

ARTICLE 9 SUBDIVISION REGULATIONS

901.00 SUBDIVISION REQUIREMENTS

Under the authority to establish subdivision regulations and the purposes, the regulations established herein constitute minimum requirements which shall apply to all subdivision, except as herein provided. The following statutory provisions shall be effective in the County of Bath.

902.00 STATUTORY PROVISIONS

The following statutory provisions shall be effective in the County of Bath:

9021 No person shall subdivide land without making and recording a plat of such subdivision in the office of the Circuit Court of Bath County and without fully complying with the provisions of this Article.

9022 No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local Commission or by the Governing Body or its duly authorized agent of the County of Bath wherein the land to be subdivided is located, or by the commissions, Governing Bodies, or agents, as the case may be, of each county or municipality having a Subdivision Ordinance, in which any part of the land lies.

9023 No person shall sell or transfer any land of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a Subdivision Ordinance applicable thereto or is a bona fide division in accordance with the authority provided by the Code of Virginia, 1950, as amended, Article 7, Sections 15.2-2240 through 15.2-2276.

~~9024 A parcel of land that has been previously subdivided cannot be further subdivided until a period of not less than 3 years have lapsed. This restriction shall not apply to family subdivisions (i.e., a parcel may be subdivided for a family member without waiting the 3 year time period, however, the parcel created for that family member cannot be subdivided until the 3 years have lapsed).~~

9025 Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred (\$500.00) dollars for each lot or parcel of land so subdivided or transferred or sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

9026 No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by Section 17-59 of the Code of Virginia, 1950, as amended, shall apply to any failure to comply with the provisions of this subsection. (Code

1950, Section 15-784, Section 15-785, Section 15-794.1; Code 1950 (Suppl.), Section 15-967.8; 1962, c. 407).

903.00 ADMINISTRATOR

903.1 The agent appointed by the Governing Body is hereby delegated to make recommendation to the Governing Body for approval or disapproval and to administer these Land Use Regulations. The agent is the Planning commission. Certain functions of the agent may be delegated to staff. To expedite routine handling of lot subdivisions, the Governing Body has delegated authority for their approval to the Zoning Administrator. All other subdivisions are to be considered for approval or disapproval by the Governing Body following recommendation by the agent.

903.2 *Duties.* The agent shall perform its duties as regards subdivisions and subdividing in accordance with these Land Use Regulations and the Code of Virginia, 1950, as amended.

903.3 *To Consult.* In the performance of its duties the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the Virginia Department of Transportation, the Health Department, and the Erosion and Sediment Control Plan Program.

903.4 *Additional Authority.* In addition to the regulations herein contained for the platting of the subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of these Land Use Regulations.

903.5 *Administration of Subdivision.* Figure 2 outlines the administrative process to be followed under the provisions of the Subdivision Regulations found in this Article.

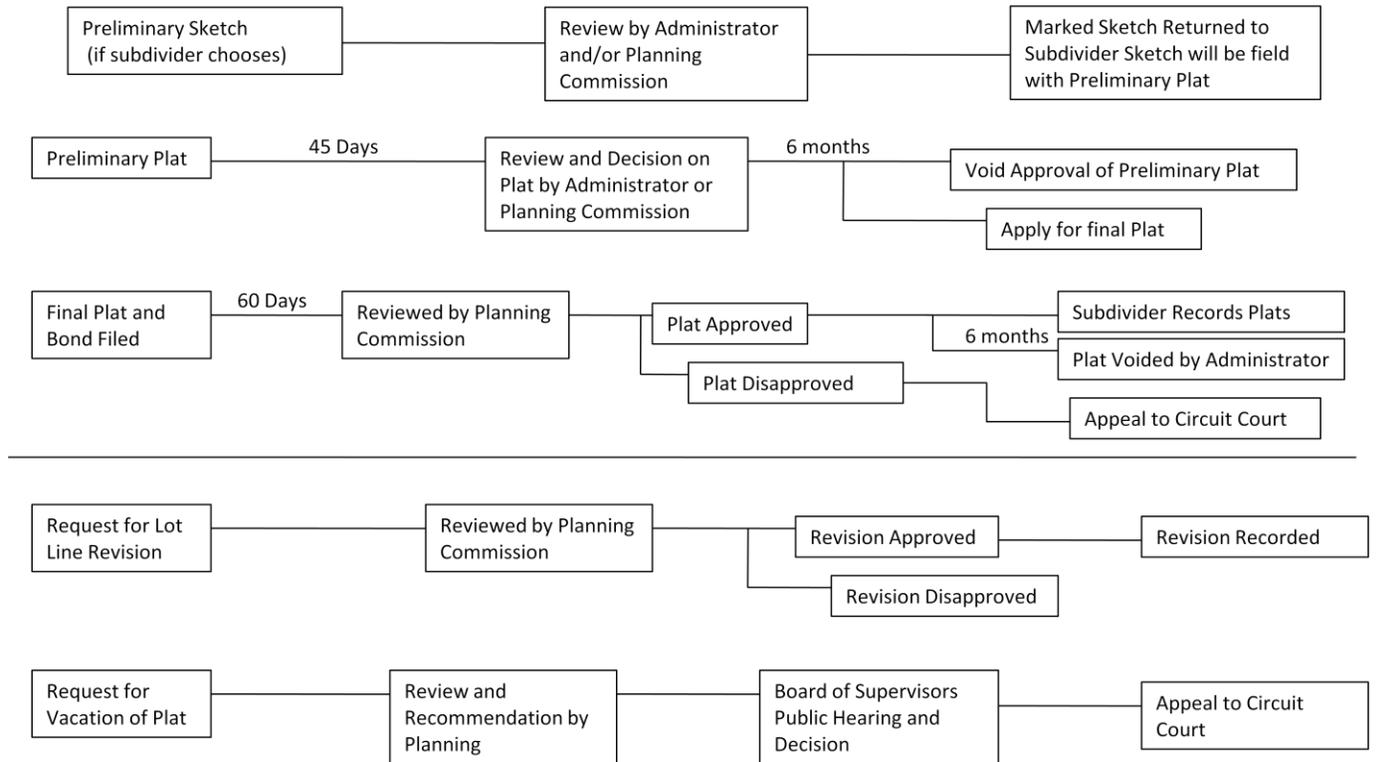
904.00 PROCEDURES FOR MAKING AND RECORDING PLATS

904.1 *Platting Required.* Any owner or developer of any tract of land situated within the County of Bath who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court of the County of Bath, Virginia. No such plat or description of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in these Land Use Regulations. No lot shall be sold in any such subdivision before the plat shall have been recorded.

904.2 In the event a plan for subdivision is disapproved by the Governing body, the subdivider may appeal to the Circuit Court.

FIGURE 2

Figure 2
Administration of Subdivision Regulations
Bath County



- 9043 ***Draw and Certify.*** Every such plat shall be prepared by a surveyor or civil engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon such plat a certificate signed by him setting forth the source of the description of the land subdivided. When the plat is of land acquired from more than one (1) source, the outlines of the several tracts shall be indicated upon such plat, within an insert block, or by means of a dotted boundary line upon the plat.
- 9044 ***Owner's Statement.*** Every such plat, or the deed of dedication to which such plat is attached, shall contain in addition to the surveyor's or civil engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any," which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the Clerk of the Circuit Court of the County of Bath, Virginia, and indexed under the names of the land owners signing such statement and under the name of said subdivision.
- 9045 ***Health Official Statement.*** Every such plat shall in addition to the above contain the following statement: "The foregoing subdivision plat entitled _____, dated _____, prepared by _____, is approved by the undersigned Health Official in accordance with Section 906.00 of the Bath County Land Use Regulations and may be admitted to record."
- 9046 ***No One Exempt.*** No persons shall subdivide any tract of land that is located within the County of Bath except in conformity with the provisions of these Land Use Regulations and Sections 904.04-1 and 904.04-2.
- 9047 The terms "standard subdivision" and "acreage subdivision" shall not include a bona fide division or partition of agricultural land for agricultural purposes or for a building site for members of the family owning any such agricultural lands. Such building site division shall meet or exceed the minimum land area requirements in the zoning district in which it is located. A plat of the division is required to be approved by the agent prior to recordation, however, if any such division involves the creation of a road to serve the division or partition, such road shall be identified as a private road;
- 9048 The terms "standard subdivision" and "acreage subdivision" shall not include a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing the provisions of the Subdivision Ordinance. A plat of the division is required to be approved by the agent prior to recordation, however, if any such division involves the creation of a road to serve the division or partition, such road shall be identified as a private road;

904.9 The agent may, however, permit the separation of one (1) parcel from a tract of land without complying with all requirements of these Land Use Regulations if it is not in conflict with the general meaning and purpose of these Regulations, however, if any such division involves the creation of a road to serve the division or partition, such road shall be identified as a private road.

904.10 Subdivisions submitted, within a three time period, comprising an aggregate of more than five (5) lots/parcels, **with a private septic system** shall comply with the following:

(a) Drainfields shall be located at least fifty feet (50') from the bank of any drainageway (including streams with seasonal and perennial flows);

(b) A minimum of three hundred feet (300') lot width at building (construction) site shall be maintained;

(c) Drainfields shall maintain a fifty feet (50') setback from any neighboring property line;

(d) The Health Department Official may require that a one hundred percent (100%) usable drainfield reserve be adhered to;

(e) For properties zoned as A-1 (Agricultural Limited District) the minimum lot size shall be ten (10) acres, unless the immediate building area is at a slope of less than twenty-five percent (25%) and with the proper documentation from the property owner showing the slope to be less than 25%, the minimum lot size may be reduced to five (5) acres;

(f) For properties zoned as A-2 (Agricultural General District) the minimum lot size shall be five (5) acres.

(g) *Family subdivisions (immediate member of family) shall be exempt from complying with (a) thru (f).*

(h) *Subdivisions comprising an aggregate of five (5) lots or less shall be exempt from complying with (a) thru (f). If a time period of more than three years has lapsed a further subdivision shall be granted, provided that there are no more than five parcels created within any three year time frame. If more than five parcels are created in any three year time period, sections (a) thru (f) must be adhered to.*

904.11 **Private Contracts.** These Land Use Regulations bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When these Land Use Regulations calls for more restrictive standards than are required by private contract, the provisions of these Regulations shall control.

904.12 *Necessary Changes.* No change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

904.13 *Restrictive Covenant to Certain Streets.* All streets designated as private streets or otherwise not intended to be added to the secondary system of state highways upon their completion shall be identified on the plat and each related deed of conveyance the following statement: "The street(s) depicted are not constructed to a standard acceptable to the Virginia Department of Transportation for acceptance as a part of the secondary system of state highways and will, therefore, not be maintained by that agency, or by the county, until such time as the construction is improved to a minimum standard acceptable to that agency for addition to the secondary system of state highways with said improvements being managed with funds other than those administered by that agency."

905.00 GENERAL REGULATIONS

The general specifications and requirements set forth in this section shall be followed:

905.1 *Access and Streets.* Access and street requirements vary by the type of subdivision proposed as follows:

905.01-1 *Standard Subdivision Streets.* For all standard subdivisions all streets shall be designed and constructed to "Virginia Department of Transportation Subdivision Street Requirements" standards. Ownership of the streets shall be public *unless waived by the Bath County Planning Commission* in which case the streets shall be platted as private streets subject to the provisions of 904.07;

905.01-2 *Acreage Subdivision Streets.* For acreage subdivision, streets shall be public and meet the "Virginia Department of Transportation Subdivision Street Requirements" *unless either or both requirements are waived upon recommendation of the BathCounty Planning Commission.* If the Commission recommends reduction of the standards or private ownership of the streets, plats shall clearly provide access and utility easements, in which case the streets shall be platted as private streets subject to the provision of 904.07;

905.01-3 *Lot Subdivision Access.* Plats for subdivision of single lots shall include an ingress-egress and utility easement of a minimum of fifteen (15) feet, which shall be platted as a private easement along with the covenant established under 904.07-1;

905.01-4 Plats for subdivisions with private streets shall clearly inform the purchaser of his responsibility for the construction, reconstruction, and maintenance of streets within the development. There shall be specific notation on the plat that streets will not be

incorporated into the State Highway System until the owners of the private street bring it to a condition meeting State subdivision street standards.

- 905.2 **Alleys.** Alleys should be avoided whenever possible. If permitted, the right-of-way will not be less than twenty (20) feet.
- 905.3 **Approach Angle.** All streets shall intersect at an angle of not less than eighty (80) degrees, unless otherwise approved by the Highway Engineer.
- 905.4 **Block Length.** The maximum length of blocks generally shall be twelve hundred (1,200) feet and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
- 905.5 **Block Orientation.** Where a subdivision adjoins a major road, the commission may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.
- 905.6 **Block Width.** Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property in which case the agent may approve a single tier of lots of minimum depth.
- 905.7 **Bond.** Before any subdivision plat will be finally approved, and before 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, waterline as part of a public system, or other improvements financed or to be financed in whole or in part by private funds, the owner or developer must: (1) certify to the Governing Body or its agent that the construction costs have been paid to the person constructing such facilities; or (2) furnish to the Governing Body or its agent a certified check, letter of credit cash escrow, or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Bath Governing Body or its agent, in an amount sufficient for and conditioned upon the construction of such facilities.
- 905.8 **Building Site.** To insure that residents will have sufficient land upon which to build a house which is flood free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of flood waters.
- 905.9 **Business or Industrial Blocks.** Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- 905.10 **Corner Lots.** Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the agent.

- 905.11 ***Cul-De-Sacs.*** Streets designed to have one (1) end permanently closed must be terminated by a turn-around facility of sufficient size to permit the reverse direction of commercial vehicles. All turn-around facilities shall be designed in accordance with the Subdivision Street Requirements of the Virginia Department of Transportation.
- 905.12 ***Dead-End Alleys.*** Dead-end alleys shall be avoided, but if unavoidable, shall be provided with adequate turn-around facilities as determined during the plat review.
- 905.13 ***Easements.*** The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines, and other utilities in the subdivision when required by the agent.
- 905.14 ***Erosion and Sedimentation Plan Required.*** At the time of filing the preliminary plat or a standard subdivision, an erosion and sedimentation control plan will also be filed in accordance with the *Bath County Erosion and Sediment Control Ordinance* and the provisions of the *Virginia Erosion and Sediment Control Handbook*. For areas of steep slope where runoff may endanger neighboring properties, additional erosion and control measures above minimum standards may be required by the agent as an additional precautionary method.
- 905.15 ***Fire Protection.*** The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary public water is available.
- 905.16 ***Flood Control and Drainage.*** If any portion of the proposed subdivision is determined by the agent to appear to be in the one hundred (100) year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the one hundred (100) year floodplain was considered in the layout of the subdivision. The subdivider shall also provide the plans for meeting the Statewide stormwater management criteria, or alternate criteria adopted by the Governing Body. The flood control and drainage information shall include a properly certified engineer's statement that such improvements, when properly installed, will be adequate to meet the criteria as applied to the proposed development.
- 905.17 ***Improvements.*** All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established by the Virginia Department of Transportation for streets, curbs, etc., such specifications shall be followed. The subdivider's performance bond shall not be released until construction, subject to Virginia Department of Transportation specifications, has been inspected and approved by the Highway Engineer. All improvements shall be in accordance with these Land Use Regulations.

- 905.18 ***Land Must Be Suitable.*** The agent shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.
- 905.19 ***Location Monuments.*** Location monuments shall be of approved commercial design or of permanent material, four (4) inch diameter or four (4) inch square and three (3) feet long with a flat top shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at angle points, and points of curve in each street. The top of the monument shall be set flush with the finished grade.
- 905.20 ***Lot Corner Monuments.*** All other lot corners shall be marked by a rod of permanent material not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long, or one-half (1/2) reinforcement rod twenty-four (24) inches long driven so as to be flush with the finished grade. When solid rock is encountered, drill a hole four (4) inches in the rock and cement a steel rod of at least one-half (1/2) inch diameter.
- 905.21 ***Lot Location.*** Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of said roads or streets to a width of fifty (50) feet.
- 905.22 ***Lot Shape.*** The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- 905.23 ***Lot Size.*** Lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is to be located as prescribed in Article 7.
- 905.24 ***Monuments Visible for Inspection.*** Upon completion of subdivision streets, sewers, and other improvements and prior to the issuance of Building Permits, the subdivider shall make certain that all required monuments are clearly visible for inspection and use. Such monuments shall be inspected and approved before any improvements are accepted by the Governing Body.
- 905.25 ***Mutual Responsibility.*** There is a mutual responsibility between the subdivider and the County to divide the land so as to improve the general use pattern of the land being subdivided.

- 905.26 **No Reserve Strips.** Unless otherwise approved by the agent and the Highway Engineer, there shall be no reserve strips intended to control access to public streets.
- 905.27 **Part of a Tract.** Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat.
- 905.28 **Paving Widths.** Paving widths shall be in accordance with regulations established by the Virginia Department of Transportation.
- 905.29 **Pit Privies.** Pit privies shall not be allowed in Standard or Development Subdivisions. Acreage and lot subdivisions may allow pit privies if all lots in the subdivision are over five (5) acres in area and all requirements of the Zoning Administrator and the Health Department are met.
- 905.30 **Plans and Specifications.** Ten (10) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by a registered engineer and shall be submitted to the agent for approval or disapproval within forty-five (45) days. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider within forty-five (45) days. If disapproved, three (3) copies shall be returned to the subdivider with the reason for disapproval in writing. In the event that the action is not taken in sixty (60) days, such subdivision shall be deemed approved.
- 905.31 **Private Streets.** Private streets are prohibited in platted subdivisions unless they are specifically approved during the plat review process in accordance with Section 906.00 and subject to the statements required on the plat and deeds as set forth in Section 904.07.
- 905.32 **Private Water and/or Sewer.** Nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities provided; however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulation having authority over such installations.
- 905.33 **Public Water.** Where public water is available, the service shall be extended to all lots within a subdivision (the costs of extension shall be at the Developer's expense) and the Developer shall be obligated to connect each lot to public water, where public water is available.
- 905.34 **Relation to Erosion and Sediment Control Laws.** The General Assembly has determined that the lands and waters comprising the watersheds of the State are great natural resources which are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control Law to control erosion and sedimentation from land-disturbing activities.

- 905.35 **Remnants.** Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots, or become the property of a homeowners association rather than allowed to remain as unusable parcels.
- 905.36 **Sanitary Sewers.** The agent may not approve any subdivision in which sanitary sewers are not provided for unless the agent shall receive from the Health Department a written approval of the lots within the subdivision in meeting the requirements of the Virginia Health Department for an approved sanitary sewage disposal system. Where public sanitary sewer is available, the service shall be extended to all lots within the subdivision (the costs of extension shall be at the Developer's expense) and the Developer shall be obligated to connect each lot to public sanitary sewer, where public sanitary sewer is available.
- 905.37 **Separate Ownership.** Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneous with the recording of the final plat. Said deed is to be deposited with the agent and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.
- 905.38 **Septic Tanks.** In subdivisions where septic tanks or individual wells are contemplated, the agent may require lot areas be greater than those required herein, if the Health Department determines that there are factors of drainage, soil condition, or other conditions to cause potential health problems.
- 905.39 **Service Drives.** Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
- 905.40 **Site Plan.** A required submission, prepared and approved in accordance with the provisions of Article X, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot.
- 905.41 **Street Alignment and Layout.** The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at

right angles. In all hillside areas streets running with contours shall be required not to intersect at angles of less than sixty (60) degrees, unless approved by the Highway Engineer.

905.42 ***Street Grades.*** The grades of streets shall be in accordance with specifications established by the Highway Engineer, and such grades as submitted on subdivision plats shall meet the grade maximums provided in the Virginia Department of Highways and Transportation Subdivision Street Requirements.

905.43 ***Street Identification Signs.*** Street identification signs of an approved design shall be installed at all intersections.

905.44 ***Street Names.*** Proposed streets which are obviously in alignment with other already existing and named, shall bear the names of the existing street. Failing to meet the above stipulations, in no case shall the name of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane, or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Governing Body.

905.45 ***Subdivision Development Included as Land-Disturbing Activity.*** The Code of Virginia includes the term subdivision development, along with activities disturbing land for commercial or noncommercial uses as land-disturbing activities. For purposes of these *Land Use Regulations*, the County of Bath defines land-disturbing activities as activities disturbing ten thousand (10,000) or more square feet of land for commercial or noncommercial uses.

906.00 APPROVAL OF PLATS

906.1 ***Approval Required Before Sale.*** Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the agent for the approval of the subdivision plat and submit ten (10) copies of the preliminary plat including the lot, street, and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the manner herein set forth.

906.2 ***Preliminary Sketch.*** The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing a detailed preliminary of final plat. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of these Regulations. Upon submission of any such preliminary sketch it shall be studied. The subdivider shall be advised where it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned with the preliminary plat. The preliminary sketch shall be as follows:

- 906.02-1 It shall be drawn on white paper or on a print of a topographic map of the property. It shall be drawn to an appropriate scale, i.e., two hundred (200) feet to the inch. It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
- 906.3 ***Preliminary Plat.*** The subdivider shall present to the agent ten (10) copies of a preliminary layout at an appropriate scale as required by the agent. The preliminary plat shall include the following information:
- 906.03-1 Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, north point, and scale;
- 906.03-2 Location of proposed subdivision by an insert map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing adjoining roads, their name or number, towns, subdivisions, and other landmarks;
- 906.03-3 The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2,500) total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract adjoining such boundaries;
- 906.03-4 All existing, platted and proposed streets, their names, number and width, existing utility or other easements, public areas, and parking spaces, culverts, drains and water courses, their names and other pertinent data;
- 906.03-5 All parcels of land to be dedicated for public use and the conditions of such dedication;
- 906.03-6 Topography at appropriate intervals when required by the agent;
- 906.03-7 Elevations of existing and proposed ground surface at all street intersections and points of major grade change along centerline of streets together with proposed gradelines connecting therewith;
- 906.03-8 Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply;
- 906.03-9 Provisions for collecting and discharging surface drainage and preliminary design of any structures that may be required (see E & S requirement).

- 906.4 ***Procedure for Review of Preliminary Plat.*** The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the Subdivision Ordinance and of these Land Use Regulations. The subdivider shall then be advised in writing within forty-five (45) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made; and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent shall require a bona fide estimate of the cost of improvements to be furnished him by the subdivider.
- 906.5 ***No Guarantee.*** Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.
- 906.6 ***Six Month Limit.*** The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with these Land Use Regulations. Failure so to do shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.
- 906.7 ***Final Plats.*** The subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon stable based material at an appropriate scale, i.e., one hundred (100) feet to the inch on sheets not exceeding seventeen (17) x twenty-two (22) inches in size. When a subdivision cannot be platted on a sheet of this size, it is suggested that it be platted in sections, numbering the sections numerically, as Section 1, 2, 3, etc. of the subdivision. It should show the following information:
- 906.07-1 Name of subdivision, magisterial district, county, State, tax map identification number of all parcels, including new parcel(s), owner, north point, scale of drawing and number of sheets. If shown on more than one (1) sheet, matched lines shall clearly indicate where the several sheets join. A blank oblong space of at least two (2) inches x four (4) inches shall be reserved for the use of the approving authority;
- 906.07-2 Location of proposed subdivision by an insert map at a scale of not less than one (1) inches equals two thousand (2,000) feet indicating thereon adjoining roads, their names or numbers, towns, subdivisions, and other landmarks;
- 906.07-3 A boundary survey with an error of closure within the limits of one in ten thousand (10,000) related to the magnetic north and showing the location of all monuments and their type of material. The survey may be related to the U.S.C.G.S. state grid north if the coordinates of one corner of the subdivision is shown;
- 906.07-4 Certificates signed by the surveyor or engineer setting forth the source of description of the land subdivided and the place of record;

- 906.07-5 A statement to the effect that the subdivision, as it appears in this plat, is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds along with statement for Health Department Official to acknowledge and approve;
- 906.07-6 When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash lines and identification of the respective tracts shall be placed on the plat;
- 906.07-7 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names or numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, watermains, manholes, and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
- 906.07-8 All dimensions shown shall meet the standards published by the State Board of Licensing;
- 906.07-9 The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearings;
- 906.07-10 *Engineers Certification.* A professional engineer or surveyor shall certify that all required facilities are designed and built to the requisite standards.
- 906.8 ***Consideration of Final Plats.*** The Planning Commission shall make a recommendation to the Governing Body on proposed final plats within sixty (60) days after it has been officially submitted. The Governing Body shall act on the proposed final plats within sixty (60) days after recommendation made by the Planning Commission by either approving or disapproving such plat in writing and giving with the latter specific reasons thereof. The specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat.
- 906.08-1 If the Commission fails to act on the proposed plat within sixty (60) days after it has been officially submitted for approval, the subdivider, after ten (10) days written notice to the Commission may petition the Circuit Court of the County to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper;

- 906.08-2 If the Governing Body disapproves a plat and the subdivider contends that such disapproval was not properly based on these Land Use Regulations applicable thereto, or was arbitrary or capricious, he may appeal to the Circuit court having jurisdiction of such land, and the Court shall hear and determine the case as soon as possible, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Governing Body;
- 906.08-3 The subdivider shall have not more than six (6) months after receiving final approval to file the subdivision plat for recordation. If a plat is not filed for recordation within the time limit such approval shall be withdrawn and the plat marked void and returned;
- 906.08-4 Before 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, waterline as part of a public system, or other improvement financed or to be financed in whole or in part by private funds, the owner or developer must: (1) certify to the Planning Commission that the construction costs have been paid to the person constructing such facilities; or (2) furnish to the Treasurer a certified check, letter of credit, cash escrow, or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Planning Commission, in an amount sufficient for and conditioned upon the construction of such facilities;
- 906.08-5 Should the County have accepted the dedication of a road for public use and such road is not acceptable into the secondary system of state highways due to factors other than its quality of construction, the County may require the subdivider or developer to furnish a maintenance and indemnifying bond or letter of credit with surety satisfactory to the Governing Body in an amount sufficient for, and conditioned upon, the maintenance of such road until such time as it is accepted into the secondary system of state highways;
- 906.08-6 *Recordation.* The recordation of such plat shall operate to transfer, in fee simple, to the Governing Body such portion of the premises platted as is on such plat set apart for streets, alleys, or other public use and to transfer to the County any easement indicated on such plat to create public right of passage over the same;
- 906.08-7 *Conditions.* The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with these Land Use Regulations, and has made satisfactory arrangements for performance bonds, cash or cash bond to cover the cost of necessary improvements to the satisfaction of the agent. Approval of final plat shall be written by the agent on the face thereof.

906.9

Vacation of Plat. A plat may be vacated by these Land Use Regulations of the Governing Body in which the land shown on the plat or part thereof to be vacated lies, on motion of one of its members, or on application of any interested person. Such Land Use Regulations shall not be adopted until after notice has been given as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of these Land Use Regulations is to be considered. An appeal from the adoption of these Land Use Regulations may be filed within thirty (30) days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal, the court may nullify these Land Use Regulations if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of these Land Use Regulations is filed within the time provided or if these Land Use Regulations is upheld on appeal, a certified copy of these Land Use Regulations of vacation shall be recorded in the Clerk's office of the court in which the plat is recorded.

906.09-1

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods: (a) by instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the Governing Body of the County in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of such vacation by the Governing Body. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the Clerk's office of any court in which said plat is recorded; (b) by these Land Use Regulations of the Governing Body on motion of one of its members or on application of any interested person. The vacation of a plat shall also comply with Section 15.2-2271 of the Code of Virginia, 1950, as amended. Such Regulations shall not be adopted until after notice has been given as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of these Land Use Regulations will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of these Land Use Regulations. An appeal from the adoption of these Land Use Regulations may be filed within thirty (30) days with the Circuit Court having jurisdiction over the land shown on the plat or part thereof to be vacated. Upon such appeal, the court may nullify these Land Use Regulations if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of these Land Use Regulations is filed within the time provided or if these Land Use Regulations is upheld on appeal, a certified copy of these Land Use Regulations of vacation shall be recorded in the Clerk's office of any court in which the plat is recorded.

907.00 ADVERTISING CLAUSES

907.01 *Subdivider's Advertising Requirement.* A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to whether or not officially approved water and sewage facilities are available.

908.00 EFFECTUAL CLAUSES

908.01 *Exceptions.* Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the agent with the reasoning, on which the departure was justified, set forth. No such variance may be granted by these Land Use Regulations which is opposed in writing by the County or Highway Engineer or Health Official.