

ARTICLE 1

AUTHORITY AND ENACTMENT

101.00 AUTHORITY TO ESTABLISH ZONING

Whereas, by act of the General Assembly of Virginia, as recorded in Title 15.2, Chapter 22, Article 7, Sections 15.2-2280 through 15.2-2316, Code of Virginia, 1950, as amended, the Governing Body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape, and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

- 101.01 The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, floodplain, and other specific uses.
- 101.02 The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures.
- 101.03 The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and in use.
- 101.04 The excavation or mining of soil or other natural resources.

102.00 AUTHORITY TO ESTABLISH SUBDIVISION REGULATIONS

Whereas, by act of the General Assembly of Virginia, as recorded in the Code of Virginia, 1950, as amended, as Article 7, Sections 15.2-2240 through 15.2-2276, requires the Board of Supervisors of Bath County, Virginia, hereinafter referred to as the "Governing Body," adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the County, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light, and air, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity including reasonable regulations and provisions that apply to or provide:

- 102.01 For size, scale, and other plat details.
- 102.02 For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage.
- 102.03 For adequate provisions for drainage and flood control and other public purposes, and for light and air.

- 102.04 For the extent to which and the manner in which streets shall be graded, graveled, or otherwise improved and water, storm, sanitary sewer, and other public utilities or other community facilities are to be installed.
- 102.05 For the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, water line as a part of a public system, or other improvement, financed or to be financed in whole or part by private funds, only if the owner or developer: (1) certifies to the Governing Body that the construction costs have been paid to the person constructing such facilities; or (2) furnishes to the Governing Body a certified check or cash escrow in the amount of the estimated costs of construction or personal, corporate, or property bond, with surety satisfactory to the Governing Body, in an amount sufficient for and conditioned upon, the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (3) furnishes to the Governing Body a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Governing Body as to the bank or savings and loan association, the amount and the form.
- 102.06 For monuments of specific types to be installed establishing street and property lines.
- 102.07 That unless a plat be filed for recordation within six (6) months after final approval thereof, or such longer period as may be approved by the Governing Body, such approval shall be withdrawn and the plat marked void and returned to the approving official.
- 102.08 For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated.
- 102.09 For payment by a subdivider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Such regulations

shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of stormwater runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended, shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment the Governing Body may provide for the posting of a personal, corporate, or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.

- 102.10 For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any express requirement contained in the Code of Virginia, 1950, as amended. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purpose of this subsection a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.
- 102.11 For the partial or complete release of any bond, escrow, letter of credit, or other performance guarantee required by the Governing Body under this section within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder unless the Governing Body notifies said subdivider or developer in writing of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of said thirty (30) day period; provided, however, that the Governing Body shall not be required to release such bond, escrow, letter of credit, or other performance guarantee in an amount to exceed ninety (90) percent of the actual cost of the construction for which the bond was taken until such facilities have been completed and accepted by the Governing Body or State agency. For the purposes of this subsection, a certificate of partial or final completion of such facilities from a duly licensed engineer or land surveyor, as defined in the Code of Virginia, 1950, as amended, Section 54.1-408, or from a department or agency designated by the local government may be accepted without further inspection of such facilities.

103.00 ENACTMENT

Therefore, be it ordained by the Governing Body for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22 of the Code of Virginia, 1950, as amended, that the following be adopted as the *Land Use Regulations of Bath County, Virginia*, incorporating the *Bath County Zoning Ordinance* as amended and *Subdivision Ordinance, Bath County, Virginia*, as amended.