidence submitted by the subdivider and reviewed by the town 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 road in the same alignment, based upon evidence submitted by the subdivider and reviewed by the town engineer and other qualified staff.

2. *Non-residential or non-agricultural subdivision.* One or more private roads may be authorized if the subdivision will be for the creation of lots that will be used for non-residential or non-agricultural purposes.

3. *Residential subdivision developed with other than single-family detached dwelling units.* One or more private roads may be authorized if: (i) the subdivision is not located within a rural area identified in the comprehensive plan; and (ii) the subdivision will create lots and/or units which will be occupied exclusively by residential structures other than single-family detached dwelling units, and may include appurtenant recreational uses and open space.

4. *General welfare.* One or more private roads 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 roads than by the construction of public streets.

B. A subdivision may be authorized to be developed with one or more private roads only under the following circumstances

1. *Two-lot subdivisions.* One or more private roads may be authorized if: (i) the property is within either the rural areas (RA) or village residential (VR) zoning districts; and (ii) the subdivision contains only two lots and the private road will serve only those lots and will be the sole and direct means of access to a public street.

2. *Family division.* One or more private roads may be authorized to serve a family division.

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

Sec. 68-233 Matters which may be considered in conjunction with request for authorization to construct private roads.

In addition to the request for authorization to construct one or more private roads in a subdivision, the following related matters may also be considered by the commission in conjunction with a request:

A. Waiver of the requirements of section 68-505(A), pertaining to the prohibition of immediate access onto a public street, where the waiver is necessary to alleviate a clearly demonstrable danger or significant degradation to the environment of the property or adjacent land because of existing development, topography, or other physical condition, as opposed to being a special privilege or convenience.

B. Waiver of the requirements of section 68-514(D), pertaining to minimum right-of-way width requirements, where the subdivider demonstrates that: (i) the subdivision will be served by an existing easement of fixed width, which cannot be widened by the subdivider after documented good faith effort by him to acquire additional right-of-way width; and (ii) the existing easement is of adequate width to accommodate the travelway as required by section 68-514(D) together with area adequate for maintenance of the same.

C. Waiver of the requirements of section 68-514(D), pertaining to minimum right-of-way width requirements, over any existing bridge or other structure where it is determined by the town engineer that: (i) the long-term environmental impacts of resulting from not widening the bridge or structure outweigh complying with the minimum right-of-way width requirements; or (ii) the bridge or structure is a historical structure.

D. Application of Virginia Department of Transportation mountainous terrain design standards to a private road authorized under sections 68-232(A)(2) or (3), where for a specific, identifiable reason, the general welfare, as opposed to the proprietary interest of the subdivider, would be better served by the application of those standards.

E. The commission may impose any condition pertaining to the road it deems reasonable and necessary in conjunction with any approval pursuant to this section.

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

Sec. 68-234 Procedure for authorization to construct private road and related matters.

A request for authorization to construct one or more private roads in a subdivision and for consideration of a related matter, as provided in sections 68-232 and 68-233, shall be submitted, processed and approved as provided herein:

A. A subdivider shall submit a request in writing to the agent at the time of the submittal of the preliminary plat, or a later date specified by the agent at the preliminary conference.

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 68-232 or 68-233, and each of the five findings identified in paragraph (C) required to be made by the commission. The request shall also include a map of the subdivision having contour intervals of not greater than twenty (20) feet showing the horizontal alignment together with field-run profiles and typical cross-sections of the roads. The town engineer may waive requirements of the field-run profile in the case of an existing road 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 vertical feet or better. A request pursuant to section 68-232(A)(1) shall include earthwork computations demonstrating significant degradation.

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

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 authorization to construct one or more private roads or to grant a waiver, the commission shall consider that private roads are intended to be the exception to the construction and dedication of public streets and are intended to promote sensitivity toward the natural characteristics of the land and to encourage the subdivision of land in a manner that is consistent and harmonious with surrounding development.

C. The commission may authorize one or more private roads to be constructed in a subdivision if it finds that one or more of the circumstances described in section 68-232 exists and that:

1. The private road 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 road;

3. The fee of the private road 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 road;

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

5. If applicable, the private road has been approved in accordance with section 17.3, flood hazard overlay district, of the zoning ordinance and other applicable law.

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

Sec. 68-235 Effect of approval of request for authorization to construct private road.

If the agent or the commission approves a request for authorization to construct one or more private roads in a subdivision, the following requirements shall apply:

A. The subdivider shall submit a maintenance agreement which satisfies the requirements of section 68-313.

B. The final plat shall contain the statement required by section 68-303(N).

C. The subdivider shall provide surety for the completion of the private road as required by section 68-413 if the private road will not be completed prior to approval of the final plat.

D. Each deed of subdivision, or similar instrument, and each deed conveying a lot within the subdivision shall contain the following statement: “The streets in this subdivision may not meet state standards and will not be maintained by the Virginia Department of Transportation or the Town of Scottsville.”

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

SUBDIVISION 2. OTHER APPROVALS

Sec. 68-236 Review for determination of consistency with comprehensive plan.

A preliminary or final plat shall be reviewed to determine whether any public area, facility or use set forth in Virginia Code § 15.2-2232 is in substantial accordance with the comprehensive plan, as provided below:

A. Any public area, facility or use as set forth in Virginia Code § 15.2-2232 which is within, but not the entire subject of, a preliminary or final plat, shall be deemed a feature already shown on the comprehensive plan and excepted from review under Virginia Code § 15.2-2232, provided that the council has by ordinance or resolution defined standards governing the construction, establishment or authorization of the public area, facility or use.

B. Except as provided in paragraph (A), any public area, facility or use as set forth in Virginia Code § 15.2-2232(A) which is within, but not the entire subject of, a preliminary or final plat, shall be reviewed as provided in Virginia Code §§ 15.2-2232(A), (B) and (C).

State law reference—Va. Code § 15.2-2232.

Sec. 68-237 Waiver, variation, or substitution of requirement.

The commission may waive, vary or accept substitution for any requirement of sections 68-400 through 68-526, as provided herein:

A. A subdivider shall submit to the agent a written request which states the reason and justification for the request and all alternatives as the subdivider may propose. A request shall be submitted prior to review of the preliminary or final plat, but no later than the site review committee revision deadline.

B. The agent shall review the request and transmit his recommendation of approval, approval with conditions or denial to the commission. A recommendation of approval or approval with conditions shall be accompanied by a statement from the agent as to the public purpose served by such recommendation, particularly in regard to the purpose and intent of this chapter, the zoning ordinance and the comprehensive plan.

C. The commission may approve a waiver or variation if it finds that: (i) because of unusual size, topography, shape of the property, location of the property or other unusual conditions, excluding the proprietary interests of the developer, strict application of the applicable requirements would result in significant degradation of the property or land adjacent thereto; (ii) requiring the standard would not forward the purposes of this chapter or otherwise serve the public interest; and (iii) granting the waiver or variation would not be detrimental to the public health, safety or welfare, to the orderly development of the area, to sound engineering practices, or to adjacent land.

D. The commission may approve a substitution if it finds that by substitution of technique, design or materials of comparable quality, but differing from those required, the subdivider would achieve results which substantially satisfy the overall purposes of this chapter in a manner equal to or exceeding the desired effects of the requirement otherwise applicable.

E. The subdivider shall have the burden of producing the evidence to enable the commission to make the findings required by paragraphs (C) or (D).

F. The waiver of any requirement of section 68-514 shall be governed by the procedures set forth in section 68-234.

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

Sec. 68-238 Changes or revisions to preliminary or final plat.

Changes, revisions or erasures made to a preliminary or final plat shall be made as provided herein:

A. An approved preliminary or final plat or accompanying data sheet may be changed or revised, including erasures, only with the prior express written authorization by the commission.

B. An approved final plat which is changed or revised shall be submitted and reviewed as provided in sections 68-213 through 68-227. The agent shall recommend approval to the chairman of the commission of minor changes or revisions to the plat if he determines that the plat, as changed or revised: (i) complies with all terms of this chapter and all other applicable laws; (ii) substantially complies with the approved final plat and all conditions of preliminary plat approval; and (iii) will have no additional adverse impact on adjacent land or public facilities.

C. A final plat changed or revised pursuant to this section shall be signed by the owner or owners of the land being subdivided as provided in section 68-303(O).

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

Sec. 68-239 Resubdivision.

Property may be resubdivided without vacation of a recorded plat as provided herein:

A. An application to change a recorded final plat that eliminates, relocates or otherwise alters a lot line shall be submitted and reviewed as provided in sections 68-213 through 68-227, provided that the change does not involve the relocation or alteration of streets, alleys, easements for public passage or other public areas, and provided further that no easements or utility rights-of-way shall be relocated or altered. An application for a change made during the period of validity of the plat shall not constitute a waiver of any rights of the subdivider existing on the date of approval of the final plat. The approval of a change shall not extend the period of validity of the original final plat. This paragraph shall apply to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance by the town.

B. An application to divide a lot or contiguous lots recorded or developed prior to the effective date of section 6.5, nonconforming lots, of the zoning ordinance shall be submitted and reviewed as provided in sections 68-213 through 68-227. Notwithstanding the review procedure set forth in sections 68-213 through 68-227, a resubdivision shall not be denied if, in the opinion of the zoning administrator, the resubdivision is substantially more conforming to the requirements of section 4.0, general regulations, of the zoning ordinance and the area and bulk regulations of the zoning district in which the lot or contiguous lots is situated.

C. Nothing in this section limits any right of an owner to apply to vacate a plat or any part thereof, or to relocate its boundary lines, pursuant to section 68-240.

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

Sec. 68-240 Vacation of plat or part thereof; relocation of boundary lines.

A recorded plat or any part thereof may be vacated, or its boundary lines may be relocated, pursuant to Virginia Code §§ 15.2-2271 through 15.2-2276, as provided herein.

A. An application to vacate a recorded plat, or to relocate its boundary lines, shall be submitted to the agent.

B. 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 the site review committee or to staff members, as he deems appropriate, for review and recommendation.

C. If the application to vacate a recorded plat is proceeding under Virginia Code §§ 15.2-2270(1), 15.2-2271(1) or 15.2-2272(1), the agent shall transmit to the commission either a recommendation of consent or to withhold consent to the vacation upon receipt of the recommendation of the site reviewing officials. If the commission withholds consent, the agent 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.

D. If the application to vacate a recorded plat is proceeding under Virginia Code §§ 15.2-2270(2), 15.2-2271(2) or 15.2-2272(2), the agent shall make a recommendation to the council 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, which shall consider the recommendation and the application in making its recommendation to the council.

E. If the application is to vacate, relocate or otherwise alter the boundary lines of any lot, the lot shall have been: (i) part of an otherwise valid and properly recorded plat of division approved as provided in this chapter or a prior subdivision ordinance of the town; or (ii) properly recorded prior to the adoption of a subdivision ordinance of the town. A plat relocating or altering boundary lines shall be executed by the owner as provided in section 68-303. An application pursuant to this paragraph shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. Boundary adjustments shall be processed in accordance with section 68-210(B). For boundary adjustments, the agent may waive the final plat submission requirements of section 68-303 and substitute the requirements of section 208(C).

F. An application which proposes to vacate a public street shall also be reviewed to determine whether the vacation is substantially in accord with the adopted comprehensive plan, or part thereof, as provided in section 68-236.

G. An application shall be acted upon by the commission or the council, as the case may be, within the time period set forth in section 68-214.

H. 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.

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

ARTICLE III. PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED

DIVISION 1. PLAT REQUIREMENTS

Sec. 68-300 Persons authorized to prepare plat.

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

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

Sec. 68-301 Form and style of preliminary and final plats.

Each preliminary and final plat shall comply the following:

A. Each preliminary and final plat shall meet the standard for plats set forth in Virginia Code § 42.1-82.

B. In addition to the requirements of paragraph (A), a final plat shall: (i) be drawn to a scale that adequately and clearly depicts the contents required by section 68-303; (ii) comply with the sheet size and inscription standards of Library of Virginia Standard 440-01-137.6: Standards for Plats, a current copy of which shall be on file in the town office; and (iii) shall be in a form acceptable for recordation by the clerk of the circuit court of the applicable county.

State law reference—Va. Code § 15.2-2241(1).

Sec. 68-302 Contents of preliminary plat.

Except as provided in section 68-213(C), for two-lot subdivisions, a preliminary plat shall contain the following information:

A. *Name of subdivision.* The title under which the subdivision is proposed to be recorded.

B. *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.

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

D. *General information.* The date of drawing, the number of sheets, the north point, geodetic references and the scale. If true north is used, the method of determination shall be shown.

E. *Vicinity sketch.* A sketch showing the property and its relationship with adjoining land and streets; its relationship with landmarks and political boundaries 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 location of the property without field review.

F. *Existing topographic features and easements.* The location, width and names of all existing or platted streets, easements, natural streams and wetlands, structures and archeological sites, and all other rights-of-way and easements.

G. *Proposed streets, alleys, lots, building lines and easements.* The location and dimensions of proposed streets, alleys, lots, building lines, and easements, including a boundary survey or existing survey of record in accordance with the requirements of section 68-303(E).

H. *Land to be dedicated or reserved.* The location of all land intended to be dedicated, reserved for public use, to be reserved in the deed for the common use of lot owners in the subdivision, or to be placed in a conservation easement.

I. *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.

J. *Flood plain.* The location of any part of the property within the flood hazard overlay district, as set forth in section 17.3 of the zoning ordinance.

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

L. *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.

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

N. *Building sites on proposed lots.* The location, area and dimensions of a lawful building site on each proposed lot.

O. *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 8.3.1 of the zoning ordinance, if applicable.

P. *Instrument creating property proposed for subdivision.* The deed book and page citation of the instrument whereby the property was created.

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

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

S. *Drainage district.* If applicable, a statement that some or all of the property lies in a drainage district.

T. *Topography.* The topography of the property prior to development and the area at least two hundred (200) feet outside of the property, with a contour interval of not greater than five (5) feet on those parts of the property up to a twenty (20) percent slope, and with a contour interval of not greater than ten (10) feet on those parts of the property of a twenty (20) percent slope or greater; proposed grading, with a contour interval of not greater than five (5) feet, supplemented where necessary by spot elevations; identification of all parts of the property of a twenty-five (25) percent slope or greater; the source of the topography.

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

Sec. 68-303 Contents of final plat.

Except as provided in section 68-213(C), for two-lot subdivisions, in addition to containing all of the information required by section 68-302, except for the information required by sections 68-302(L) and 68-302(T), a final plat shall contain the following information:

A. *Statement of consent to division.* A statement that: "The division of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees. Any reference to future potential development is to be deemed as theoretical only. All statements affixed to this plat are true and correct to the best of my knowledge."

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 of lots, streets, alleys and easements.* All linear, angular, and curvilinear dimensions of lots, streets, alleys, public easements and private easements shall conform to the requirements set forth in section 18 VAC 10-10-370(C), a copy of which shall be on file in the town office. 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.

F. *Lot numbers.* The lot numbers, in numerical order, and block identification.

G. *Setback lines.* The location of all minimum building setback lines specified in this chapter and the zoning ordinance, with the area in square feet.

H. *Monuments.* The location and material of all permanent reference monuments. Monuments found or installed prior to plat recordation may be referred to if permanent and 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 cul-de-sacs.* The location of temporary cul-de-sacs, if needed, with the following accompanying note: "The area on this plat designated as a temporary cul-de-sac 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 cul-de-sac 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 and drainage easements.* The location of all public utility and drainage easements outside the right-of-way of public streets and private roads.

M. *Street and road names.* The name of each public street and private road, which names shall be in accordance with chapter 66, article IV of the town code and reviewed and approved in accordance with section 66-107 of the town code.

N. *Statement pertaining to private roads.* If the subdivision will contain one or more private roads, 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 Town of Scottsville.”

O. *Restrictions and covenants.* The location and provisions of existing and planned deed restriction and covenants.

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

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

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

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

Sec. 68-304 Drainage control information.

The subdivider shall submit with each preliminary plat all contour maps, conceptual or preliminary drainage plans, information pertaining to drainage control facilities and drainage control measures, and any other information required by the agent to determine what improvements will be required to provide adequate drainage control with each preliminary plat. The contour intervals shown on a contour map shall not exceed five (5) feet and shall be at lesser intervals if required by the agent.

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

Sec. 68-305 Stormwater management information.

At the time the subdivider submits a preliminary plat, he shall submit to the town office a stormwater management/best management practices (BMP) plan for review and approval, as provided in the water protection ordinance of the applicable county.

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

Sec. 68-306 Sketch plans for utilities, bridges and culverts.

The subdivider shall submit with each preliminary plat preliminary sketch plans for all utilities, bridges and culverts. The preliminary sketch plans for utilities shall indicate the provisions for all utilities including, but not limited to, the proposed method of accomplishing drainage, water supply, and sewage disposal.

State law reference—Va. Code §§ 15.2-2121, 15.2-2241(2), 15.2-2241(4), 15.2-2262, 15.2-2269.

Sec. 68-307 Statements of availability of services.

The subdivider shall submit with each preliminary plat written and signed statements of the appropriate officials concerning the availability of public water and public sewer to the subdivision.

State law reference—Va. Code §§ 15.2-2121, 15.2-2241(4), 15.2-2262.

Sec. 68-308 Flood plain and topographic information.

The subdivider shall submit with each preliminary plat flood plain and topographic information in a form acceptable to the town engineer which demonstrates:

A. For each natural stream with an upstream drainage area of fifty (50) acres or more, the flood plain limits for the one hundred (100) year storm; provided that the town 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 preliminary plat.

B. That the property contains sufficient land upon which to place structures without impeding natural drainage.

C. The flood plain limits, elevations, and flood plain profiles, if flood plain profiles are determined by the town engineer to be necessary.

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

DIVISION 3. DOCUMENTS AND INFORMATION TO BE SUBMITTED WITH FINAL PLAT**Sec. 68-309 Soil evaluations.**

The subdivider shall submit, prior to or with the final plat, the results of percolation tests or other methods of soil evaluation used to determine the suitability of the soil for septic systems with subsurface disposal, if septic systems provided in section 68-518 are proposed to be utilized in the development of the subdivision, and the results are requested by the agent. These results shall also be submitted by the subdivider to the health director.

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

Sec. 68-310 Preliminary opinion of health director.

The subdivider shall submit, prior to or with the final plat, a preliminary opinion of the health director regarding the suitability of the property for the utilization of septic systems with subsurface disposal, if the method of sewage disposal is proposed to be utilized in the development of the subdivision.

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

Sec. 68-311 Approved erosion and sediment control plan or other evidence.

The subdivider shall submit, prior to or with the final plat, evidence satisfactory to the agent that an erosion and sediment control plan has been approved by the Thomas Jefferson Soil and Water Conservation District for the subdivision, or that an approved plan is not required.

State law reference—Va. Code § 10.1-565.

Sec. 68-312 Previously approved plans and existing features and improvements.

The subdivider shall submit, prior to or with the final plat, all previously approved plans for public streets or private roads, including cross sections and profiles, water systems and sewage systems, drainage courses, drainage control, erosion and sedimentation control measures, and stormwater management. The subdivider shall also submit, prior to or with the final plat, plans for all existing sewers, water mains, culverts and other underground structures within the property, showing all pipe sizes, invert elevations and grades and computations as may be required by the agent.

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

Sec. 68-313 Instrument evidencing maintenance of certain improvements.

If the subdivision will contain one (1) or more private roads, or any water system, sewerage system, stormwater management facility, open space, common area, street or road sign, or other improvement, individually and collectively referred to herein as the “improvement,” which are not to be maintained by the town or any authority or other public agency, the subdivider shall submit with the final plat an instrument evidencing the continuing maintenance of the improvement, as provided herein:

A. The instrument shall, at a minimum: (i) have a statement that the improvement shall be maintained in perpetuity to assure that it remains in substantially the condition it was in when approved by the town; (ii) identify the standard to which the improvement will be maintained; (iii) identify the timing or conditions warranting maintenance of the improvement; (iv) state a means to collect debt; (v) state a method for prorating expenses among the lot owners, including if and when there is further division of any lot or the number of units per lot increases; (vi) have a statement that no public agency, including the Virginia Department of Transportation and the town, will be responsible for maintaining the improvement; and (vii) identify the plat to which the instrument applies.

B. If the instrument pertains to the maintenance of one or more private roads, it shall contain, in addition to the contents required by paragraph (A), a statement that for purposes of the instrument, maintenance of the private roads shall include maintenance of the roads, curb, gutter, drainage facilities, utilities or other road improvements, and the removal of snow, water or debris so as to keep the road reasonably open for usage.

C. The instrument shall be subject to review and approval by the town 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 applicable county.

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

E. Nothing in this section shall affect the rights of the town reserved under section 68-403.

State law reference—Va. Code §§ 15.2-2242(3), 15.2-2262.

Sec. 68-314 Identification of all interests of the town 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 town and any authority in the property which would be terminated and extinguished by recordation of the final plat, as provided in section 68-411.

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

Sec. 68-315 Revised master phasing plan.

If the subdivision is a phased subdivision, the subdivider shall submit prior to or with the final plat a revised master phasing plan that complies with the requirements of section 68-215(B) and which shows the final plan for the phase for which the final plat is submitted.

State law reference—Va. Code §§ 15.2-2241(5), 15.2-2262.

ARTICLE IV. MINIMUM IMPROVEMENTS**DIVISION 1. IMPROVEMENTS****Sec. 68-400 On-site improvements.**

Each plat for subdivision shall be approved on the condition that the subdivision shall have the following on-site improvements which satisfy the minimum design requirements set forth in sections 68-500 through 68-526, as applicable and required:

- A. A network of public streets or private roads;
- B. Safe and adequate ingress and egress from the subdivision to a public street;
- C. Traffic signalization and control;
- D. Drainage control;
- E. Stormwater management;
- F. Water;
- G. Sewerage;
- H. Community facilities;
- I. Structures to ensure stability of critical slopes;
- J. Fire protection improvements;
- K. Landscaping for double frontage lots;
- L. Sidewalks and pedestrian walkways on one (1) or both sides of a public street or private road in a residential subdivision of a proposed density of two (2) or more dwelling units per acre and in commercial and industrial developments wherever determined by the commission to be reasonably necessary to protect the public health, safety or general welfare.
- M. Signs identifying public street and private road names.

State law reference—Va. Code §§ 15.2-2019, 15.2-2121, 15.2-2241.

Sec. 68-401 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 council his pro rata share of the cost of providing reasonable and necessary sewer, water and drainage improvements, located outside the boundary of the property which 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 town or the applicable county, in concert with the county service authority and the Rivanna Water and Sewer Authority, 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 council has committed itself to such a program; and (ii) the program complies with the requirements of Virginia Code § 15.2-2243.

B. Each subdivider may voluntarily contribute and the council may accept funds for off-site road 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 commission, who shall consult with the town engineer and the town attorney prior to making the determination. In determining whether the need for an improvement is substantially generated by the subdivision, the commission 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 town's capital improvement program, including the applicable county's six (6) year road plan as it applies to the town; (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.

State law reference—Va. Code §§ 15.2-2242(4), 15.2-2243.

Sec. 68-402 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 town enter into a cost-sharing or reimbursement agreement prior to final plat approval.

State law reference—Va. Code §§ 15.2-2241, 15.2-2242, 15.2-2243.

Sec. 68-403 Town not obligated to maintain improvements.

The town shall not be obligated to maintain, repair, replace or reconstruct any improvement required by sections 68-400 or 68-401, and nothing in this chapter shall be construed as creating an obligation of the town to pay any costs arising from any improvement, unless the town has an ownership interest in the improvement or has otherwise agreed in writing to maintain, repair, replace or reconstruct the improvement.

State law reference—Va. Code §§ 15.2-2241, 15.2-2242, 15.2-2243.

DIVISION 2. DEDICATIONS, RESERVATIONS AND TRANSFERS

Sec. 68-404 Dedication of land for public use.

The commission may require a subdivider to dedicate to the town a part of the property suitable for parks, schools, open space and other public facilities, utilities and other public or semipublic uses as recommended in the comprehensive plan, as provided herein:

A. The council shall not be required to compensate the subdivider for the land dedicated if the need for the land is substantially generated by the subdivision or if the subdivision contributes in part to the need for such land, in which case land of the subdivision shall be dedicated in a pro-rata amount reasonably attributable to the subdivision.

B. The land to be dedicated shall be set apart on the final plat and shall 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 68-401(B).

D. Nothing in this section shall be construed to preclude the dedication of any land for public use which is not included in the comprehensive plan, provided the land is acceptable to the town for dedication.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-405 Reservation of land for public use.

The commission may require a subdivider to reserve for future dedication a part of the property suitable for parks, schools, open space and other public facilities, utilities and other public or semipublic uses as recommended in the comprehensive plan, as provided herein:

A. The council shall not be required to compensate the subdivider for the reservation of land if the need for the land is substantially generated by the subdivision or if the subdivision contributes in part to the need for the land, in which case land of the subdivision shall be reserved in a pro-rata amount reasonably attributable to the subdivision.

B. The land to be reserved shall be set apart on the final plat and shall 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 68-401(B).

D. Nothing in this section shall be construed to preclude the reservation of any land for public use which is not included in the comprehensive plan, provided the land is acceptable to the town for reservation.

E. The commission 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 council to release the reservation of any land so reserved if not used for a public purpose within a reasonable period of time. In consultation with the agent, the

commission shall review the petition and submit its recommendation to the council. Before taking action on the petition, the council shall consider the recommendation of the commission.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-406 Dedication of streets, alleys, curbs, gutters, sidewalks, stormwater management facilities, bicycle trails, pedestrian trails.

The commission shall require a subdivider to dedicate to the town for public use each public street, drainage improvement for the public street and sidewalk, and may require a subdivider to dedicate to the town for public use any curb and gutter, stormwater management facility, bicycle trail or pedestrian trail within a subdivision or section thereof, as provided herein:

A. The council shall not be required to compensate the subdivider for the dedicated land or improvements thereon.

B. The land and improvements to be dedicated shall be set apart on the final plat and shall 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 same by this chapter.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-407 Reservation of land for future right-of-way.

The commission shall require each subdivider to reserve for future dedication to the town a part of the property for right-of-way as provided herein:

A. A subdivider shall reserve land for right-of-way for major highways, when such reservation is determined by the commission to be necessary.

B. If a subdivision contains, or is adjacent, to a major highway, a subdivider shall reserve sufficient land to allow for the future construction of service drives or service streets approximately parallel to such major highway. The dimension of the area between the future service drives or service streets and the major highway and the points of access between the same shall be determined after due consideration of traffic safety requirements by the commission and the town engineer. Except where the subdivider demonstrates to the reasonable satisfaction of the commission that a topographic hardship exists, the area between the future service drives or service streets and the major highway shall be sufficient to provide scenic planting and screening.

C. If the comprehensive plan identifies a proposed right-of-way within the general area of the subdivision, and any public street or private road within the subdivision will connect, or is planned to connect, to such proposed right-of-way, and the Virginia Department of Transportation is able to identify the ultimate width of such right-of-way, a subdivider shall reserve additional right-of-way necessary to equal the width of the proposed right-of-way.

D. The land to be reserved pursuant to paragraphs (A), (B) or (C) shall be set apart on the final plat and shall be identified by a note on the plat stating that the land is reserved for future dedication for public use.

E. The commission 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 council to release the reservation of any land so reserved if not used for a public purpose within a reasonable period of time, pursuant to the procedure set forth in section 68-240.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-408 Dedication of water and sewerage systems.

The commission shall require a 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 commission, if the facilities are required to be constructed pursuant to section 68-400, as provided herein:

A. The council 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 facilities are dedicated, and the easement is established, to the service authority.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-409 Easements for drainage.

The commission shall require a subdivider to create drainage easements as provided herein:

A. The following easements shall be required:

1. An easement for all drainage control improvements located on the property shall be established whenever the improvement is designed and/or constructed beyond a public street or private road right-of-way or access easement, and shall extend from all drainage outfalls to a natural stream located on the property or, if a natural stream is not located on the property, 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 an easement required by this section shall be sufficient, as determined by the town engineer, to: (i) accommodate the drainage characteristics from each drainage outfall from a drainage control improvement and to provide access to the drainage control improvement; (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. An easement required by this section shall include the right of ingress and egress for installation, maintenance, operation, repair and reconstruction of any improvement within the easement. The commission also may require that an easement be provided through land adjoining the property under common ownership.

D. The council shall not be required to compensate the subdivider for an easement or any improvements thereon.

E. No easement established pursuant to this section shall be considered part of any required public street or private road width.

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

Sec. 68-410 Easements for cable television and public service corporations.

The commission 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, high-bandwidth digital communications, gas, telephone and electric service to the subdivision, as provided herein:

A. The location of an easement required by this section shall be adequate for use by franchised cable television operators and public service corporations which may be expected to occupy them.

B. An easement required by this section shall include the right of ingress and egress for installation, maintenance, operation, repair and reconstruction of any improvement within the easement. The commission also may require that an easement be provided through land adjoining the property under common ownership.

C. The easement shall be conveyed by reference on the final plat to a declaration of the terms and conditions of the common easements.

State law reference—Va. Code § 15.2-2241(6).

Sec. 68-411 Effect of recordation of plat on dedications and certain easements.

The recordation of a final plat shall operate as follows as it pertains to the dedication of land and improvements and to the establishment of certain easements:

A. The recordation of a final plat shall operate to transfer, in fee simple, to the town that portion of the land set apart on the plat and dedicated for public use as provided in sections 68-404, 68-406 and 68-409.

B. The recordation of a final plat shall operate to transfer to the town any easement indicated on the plat to create a public right of passage over the property.

C. The recordation of a final plat shall operate to transfer, in fee simple, the water and sewer facilities, and the easement, as provided in section 68-408, to the service authority.

D. The recordation of a final plat shall operate to terminate and extinguish all rights-of-way, easements or other interest of the town in the property not shown on the plat, except that an interest acquired by the town 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 thereby.

E. The recordation of a final plat shall not constitute acceptance of any improvements by the town or any service authority, state agency or department.

State law reference—Va. Code § 15.2-2265.

DIVISION 3. COMPLETION OF ON-SITE IMPROVEMENTS AND SURETY

Sec. 68-412 Completion of on-site improvements required prior to plat approval.

Except as provided in section 68-413, 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:

A. 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. 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.

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

Sec. 68-413 Surety in lieu of completion of on-site improvements.

Notwithstanding section 68-412, pending actual completion of all on-site improvements, a final plat may be approved as provided herein:

A. The subdivider shall enter into an agreement with the town to complete the construction of all improvements required by this chapter within a period of time agreed to by the parties, and furnish to the agent a certified check, bond with surety satisfactory to the town, or a letter of credit satisfactory to the town, in an amount sufficient for and conditioned upon the construction of the improvements. The form of the agreement and the type of surety guarantee shall be to the satisfaction of the town engineer and be approved by the town attorney.

B. The subdivider shall submit a request for a bond estimate to the town engineer. The town engineer shall prepare a cost estimate of all improvements, based upon unit prices for new public or private sector construction in the town, and a reasonable allowance for estimated administrative costs, including inspection fees required pursuant to section 68-203(E)(6), inflation, and potential damage to existing streets or utilities, which shall not exceed twenty-five (25) percent of the estimated construction costs.

C. The town may make use of the certified check or call on the bond with surety or letter of credit if either: (i) the subdivider fails to renew the bond with surety or letter of credit; or (ii) the town 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.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-414 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 68-415, provide surety for the maintenance of the street or streets as provided herein:

A. The subdivider shall furnish to the agent a certified check, bond with surety satisfactory to the town, or a letter of credit satisfactory to the town, in an amount 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 town 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 reconstruction and repaving of any public street or private road which is required by the Virginia Department of Transportation before the road may be accepted into the secondary system of state highways, and the correction of defects or damage, and the removal of snow, water or debris so as to keep the road reasonably open for public usage.

C. The amount of the surety shall be determined by the following criteria: (i) Class A: five hundred dollars (\$500) minimum for up to two hundred (200) linear feet plus two dollars (\$2.00) per linear foot thereafter; (ii) Class B: five hundred dollars (\$500) minimum up to two hundred (200) linear feet plus two dollars and twenty-five cents (\$2.25) per linear foot thereafter; (iii) Class C: Five hundred dollars (\$500) minimum up to two hundred (200) linear feet plus three dollars and fifty cents (\$3.50) per linear foot thereafter.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-415 Release of surety.

A bond, escrow, letter of credit or other surety required by this chapter shall be released as provided herein:

A. Upon written request by the subdivider, the town engineer shall make periodic partial releases of the surety provided in a cumulative amount equal to no less than eighty (80) percent of the original amount of the surety based upon the percentage of the improvements completed and approved by the town, or other authority or state agency or department having jurisdiction over the improvement. Periodic partial releases shall not occur before the completion of at least thirty (30) percent of the improvements covered by any surety or after completion of more than eighty (80) percent of the improvements. The

town engineer shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period.

B. Within thirty (30) days after receipt of written request for reduction of surety, the town engineer shall inspect the improvements and respond to the subdivider. In the case of public streets and related improvements, the subdivider shall not submit a written request for reduction of surety until the Virginia Department of Transportation has accepted all public street improvements. In the case of private roads and related improvements, the subdivider shall not submit a written request for reduction of surety until the town engineer has accepted all private road improvements. The town engineer shall respond to the request of the subdivider within thirty (30) days of its receipt.

C. If the town engineer fails to take action within the thirty (30) day period, 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 zoning administrator. The town engineer shall act within fourteen (14) days of receipt of this request by the zoning administrator. If the town engineer fails to take action on the request, the request shall be deemed approved and final release shall be granted to the subdivider.

D. Upon final completion and acceptance or approval of the improvements and upon receipt from the subdivider of a certification from a professional engineer or land surveyor that the monuments required by this chapter have been properly placed, the town engineer 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 town, 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 town engineer determines that the improvements are completed.

State law reference—Va. Code § 15.2-2245.

Sec. 68-416 Effect of acceptance or approval of improvements.

Nothing in this chapter, including the approval of a final plat, shall obligate the town, an authority, or a state agency or department to accept and take over for operation and maintenance any improvements completed by a subdivider as required by this chapter. 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 68-417.

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

Sec. 68-417 Inspections; right of entry.

The submittal of a preliminary or final plat by a subdivider shall constitute consent by the subdivider to all officers and employees of the town, the service authority and any other authority, and any state department or agency, responsible for the administration and enforcement of 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 and/or final plat for compliance with this chapter. The subdivider shall provide at least five (5) days prior notice to the town engineer when each stage of the construction and improvement of

the subdivision is ready for inspection, in accordance with the schedules and regulations promulgated by the council.

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

ARTICLE V. DESIGN REQUIREMENTS

DIVISION 1. LOTS AND BLOCKS

Sec. 68-500 General.

Each subdivision shall comply with the following general lot design requirements:

A. The number of lots within a subdivision shall comply with the applicable provisions of the zoning ordinance.

B. Each lot shall have at least one building site which complies with the requirements of the zoning ordinance and applicable health regulations.

C. Each lot shall have reasonable access to the building site from a public street or private road within the subdivision. 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 off-street parking spaces required by the zoning ordinance to the building site.

D. Double frontage lots shall not be permitted except where authorized by the commission upon a determination that the lot arrangement is essential to provide separation of residential development from streets or to overcome topographical problems.

E. The applicable setback line as provided in the zoning ordinance for a lot affected by a reservation for a proposed right-of-way as provided in section 68-407 shall be measured from the proposed right-of-way line.

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

Sec. 68-501 Configuration of lots.

The lots within a subdivision shall be configured in a manner that is consistent with the purposes of this chapter. In addition, the lots of a subdivision within the rural areas zoning district shall be configured so that they comply with sections 8.3.1 and 8.3.2 of the zoning ordinance, for conventional and alternate development, or section 8.3.3 of the zoning ordinance, for rural preservation development.

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

Sec. 68-502 Lot size.

Each lot shall comply with the minimum lot size allowed by the applicable provisions of the zoning ordinance.

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

Sec. 68-503 Lot shape.

Each lot shall be of a shape which provides a satisfactory and desirable building site, and shall otherwise comply with the minimum lot width requirements allowed by the applicable provisions of the zoning ordinance. No lot shall contain peculiarly shaped elongations which are designed solely to provide necessary square footage of area or frontage on a public street.

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

Sec. 68-504 Lot location and frontage.

The location and frontage requirements for each lot shall be as provided herein:

A. Each lot shall front on an existing or proposed public street or private road. The front of a corner lot shall be each existing or proposed public street or private road that it abuts. The front of a double frontage lot shall be determined in accordance with the prevailing lot pattern.

B. Except as provided in paragraph (C), each lot shall have at least the minimum frontage required by the applicable provision of the zoning ordinance.

C. Each lot fronting on a cul-de-sac may have less than the minimum frontage required by the applicable provision of the zoning ordinance provided that the driveway separation required by Virginia Department of Transportation standards is maintained.

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

Sec. 68-505 Access from lot onto public street or private road.

Each lot shall have immediate vehicular access onto a public street or a private road as follows:

A. Except as provided in paragraphs (B) and (C), each lot shall have immediate vehicular access to only one public street or private road, which is within the subdivision.

B. A lot may be located so that it has immediate vehicular access to only a public street abutting the subdivision if the commission approves a waiver pursuant to section 68-237, the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access, and the entrance complies with the design standards set forth in section 68-512(I).

C. A lot that fronts on a private road within the subdivision may have immediate vehicular access to a public street abutting the subdivision if the commission approves a waiver pursuant to section 68-233(A) at the time the private road is approved, the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access, and the entrance complies with the design standards set forth in section 68-512(I). If the commission approves the waiver request, its approval shall include a condition that the waiver is valid only if the subdivider demonstrates to the commission prior to approval of the final plat that the waiver does not violate any covenants to be recorded for the subdivision.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-506 Side lot lines.

Side lot lines should be approximately at right angles or radial to the street line, except cul-de-sac terminal points.

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

Sec. 68-507 Remnants.

Remnants shall not be created by the subdivision of land. All remnants shall be added to abutting lots rather than remain as unbuildable lots.

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

Sec. 68-508 Block width.

Each block 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 public streets or private roads. However, if the creation of two (2) tiers of lots of the minimum depth are prevented by topographical conditions or the size of the property, the commission may approve a single tier of lots of the minimum depth.

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

Sec. 68-509 Block orientation.

Blocks shall meet the following minimum requirements:

A. If the property is adjacent to a major highway, the commission 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, as required by the applicable provisions of the zoning ordinance.

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

DIVISION 2. STREETS AND ROADS**Sec. 68-510 Coordination of streets and roads.**

All public streets and private roads within a subdivision shall coordinate as to location, width, typical cross-section, grades and drainage with other existing or planned streets contiguous to or within the general area of the subdivision, including coordination with existing or planned streets in existing or future adjacent subdivisions or which are contiguous to those adjacent subdivisions.

State law reference—Va. Code § 15.2-2241(2).

Sec. 68-511 Determining applicable standards for public streets.

The classification of public streets in a subdivision shall be determined by an estimate of the anticipated vehicular traffic volume as currently prescribed, or as revised, by the Virginia Department of Transportation, and shall apply to all public streets in a subdivision and to all public streets within the property shown on the comprehensive plan. Unless otherwise shown, all material and construction technique specifications shall be in accordance with Virginia Department of Transportation standards.

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

68-512 Standards for both public streets and private roads.

All design standards for public streets and all design standards for private roads based upon public street standards shall comply with Virginia Department of Transportation standards and other design standards applicable to the particular classification of street or road. In addition, the following minimum requirements for public streets and private roads shall apply:

A. *Layout.* Public streets and private roads in predominantly residential subdivisions shall be designed to discourage through-traffic. Offset or jog-streets shall be avoided, whenever possible.

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 town engineer may grant an exception to this requirement for a private road in accord with the Virginia Department of Transportation standards for public streets.

C. *Right-of-way width.* Except as otherwise provided, the width of all public street or private road right-of-ways or access easements shall conform to Virginia Department of Transportation standards.

D. *Cul-de-sacs and dead-end streets.* Cul-de-sacs and dead-end streets shall provide a terminal turnaround having a right-of-way radius as prescribed by Virginia Department of Transportation standards. The permitted length of a cul-de-sac shall be determined by the commission taking into consideration the terrain, density of development, and lot frontage.

E. *Temporary cul-de-sacs.* Public streets and private roads 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 terminal cul-de-sac having a radius as prescribed by Virginia Department of Transportation standards. The temporary cul-de-sac shall exist until the street extensions are accepted into the secondary system of state highways.

F. *Alleys.* Alleys with a right-of-way width of not less than twenty (20) feet may be provided in the rear of all commercial, industrial, and residential lots unless other provisions are made for parking and service. Dead end alleys of any kind shall not be allowed.

G. *Reserved or spite strips.* Reserved or spite strips restricting access to a public street, alley, or private road shall not be permitted; provided that nothing herein shall prohibit areas for scenic planting and landscaping where adequate access is otherwise available.

H. *Principal means of access.* The principal means of access to a subdivision shall conform, in the case of a public street, to Virginia Department of Transportation standards, or, in the case of a private road, to the standards of the town as set forth in section 68-514, throughout its length, including any distance between the boundary of the subdivision and any existing public street. If the subdivision will result in the potential development of fifty (50) or more dwelling units, the subdivision shall have more than one principal means of access from an existing public street. If discharge water of a one hundred year storm could reasonably be 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, subject to the requirements of section 17.3, flood hazard overlay district, of the zoning ordinance; 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.

I. *Entrances to streets, roads and highways.* Each entrance onto any public street or private road for traffic to and from a subdivision shall be designed and constructed in accordance with Virginia Department of Transportation standards. If the entrance is onto a multi-laned divided highway, an entrance which is not directly opposite any crossover in the median of any that highway shall not be permitted within five hundred (500) feet of the crossover except upon findings by the commission that: (i) there is no other reasonably practicable access to the subdivision except within five hundred (500) feet of the crossover; (ii) no reasonable means of alternative access is available to the subdivision; and (iii) the provision of an entrance within five hundred (500) feet of the crossover will be consistent with the public health, safety or welfare.

J. *Drainage.* Adequate drainage control shall be provided for public streets or private roads 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 town engineer. All of these improvements shall meet the standards of the town or, in the event no town standards exist, Virginia Department of Transportation standards.

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

Sec. 68-513 Standards for public streets only.

In addition to the minimum design requirements set forth set forth in section 68-512, all public streets shall be designed and constructed according to Virginia Department of Transportation standards for acceptance into the secondary system of state highways.

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

Sec. 68-514 Standards for private roads only.

In addition to the minimum design requirements set forth in section 68-512 and chapter 66 of the town code, the following minimum design requirements shall apply to private roads authorized pursuant to section 68-232:

A. *General.* Each private road shall be designed to be adequate to serve the subdivision of which it is a part. Except as otherwise expressly provided, the private road shall be designed and constructed to conform with Virginia Department of Transportation standards.

B. *Roads subject to Table A.* Each private road authorized by sections 68-232(A)(1), 68-232(A)(4), 68-232(B)(1) or 68-232(B)(2) shall conform to the requirements of Table A.

C. *Roads subject to Table B.* A private road authorized by sections 68-232(A)(2) or 68-232(A)(3) shall conform to the requirements of Table B, except that: (i) a pavement structure design that conforms to Virginia Department of Transportation standards shall be required for the most traffic-intensive uses to which the land may be lawfully devoted for a private road authorized by section 68-232(A)(2); and (ii) the commission may authorize the application of Virginia Department of Transportation mountainous terrain design standards to apply to a private road, as provided in section 68-233(D).

D. *Right-of-way width.* Except as otherwise expressly provided, a private road subject to Table A which serves fewer than six (6) lots shall have a minimum right-of-way width of thirty (30) feet.

E. *Clearing land for improvements.* Notwithstanding any practice of the Virginia Department of Transportation, only those areas necessary to accommodate private road improvements and to achieve required sight distance shall be required to be cleared.

F. *Landscaping and other improvements permitted.* Subsequent to construction of a private road, 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.

G. *Minimum allowable radius.* The radius for horizontal curvature shall be forty (40) feet or greater, unless otherwise authorized by Table A or Table B.

**Table A
Single-Family Detached Residential
(Also Agricultural)**

NUMBER OF LOTS SERVED BY ROAD SEGMENT*	WIDTH OF TRAVELWAY	DEPTH OF BASE (VDOT Aggregate Base)	SURFACE TREATMENT (Except as otherwise expressly provided)	MINIMUM SIGHT DISTANCE (In accordance with VDOT methodology for stopping sight distance)
Family Division Only (Any number of lots)	See note**	See note**	See note**	See note**
2 Lots	See note**	See note**	See note**	See note**
3 - 5 Lots	14 Feet (In addition to 4 foot shoulders and ditch requirements)	6" - # or # 26	Not required (unless slope exceeds 7%***)	100 Feet
6 Lots or More	Shall be designed to VDOT MOUNTAINOUS TERRAIN Standards.			

*NUMBER OF LOTS SERVED shall mean the aggregate of all lots served by such road segment and all lots having access over such segment to a public road. ROAD SEGMENT shall mean each portion of a private road between its intersection with other private or public roads (See illustration below.)

**The surveyor shall certify on the plat that 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 such travelway. Such certification may be accomplished by the following wording on the plat: "This private road will provide reasonable access by motor vehicle as required by § 68-514 of the Scottsville town Code." This provision includes family divisions.

***If slope exceeds seven percent, 6" of #21 or 21A and prime & double seal are required.

ILLUSTRATION TO ACCOMPANY NOTE ONE:

NUMBER OF LOTS SERVED:
Segment A = Lots on Segment A
Segment C = Lots on Segments A, B and C
Segment E = Lots on Segments A, B, C, D and E

Note: Any lot with frontage on more than one road segment shall be counted on each road segment on which such lot fronts, unless access is specifically restricted by notation on the final plat.

TABLE B
Residential Uses Other Than Single-Family Detached Dwellings
(Also Commercial/Industrial)

1. Shall be designed to VDOT ROLLING TERRAIN Standards.
2. The Planning Commission may require concrete curb and gutter and sidewalks or other pedestrian ways in accordance with Section 68-513.
3. The Planning Commission may require increased travelway to provide for on-street parking upon a determination that provisions for off-street parking may be inadequate to reasonably preclude unauthorized on-street parking.

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

Sec. 68-515 Improvement of existing public streets.

A. Prior to approval of a preliminary plat, the commission 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 commission determines that the existing streets will be inadequate, it 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, a *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 principle means of access to the subdivision as described in section 68-512(H); or (iv) a public street which will serve as an entrance to the subdivision as described in section 68-512(I), but which is not the principle means of access to the subdivision.

C. For purposes of this section, *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 public street or private road that provides access to the subdivision, if the need for the improvements are substantially generated by the development of the subdivision.

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

DIVISION 3. WATER, SEWERS AND DRAINAGE**Sec. 68-516 Public water and sewerage systems.**

A subdivision which is, in whole or in part, 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. The public water and/or sewerage service shall be provided to each lot within the subdivision. All facilities required to be constructed to provide the services to all lots shall be constructed to service authority specifications. For purposes of this section, water and/or sewerage service shall be deemed not to be reasonably available in a particular case if the commission, in consultation with the service authority, finds that:

1. The capacity of the public water and/or sewerage system is inadequate to serve the proposed development; or
2. The cost of connecting to the public water and/or sewerage system, exclusive of connection fees, exceeds the cost of installing an on-site well and/or septic system.

State law reference—Va. Code §§ 15.2-2121, 15.2-2241(4).

Sec. 68-517 Central water and sewerage systems.

A subdivision for which public water and/or sanitary sewerage service is not reasonably available as provided in section 68-516, and which will have twenty-five (25) or more lots of two (2) acres or less, shall be served by a central water system or central sewerage system, or both, as provided herein:

- A. The subdivider shall submit to the agent the information required by section 68-307.
- B. A subdivision whose net average lot size is less than forty thousand (40,000) square feet shall have both a central water system and a central sewerage system. A subdivision whose net average lot size is between forty thousand (40,000) square feet and sixty thousand (60,000) square feet, inclusive, shall have either a central water system or central sewerage system.
- C. 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 council. Each system shall complement or supplement existing or proposed town utilities to the extent that the commission finds existing public utilities inadequate.
- D. Neither a central water system nor a central sewerage system shall be required: (i) for a subdivision whose net average lot size is greater than sixty thousand (60,000) square feet; or (ii) if the subdivider establishes to the satisfaction of the town 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.

E. 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 applicable county code have been satisfied.

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

Sec. 68-518 Individual private wells and septic systems.

A subdivision for which public water and/or sanitary sewerage service is not reasonably available as provided in section 68-516, and for which either a central water system or central sewerage system, or both, as provided in section 68-517, is not required, shall be served by individual private wells or septic systems, or both, as provided herein:

A. If requested by the commission, the subdivider shall submit to the agent and to the health director the information required by section 68-309.

B. The health director shall determine the suitability of the soil of each lot of the subdivision for which septic systems with subsurface disposal will be constructed, and the subdivider shall submit the opinion of the health director to the agent as provided in section 68-310.

C. A final plat shall not be approved unless and until the health director approves in writing the use of individual private wells and septic systems for the subdivision.

D. The health director may require as a condition of his approval of the installation of septic systems and, whenever necessary for the satisfactory installation of the septic systems, that individual lots be graded and drained so as to assure the effective removal of surface water from each lot.

E. Notwithstanding any other provision of this section, the commission shall not approve the use of individual private wells if the health director determines that the topography of the property is such that individual private wells will be endangered by individual septic systems.

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

Sec. 68-519 Drainage control.

Drainage control facilities shall be designed to provide for the disposition of runoff from the property, as provided herein:

A. The subdivider shall design and construct on-site drainage facilities determined by the commission, upon the recommendation of the town engineer, to be necessary to provide adequate drainage control.

B. Within the drainage basin of Mink Creek, the subdivider shall design and construct on-site drainage control facilities which control the rate of runoff from the property due to rainfall of a ten(10)-year return period intensity as shown on the frequency analysis curve for Charlottesville, Virginia, so that the rate of runoff is no greater after the development of the subdivision than before, provided, that the facilities may be constructed without unreasonable adverse impact to the environment of the property.

C. If the property is located within a drainage basin of Mink Creek, the additional design standard required by paragraph (B) shall not apply if:

1. All of the property is within the flood hazard overlay district as set forth in section 17.3, flood hazard overlay district, of the zoning ordinance;

2. The total impervious surface coverage on any lot within the subdivision will not exceed twenty thousand (20,000) square feet; or

3. The subdivider demonstrates to the reasonable satisfaction of the commission and the town engineer that off-site improvements or other provisions for the disposition of runoff would equally or better serve the public interest and safety, and that the method of disposition would not adversely affect downstream properties.

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

Sec. 68-520 Stormwater management.

Stormwater management facilities shall be designed to comply with the water protection ordinance of the applicable county .

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

DIVISION 4. OTHER

68-521 Fire protection.

If public water is available, the subdivider shall install fire hydrants at locations approved by the commission as necessary to provide adequate fire protection.

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

Sec. 68-522 Landscaping for double frontage lots.

Each double frontage residential lot shall be screened between the rear of the building site and the public street or private road, if required by the commission.

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

Sec. 68-523 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. Except for those utilities identified in paragraph (B), all new utilities shall be located underground.

B. The following utilities 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.

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

Sec. 68-524 Monuments.

The subdivider shall have monuments set as provided herein:

A. All boundaries, both exterior and interior, of the original survey for the subdivision shall be monumented as provided in section 18 VAC 10-20-370(B), a copy of which shall be on file in the town office.

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.

State law reference—Va. Code § 15.2-2241(7).

Sec. 68-525 Sidewalks, pedestrian walkways and trails, and bicycle trails.

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. Each sidewalk, pedestrian walkway and trail and bicycle trail shall be designed and constructed in a manner approved by the town engineer. The town engineer shall approve the materials used in the construction of the sidewalk, pedestrian walkway and trail and bicycle trail.

State law reference—Va. Code § 15.2-2241(5).

Sec. 68-526 Street and road signs.

Signs which identify the name of each public street or private road within the subdivision shall be installed and maintained as provided in chapter 66, article IV of the town code.

State law reference—Va. Code § 15.2-2019.