

## SECTION 1 - PURPOSE AND TITLE

### 1.1 AUTHORITY (Amended 11/17/99)

An ordinance to regulate the subdivision of property into lots, streets, alleys, and other public areas, to provide for the making and recording of plats of such subdivision and the certification of same and provide for the approval of plats.

Whereas, by Article 7 of the Virginia Planning Act found in the Code of Virginia, 1950, as amended, Section 15.2-2240, et. seq., the governing body of Amelia County, Virginia, is authorized to adopt regulations to provide:

- a. For size, scale and other plat details;
- b. [Repealed];
- c. For the coordination of streets within the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage;
- d. For adequate provisions for drainage and flood control and other public purposes, and for light and air;
- e. For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewers and other utilities or other facilities installed,
- f. For the acceptance of dedication of public use of any right of way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, water line as part of a public system or other improvement, financed or to be financed in whole or in 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 persons 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 a 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 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; provided, however, in the event a governing body of a county, wherein the highway system maintained by the Virginia Department of Highways and Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the State Highway System, then such governing body may if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, 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 State Highway System or in lieu of such bond, a bank or savings and loan association, the amount and the form. "Maintenance for such road" shall be deemed to mean maintenance of the streets, curb, gutter, drainage facilities, utilities or other street

improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage;

g. For monuments of specific types to be installed establishing streets and property lines;

h. That unless a plat be filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body such approval shall be written and the plat marked void and returned to the approving official;

i. 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 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;

j. 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 improvements 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 adequately to 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 sewerage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewerage 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 corporate or property bond, cash escrow or other method of performance guarantee construction. Such bond, escrow or other guarantee posted in lieu of payment as completed by the governing body or a designated department or agency thereof; and

k. 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. 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. The provisions of this subsection shall apply only to subdivision ordinances adopted by counties.

l. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this section within

thirty 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, or its designated administrative agency, notifies said subdivider or developer in writing of non-receipt of approval by applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period.

Therefore, be it ordained by the Board of Supervisors of Amelia County, Virginia, that the following regulations are hereby adopted for the subdivision of land within Amelia County insofar as subdivision control is concerned, from and after the effective date of this ordinance. Every owner or proprietor of any tract as provided in these regulations shall cause a plat of such subdivision developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court wherein deeds conveying such land are required by law to be recorded.

## **1.2 PURPOSE**

The purpose of this ordinance is to establish certain subdivision standards and procedures for Amelia County, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the Code of Virginia, 1950, as amended. These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the County, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to developed areas must be provided. This ordinance assists the County in meeting these responsibilities.

## **1.3 TITLE**

This ordinance is known and may be cited as the "Subdivision Ordinance of Amelia County, Virginia."

## **SECTION 2 - ADMINISTRATION**

### **2.1 ADMINISTRATOR**

The agent appointed by the governing body is hereby delegated to administer this ordinance. In so doing, the agent shall be considered the agent of the governing body, and approval or disapproval as though it were given by the governing body. The agent shall also consult with the Planning Commission on matters contained herein.

### **2.2 DUTIES**

The agent shall perform his duties regarding subdivisions and land subdividing in accordance with this ordinance and Article 7 (Land Subdivision and Development) of the Code of Virginia, 1950, as amended.

### **2.3 TO CONSULT**

In the performance of his/her duties, the agent shall call for opinions from the resident highway engineer and the health officer, and may consult other Departments in considering details of any submitted plat.

### **2.4 ADDITIONAL AUTHORITY**

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

### **2.5 APPLICATION FOR EXEMPTION (Amended 2/19/97)**

Application for approval of divisions exempted from this ordinance shall be made prior to recordation of any such division. Application shall be made to the staff of the County Administrator. The application shall include a plat of survey certified and sealed by a registered surveyor, drawn to such scale and including such minimal information sufficient to satisfy the staff that the division qualifies as an exemption from this Ordinance.

### **2.6 RECORDATION OF EXEMPTION (Amended 2/19/97)**

No plat of any exemption to this Subdivision Ordinance shall be recorded unless and until it shall have been submitted to and approved as an exemption by the staff of the County Administrator. The plat of any such approved exemption shall contain a clearly visible indication that it is an exemption, and shall be dated and signed by a designated member of the County Administrator staff.

## **SECTION 3 - PROCEDURE FOR MAKING AND RECORDING PLATS**

### **3.1 PLATTING REQUIRED**

Any owner or developer of any tract of land situated within the County 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. No such plat 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 this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded. No building permit will be issued to any prospective developer of any tract, parcel, etc., if the property was illegally subdivided after the effective date of this ordinance and its amendments. A building permit may be issued if the noncompliance requirements are met. It shall be the responsibility of the agent to check with the clerk's office monthly to assure compliance.

In the event a plan for subdivision is disapproved by the agent, the subdivider may appeal to the governing body which may then override the recommendation of the agent and approve said plat.

### **3.2 DRAW AND CERTIFY**

Every such plat shall be prepared by a surveyor, duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place for record of the last instrument in the chain of title. When the plat is of land required from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.

### **3.3 OWNER'S STATEMENT**

Every such plat, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor'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 the plat, is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, of any", which shall be signed by the owners, proprietors, and trustees, and shall be duly acknowledged before some officer authorized to take acknowledgments for 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, and indexed under the names of the land owners signing such statement and under the name of the Subdivision.

### **3.4 NO ONE EXEMPT**

No person shall subdivide any tract of land that is located within the County except in conformity with the provisions of this ordinance.

**3.5 PRIVATE CONTRACTS**

This ordinance bears no relation to any private easement, covenant, agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contracts, the provisions of this ordinance shall control.

**3.6 NECESSARY CHANGES**

No changes, erasures or revision shall be made on any preliminary or final plat, nor any 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.

**3.7 FEES (Amended 6/29/04)**

There shall be a charge for the examination and approval or disapproval of every plat received by the agent. At the time of submitting for approval any plat required by this Subdivision Ordinance of Amelia County, the subdivider shall deposit with the agent a check, made payable to "Treasurer of Amelia County, " in amounts required by the fee schedule maintained in the agent's office. After holding public hearings as required by the Code of Virginia of 1950, as amended, the fee schedule may be amended from time to time to cover reasonable administrative costs incurred in the administration of this Subdivision Ordinance of Amelia County.

## **SECTION 4 - GENERAL REGULATIONS**

### **4.1 MUTUAL RESPONSIBILITY**

There is a mutual responsibility between the subdivider and Amelia County to divide the land so as to improve the general use pattern of the land being subdivided. All subdivisions and lots therein shall be in conformation with the Amelia County Zoning Ordinance, as amended.

### **4.2 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.

### **4.3 FLOODING**

Land subjected to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

### **4.4 INSTALLATION COSTS**

All required improvements shall be installed and/or constructed at the expense of the subdivider. In cases where specifications have been established by either the Virginia Department of Transportation, for streets, curbs, sidewalks, etc., or by local ordinances or codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer.

In addition, the subdivider shall be responsible for their pro rata share of the cost of providing reasonable and necessary sewerage, water and/or drainage facilities located outside the subdivision but necessitated or required, at least in part, by the construction or improvement of the subdivision; however, no such payment shall be required until such time as the County of Amelia or other public agency shall have established a general sewerage, water and/or drainage facilities required to adequately serve a related and common area when and if fully developed in accordance with an adopted comprehensive plan, shall be based on the total estimated volume and velocity of such sewerage, water and/or runoff from such area in its fully developed state and the percentage of such total shall be determined by the agent.

Each payment received for such off-site improvements 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. In lieu of such payment, the subdivider may post a corporate or property bond, cash escrow or other method of performance guarantee equal to the total payment due and satisfactory to the agent, conditioned upon payment at the commencement of such construction.

All improvements shall be made in accordance with the following requirements:

#### **4.4.1 Streets**

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality.

##### **4.4.1.1 Entrance to Public Road** (Amended 9/15/04)

All subdivision streets shall have direct access to, and connect with an existing publicly dedicated street or road. The arrangement of streets in new subdivisions shall make provisions 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 line of such property. Half streets should intersect at angles of not less than sixty (60) degrees, unless approved by the agent upon recommendation of the highway engineer.

Each entrance onto any public road for vehicular traffic to and from such subdivision shall be subject to the approval of the agent upon the advice of the Highway Department with the design standards of the Virginia Department of Transportation. In the case of any multi-laned, divided highway, no such entrance which is not directly opposite any crossover in the median of any such highway shall be permitted within 500 feet of any such crossover except upon findings by the agent that:

1. there is no other reasonably practical access to such subdivider except within 500 feet of any such crossover;
2. no reasonable means of alternative access is available to such subdivision; and
3. the provisions of an entrance within 500 feet of any such crossover will be consistent with the public health, safety and general welfare.

All subdivisions shall provide for a second public road access prior to recordation if the cumulative total of lots served is in excess of fifty (50). A third public road access shall be provided prior to the recordation of 251 lots accessed through the subdivision.

In addition, the County shall not issue more than fifty (50) or two hundred and fifty (250) building permits for lots accessed through the subdivision road until the subdivider or developer completes construction of a second or third public road access constructed in accordance with the design standards and specifications of VDOT.

The agent, in consultation with the VDOT Resident Engineer, may substitute a boulevard (median divided) entrance road as a second access where topography, environmental protection, exceptional narrowness, size or shape of a property would serve to prevent such second access point.

#### **4.4.1.2 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.

#### **4.4.1.3 Street Angle**

The angle of intersection between streets shall be as close to a right angle (90 degrees) as possible and in no case less than eighty (80) degrees, unless approved by the agent, upon recommendation of the highway engineer, for specific reasons of contour, terrain of matching or existing patterns.

#### **4.4.1.4 Minimum Widths**

The minimum width of proposed streets shall conform to the Virginia Department of Highways and Transportation's specifications of street width before acceptance into the secondary system.

#### **4.4.1.5 Construction Requirements** (Amended 11/14/07)

All subdivision streets or roads shall be constructed in accordance with the current Virginia Department of Transportation's (*VDOT*) secondary road specifications and requirements and shall be dedicated for public use.

All subdivision streets or roads shall also be constructed in accordance with the comprehensive highway access management standards and guidelines adopted in regulations by *VDOT* pursuant to § 33.1-198.1 of the Code of Virginia, as applicable. Such standards and guidelines address, among other things, the location, number, spacing and design of entrances, median openings, turn lanes, street intersections, traffic signals, and interchanges. When the state regulations and this ordinance are in conflict, the more stringent of the two standards shall apply.

Street or road construction shall commence no later than the time of issuance of the first building permit for a lot located on such streets or roads. Within twelve (12) months of the issuance date the street or road shall be built to a minimum of an all weather surface; and by the end of twenty-four (24) months, shall be completed to the *VDOT* standards with a request to *VDOT* for inspection for inclusion into the Virginia Secondary Highway System. Construction of the street or road shall be inclusive of its entire length from the point of connection with an existing *VDOT* street or road. Interior streets or roads adjoining the first street or road shall meet the same criteria.

If the deadlines required by this section are not met, then Subdivision Agent shall be authorized to (i) deny or suspend the final approval of any building permits for lots in the

subdivision applied for by the subdivider and initiate such actions as may be appropriate to use the financial guarantee provided under Section 4.4 to complete such streets or roads in accordance with VDOT standards, until such time as the subdivider is in compliance with this section.

#### **4.4.1.6 Cul-de-sacs (Amended 11-14-07)**

Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be no longer than one thousand (1000) feet from the last intersection to the beginning of the turn-around of not less than one hundred (100) feet in diameter.

The frontage at the street or road in a cul-de-sac shall be a minimum of thirty (30) feet and the width of the lot at the building setback line shall be in accordance with the requirements of the zoning ordinance. The minimum front setback line on a cul-de-sac in the R-3, R-5, and R-10 zoning districts shall be one hundred fifty (150) feet. The minimum front setback line for any lot on a cul-de-sac in the R-1, ER-1, and R-2 zoning districts shall be ninety-five (95) feet. All side and rear setbacks shall be in accordance with the requirements of the zoning ordinance. A maximum of six (6) lots may be created on any single cul-de-sac.

#### **4.4.1.7 Alleys**

Alleys shall be discouraged but may be permitted when deemed unavoidable by the Subdivision Agent. Dead-end alleys, if unavoidable, shall be provided with adequate turn-around facilities as determined by the Subdivision Agent.

#### **4.4.1.8 Driveways**

Driveways shall be a minimum of 10 feet wide with at least a 2-foot clearance on each side to provide adequate access for fire protection equipment.

#### **4.4.1.9 Names**

Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall be the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, land, 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.

#### **4.4.1.10 Identification Signs**

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

#### **4.4.2 Monuments**

As required by this ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments shall be

inspected and approved by the agent before any improvements are accepted by the governing body.

#### **4.4.2.1 Location - Concrete**

Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six (6) inches above finished grade.

#### **4.4.2.2 Location - Corner Marker**

All other corners shall be marked with either a steel rod one-half (1/2) inch or greater in diameter, or an iron pipe three-fourth (3/4) inch or greater in diameter, and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep into the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade.

#### **4.4.3 Water Facilities** (Amended 9/15/04)

Where public water is available, the service shall be extended to all lots within a subdivision, including fire hydrants by the subdivider, in accordance with the design standards and improvements in Amelia County, Virginia, and meeting the approval of the agent.

#### **4.4.4 Sewage Facilities** (Amended 9/15/04)

Where public sewerage facilities are available, the service shall be extended to all lots within a subdivision and septic tanks will not be permitted.

In case of a subdivision in which the size of lots are less than twenty-five thousand (25,000) square feet, a plan for the satisfactory and sanitary means of sewage disposal shall be submitted by the subdivider, subject to the approval of the health official.

#### **4.4.5 Private Water and/or Sewer**

Nothing in this ordinance shall prevent the installation of privately owned water and/or sewerage facilities in areas where public water and/or sewerage facilities are not available, provided, however, that such installations must meet all the requirements of the State Water Control Board, the State Health Department, and any other state or local regulation having authority over such installations. A special exception permit must be obtained prior to the installation of such facilities.

#### **4.4.6 Lot Size**

All lots shall be in conformance and compliance with the requirements of the Amelia County Zoning Ordinance, as amended.

#### **4.4.6.1 Lot Width and Depth**

As a general rule, the average width of a lot shall be no less than 20% of the average depth of the lot (1:5 ratio). Slight variations to this formula may be granted by the Subdivision Agent in order to prevent the creation of nonconforming lots, but in no event shall the width be less than the minimum frontage required by the Zoning Ordinance.

#### **4.4.7 Exceptions**

Greater lot areas may be required where individual sewage disposal systems or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The agent shall require that data from soil studies be submitted as a basis for passing upon subdivisions dependent upon individual sewage disposal systems as a means of sewage disposal.

#### **4.4.8 Storm Drainage Facilities**

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

#### **4.4.9 Buffers from Waterways**

A 50-foot buffer between any stream or waterway which has a designated FEMA 100-year floodplain and any primary structure or use shall be established.

#### **4.4.10 Fire Protection**

Adequate fire hydrants in a subdivision, at locations approved by the agent, shall be required, provided necessary public water is available. The location of the fire hydrants shall meet the National Board of Fire Underwriters specifications.

#### **4.4.11 Easements (Amended 2/17/99)**

The agent shall require that easements for drainage through adjoining property be provided by the subdivider. Permanent easements of no less than twenty (20) feet in width shall be provided for water, sewage, power lines, and other utilities in the subdivision when required by the agent.

#### **4.4.12 Bonding Requirements (Amended 11/14/07)**

Prior to the approval of any final plat, the agent shall require a performance guarantee for any improvements which are intended to be dedicated for public use and maintained by the County of Amelia, the Commonwealth of Virginia or any other public agency. Such performance guarantee shall be in one of the following forms:

1. A certified check made payable to Amelia County or cash escrow in the amount of the estimated cost of construction; or
2. A corporate bond with surety satisfactory to the agent in an amount sufficient for and conditioned upon the construction of such facilities; or
3. A letter of credit from a bank or savings and loan association designating certain funds for the construction of such facilities, satisfactory to the agent, as to the bank or savings and loan association, the amount and the form.

The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities.

No partial releases shall be permitted except for constructed portions of roadways that have been completed and accepted by the Virginia Department of Transportation for inclusion into the state secondary road system.

#### **4.4.13 Plans and Specifications**

Two (2) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by an engineer and shall be submitted to the agent who shall approve or disapprove it within sixty (60) days from the date submitted. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing.

#### **4.5 LOTS**

In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied:

##### **4.5.1 Shape**

The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building, and be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes. As a general rule, the average width of a lot shall be no less than 20% of the average depth of the lot (1:5 ratio). Slight variations to this formula may be granted by the Subdivision Agent in order to prevent the creation of nonconforming lots, but in no event shall the width be less than the minimum frontage required by the zoning ordinance.

##### **4.5.2 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.

#### **4.5.3 Corner Lots**

Corner lots shall have width sufficient for setback lines for both streets, as determined by the agent, so that visibility will be adequate. In no case, shall the setback be less than that required in the zoning ordinance.

#### **4.5.4 Side Lines**

Side lines of lots shall be approximately at right angles, or radial to the street line.

#### **4.5.5 Remnants**

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

##### **4.5.5.1 Remnant Parcels (Amended 10/15/03)**

All remnant parcels greater than forty (40) acres left over after subdividing of a tract are not required to be part of the subdivision but shall meet the requirements of Large Lot Developments. If the remnant parcel is further subdivided and does not qualify for subdivision exceptions then the further division shall conform to the requirements of the original subdivision created from the parent tract.

#### **4.5.6 Separate Ownership**

Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat.

Said deed is to be deposited with the Clerk of the Circuit Court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

#### **4.5.7 Business or Industrial**

Lots 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.

#### **4.5.8 Road Frontage (Amended 11/15/01)**

The road frontage requirements on lots fronting newly created roads and the first four (4) lots created by the subdivision shall conform to the requirements of the zoning classification of the whole tract. The first four (4) lots may be either flag lots or conform to the frontage requirements of the zoning classification of the whole tract. The road frontage required on lots fronting on existing public roads after the first four (4) lots shall be eight hundred (800) feet. The first four (4) lots created by the subdivision shall not be further subdivided unless all parcels of such division front on an internal street.

#### **4.5.9 Family Exemption** (Amended 7/27/00)

An exemption from the minimum lot size requirements on parent tracts will be permitted for immediate family member to provide a residential building site for such family member(s). These lots may be smaller than the zoning district area requirements but may be no less than two (2) acres in size. No immediate family member(s) may own more than one (1) such lot at a time. A family exemption cut may not be made if the owner(s) name is on the original deed as well as the subsequent deed.

#### **4.6 BLOCKS**

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

##### **4.6.1 Length**

The maximum length of blocks shall be seven hundred fifty (750) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet. A fifty (50) foot right-of-way shall be provided at the end of each block.

##### **4.6.2 Width**

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

##### **4.6.3 Orientation**

Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

#### **4.7 FLAG LOTS** (Amended 11/15/01)

The requirements for a flag lot are as follows: minimum front, side and rear yard setback requirements shall be met on the portion of the lot exclusive of the right-of-way; the minimum width of the right-of-way shall be fifty (50) feet; no more than one flag lot per right-of-way; no more than two (2) flag lot right-of-ways shall abut each other; and the access point of flag lot right-of-ways shall abut a public road right-of-way. The front property line is determined to be where the minimum frontage is obtained. The maximum length of the flag lot right-of-way shall not exceed one thousand (1,000) feet.

##### **4.7.1 Limit on Flag Lots**

Flag lots shall be limited to one (1) flag lot for each twenty-five (25) acres of subdivision size, or portion thereof.

Subdivision Size (total acres)	Max. Flag Lots Allowed
up to 25 acres	1
25.01 to 50 acres	2
50.01 to 75 acres	3
75.01 to 100 acres	4
etc.	

**4.7.2 Subdivision of Flag Lots**

Flag lots may be eligible for further subdividing only if the right-of-way is improved to the appropriate roadway standards as required by the classification of the subdivision created from the parent tract.

**4.8 LARGER SUBDIVISION REQUIREMENTS**

**4.8.1 Hydrogeologic Studies** (Amended 2/17/99)

**Purpose.** The objectives of hydrogeologic studies are to assess the adequacy of the available groundwater supply to support subdivision development; to project drawdowns that will result from groundwater withdrawals associated with subdivision development; to evaluate the potential impacts of such drawdowns on nearby groundwater users and surface waters; and to evaluate groundwater quality and contamination sources that may affect subdivision residents.

**General Requirements.** For subdivisions of 25 or more lots that are an average of less than 10 acres each and that will be served by individual domestic wells, a hydrogeologic study and report are required to be submitted to the subdivision agent and approved prior to approval of the preliminary plat.

For subdivisions of 25 to 49 lots, a Type I Hydrogeologic Study report, as defined herein, shall be prepared and submitted to the subdivision agent prior to approval of the preliminary plat. Such study report must be accepted and approved by the subdivision agent prior to approval of the preliminary plat.

For subdivisions of 50 lots or more, a Type II Hydrogeologic Study report, as defined herein, shall be prepared and submitted to the subdivision agent. Either a Type I or Type II Study report is required to be submitted for review prior to approval of the preliminary plat. If a Type I Study report is submitted and approved prior to the preliminary plat approval, the required Type II Study report need not be submitted until after preliminary plat approval and prior to approval of the final plat.

If a Type II Study report is submitted and approved for a proposed subdivision in accordance with the above requirements, a Type I Study is not required for that subdivision.

The number of lots that determine which of the above requirements apply shall include all lots subdivided or proposed to be subdivided from any single parent tract, subsequent to the date of adoption of these requirements, within any five year period.

**Qualifications.** Type I and Type II Hydrogeologic Studies shall be directed and the reports certified on behalf of the applicant, by a Virginia certified professional geologist or licensed professional engineer who is experienced in performing groundwater studies.

**Type I Hydrogeologic Study.** The primary objectives of the Type I Hydrogeologic Study are to:

- 1) assimilate readily available information regarding on-site hydrogeology, groundwater quality and groundwater use,
- 2) identify hydrogeologically unfavorable sites, and
- 3) determine whether the site hydrogeologic conditions are sufficiently favorable to justify additional investigation.

For a Type I study, the applicant shall review existing information, including but not limited to geologic and hydrogeologic reports, topographic and geologic maps, aerial photographs, well data, contamination data, and related reports, and shall perform a detailed site inspection. Recommended reference and data sources include the U.S. Geological Survey, the U.S. Environmental Protection Agency, the Virginia Department of Environmental Quality and the County Health Department.

The Type I study and report shall include the following:

- 1) A topographic map (1"=2000' or larger scale) showing the site boundary and surrounding area (at least 2,000 feet beyond site boundaries in all directions).
- 2) An aerial photograph showing the subdivision property and surrounding area, the subdivision boundary and mapped fracture traces and lineaments located on the subdivision property and within 500 feet of the subdivision perimeter.
- 3) A written description of the proposed subdivision, including information on property acreage and the number, size and distribution of proposed residential lots.
- 4) A geologic map based on available reference materials and site inspection at a scale suitable to indicate the rock formations of proposed residential lots.
- 5) A written discussion of site hydrogeology, including the distribution and hydraulic properties of local geologic formations, well yield and depth data, local groundwater use and impacts, and the relationship between local groundwater and surface water.
- 6) A quantitative analysis of groundwater recharge based on review of the literature and/or calculation of recharge using standard methods, and a comparison of calculated recharge to projected withdrawals associated with subdivision development.

- 7) An analysis, using standard methods, of the magnitude and extent of drawdowns that will result from groundwater withdrawals at the subdivision and of the potential impact of such drawdowns on nearby groundwater users and surface waters.
- 8) A discussion of existing groundwater quality and known or potential contamination sources, such as underground storage tanks at gasoline stations, dry cleaning establishments, graveyards, septic fields, farm dumps, and other such sites.
- 9) An analysis of potential impacts to groundwater quality that may accompany subdivision development, such as nitrate loadings associated with septic effluent.
- 10) A subdivision plan (1"= 600' or larger scale) showing proposed lot layout, existing and proposed roads and proposed well locations, existing and proposed septic fields, potential pollution sources within 2,000 feet of the subdivision boundary, the 100-year floodplain and 5 foot topographic contours.
- 11) A preliminary written conclusion regarding the suitability of groundwater resources to support the proposed subdivision development.

Three (3) copies of the Type I Hydrogeologic Study report shall be submitted to the County Subdivision agent in conjunction with submission of the preliminary plat.

**Type II Hydrogeological Study.** For a Type II Study, the steps required by the applicant and the information included in the report shall include the following:

- 1) Submit a brief Type II Hydrogeologic Study proposal to the County subdivision agent for review and approval prior to applying for well permits. The proposal shall include a map (1"=2,000' or larger scale) showing the proposed subdivision layout and test well locations. The test wells shall be clustered in groups of two or three wells on adjacent lots, and the test well clusters shall be distributed in representative topographic/hydrogeologic areas of the subdivision.
- 2) After review and approval of the study proposal by the County subdivision agent, the applicant shall drill the test wells in accordance with the approved study proposal. Any physical or chemical alteration of geologic materials or structures such as hydraulic fracturing, use of explosives or addition of chemicals, to increase the yield of test wells shall be prohibited prior to the pump test required herein.
- 3) Test wells shall be drilled in accordance with County requirements for individual domestic wells. The number of test wells required is shown in Table 1.

**Table 1  
Number of Test Wells Required**

<b>Number of Lots In the Subdivision</b>	<b>Number of Test Wells Required</b>
50-60	5
61-70	6
71-80	7
81-90	8
91-125	9
Greater than 125	9 plus 6% of additional lots

At the County's discretion, the applicant may be required to drill replacement wells for any test wells that yield less than one gallon per minute (gpm).

4) A geologic log for all test wells shall be completed. The log shall include a lithologic description based on examination of drill cuttings at no less than 20-foot intervals (samples can be retained by the driller for subsequent examination), identification of fracture zones and yields observed during drilling, and well depth and construction information. Completed geologic logs, well completion forms (#GW2, prepared by the driller) shall be included as report appendices.

5) A 7-hour pump test shall be conducted, and water-level recovery in the pump well shall be monitored for at least one (1) hour at each test well.

a) The initial pumping rate shall be 75% of the yield estimated by the driller, but shall not be less than 1 gpm and need not exceed 18 gpm. The pumping rate shall be measured using a flowmeter, orifice weir, or other approved device. A pressure gauge, instantaneous rate flowmeter, piezometer tube, or other device shall be used to facilitate the ability to maintain a constant pumping rate, even as drawdown occurs in the pumping well.

b) The pumping rate shall be controlled using a gate valve or other suitable means, and shall be carefully measured and documented during the test. If it becomes necessary to change the pumping rate during the test, such changes shall be made in steps and the time and change in pumping rate shall be documented.

c) Pumped water shall be piped to a discharge location that is at least 100 feet away from the pumping well. Consideration shall be given to site topography, drainage features and the location of observation wells

to minimize the potential for recharge of this water to affect groundwater levels during the aquifer test.

d) The water level in the pumping well and the two nearest test (observation) wells shall be measured throughout the pumping test at a frequency sufficient to define the time-drawdown curve at each location. Water-level measurements shall be made using an electric water level probe or a pressure transducer/data logger setup. Measurements in the pump well shall be made through a piezometer tube that extends into the water column. The frequency of measurements in the pump well shall be at least every minute for the first 10 minutes, every 10 minutes through 100 minutes of pumping, and every 50 minutes until the end of pumping. The water level in the pump and observation wells shall be measured prior to the initiation of pumping to allow calculation of drawdowns.

e) The recovery of water level in the pump well shall be measured and documented immediately following the cessation of each pumping test. Water level measurements shall be taken at least every 5 minutes for a 60 minute period.

f) All aquifer test data, including recovery data, shall be analyzed using standard well hydraulics solutions. Raw data, time drawdown plots, and analyses of formation hydraulic properties (e.g. transmissivity and storage coefficient) shall be included as an appendix to the Type II Hydrogeologic Study report and discussed in the report. The use of well hydraulic analysis software, such as AQTESOLV is considered desirable.

6) One groundwater sample shall be taken after at least 4 hours of pumping during each pumping test for chemical analysis of the potential contaminants listed in Table 2, or an equivalent set of potential contaminants approved by the County. The samples shall be preserved and analyzed in accordance with standard method requirements. In addition, at least two samples per subdivision site shall also be analyzed for the presence of methyltert butyl ether (MTBE).

**Table 2**  
**Potential Contaminants for Chemical Analysis**

**Inorganic Chemicals - Metals**

Aluminum	Copper	Nickel
Arsenic	Iron	Selenium
Barium	Lead	Silver
Cadmium	Manganese	Sodium
Chromium	Mercury	Zinc

### Inorganic Chemicals - other, and physical factors

Alkalinity	Nitrite as N	Total Dissolved Solids
Chloride	Sulfate	Turbidity
Fluoride	Hardness	Corrosivity
Nitrate as N	PH	Foaming Agents

### Organic Chemicals - trihalomethanes

Bromoform	Dibromochloromethane
Bromodichloromethane	Total Trihalomethanes
Chloroform	

### Organic Chemicals - Volatiles

Benzene	Cis-1,3-Dichloropropene	Ethylbenzene
Vinyl Chloride	Dibromomethane	Ethylenedibromide (EDB)
Carbon Tetrachloride	1,2-Dichlorobenzene	Styrene
1,2 Dichloroethane	1,3 Dichlorobenzene	1,1,1,2-Tetrachloroethane
Trichloroethene	Dichlorodifluoromethane	1,1,2,2-Tetrachloroethane
1-4 Dichlorobenzene	1,1-Dichloroethane	Tetrachloroethene (PCE)
1-1 Dichloroethene	Trans-1,2-Dichloroethene	1,2,4-Trichlorobenzene
1,1,1-Trichloroethane	Cis-1,2-Dichloroethene	1,1,2-Trichloroethane
Bromobenzene	Dichloromethane	Trichlorofluoromethane
Bromomethane	1,2-Dichloropropane	1,2,3-Trichloropropane
Chlorobenzene	Trans-1,3-Dichloropropene	Toulene
Chloroethane	1,3-Dichloropropane	Xylene
Chloromethane	2,2-Dichloropropane	
2-Chlorotoluene	1,1-Dichloropropene	
4-Chlorotoluene	Dibromochloropropane (DBCP)	

### Organic Chemicals - Pesticides, Herbicides and PCBs

Alachlor	Heptachlor	Pentachloronitrobenzene
Atrazine	Heptachlor Epoxide	Silvex (2,4,5-TP)
Chlordane	Hexachlorobenzene	Simazine
Aldrin	Hexichlorocyclopentadiene	Toxaphene
Dichloran	Lindane	Trifluralin
Dieldrin	Methoxychlor	2,4 -D
Endrin	PCBs	

### Other

Coliform

7) A hydraulic head survey shall be performed on a day when well water levels have recovered from pumping and an interpreted hydraulic head map shall be included in the report.

8) A table shall be included in the report that provides the following information for each well:

- a) Well lot identification
- b) Virginia Planar grid coordinates
- c) Estimated well yield
- d) Total well depth
- e) Depth of casing
- f) Measured hydraulic head

9) Upon completion of all testing, the applicant shall protect each well by installing a steel well cap or by welding a piece of flat steel that completely seals the well casing, and placing a seven foot steel fence post beside the well casing to ensure visible identification of the well.

Three (3) copies of the Type II Hydrogeologic Study report shall be submitted to the County subdivision agent in conjunction with submission of the preliminary or final plat, in accordance with the provisions of the preceding General Requirements of this Section.

The applicant may request a waiver or modification of the Type II Hydrogeologic Study requirements. Such a request shall be submitted in writing to the County subdivision agent and shall specify the nature of and justification for the requested modification or waiver.

At the County's discretion, it may permit the applicant to eliminate one required test well in return for each groundwater monitoring well provided. Any such monitoring well shall be identified on the subdivision plat and shall be served by an access easement providing the County with unlimited rights of access for monitoring purposes.

#### **4.8.2 Dry Hydrants**

For any subdivision of 25 lots or more which is proposed to be served by individual wells, a plan to install dry hydrants must be submitted as part of the preliminary plat.

#### **4.9 COMMERCIAL SUBDIVISION REQUIREMENTS (Amended 9/15/04)**

Commercial subdivisions shall follow the requirements of the Amelia County Subdivision Ordinance.

## **SECTION 5 - APPROVAL OF PLATS**

### **5.1 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 three (3) copies of the preliminary plat including the lot, street, and utilities layout. No lot shall be sold until the final plat for the subdivision shall have been approved and recorded in the following manner:

### **5.2 PRE-APPLICATION CONFERENCE**

Prior to the submission of a preliminary plat of any proposed subdivision within the jurisdiction of the County of Amelia, the subdivider shall make known his/her intentions to the agent. During this application phase, the following actions shall be taken:

#### **5.2.1 Application**

The subdivider, or his/her representative, shall file an application to subdivide with the agent. The application shall establish the subdivider's intentions to subdivide.

#### **5.2.2 Preliminary Conference**

The subdivider, or his/her representative, shall meet informally with the agent in order to present a general outline of his/her proposal, including but not limited to:

1. Existing physical features such as contour lines, natural drainage ways, swamps, and wooded areas.
2. Existing easements and covenants affecting the property.
3. Surrounding land uses, streets and existing buildings.
4. Sketch plans for the entire tract (in development phases) and a written description regarding future land uses, street and lot arrangement, number of lots, and tentative lot sizes; preliminary proposals regarding water supply; sewage disposal, surface drainage, street improvements and land to be dedicated for public streets and other public uses.
5. Whenever part of a tract is proposed for platting and it is apparent that the intention is to subdivide additional parts in the future, a sketch plan shall be included showing the intended subdivision of the entire tract.
6. Evidence of consultation with, and tentative approval of, public utility companies concerned.
7. A map drawn showing the location of various soil types underlying the property, coded as to their limitations on septic tank absorption fields, to a scale not smaller than 1 inch:1,320 feet.

### **5.2.3 Action by the Subdivision Agent**

The agent shall discuss the proposed subdivision with the subdivider and advise him/her of procedural steps, design and improvement standards and general plat requirements. The agent shall then proceed with the following investigations:

1. Advise the subdivider of existing County Plans which might affect the proposed subdivision.
2. Check the existing zoning of the tract and make recommendations if a zoning change is necessary and/or desirable.
3. Study the adequacy of existing or proposed schools, parks, and other public facilities and utilities.
4. Inspect the site or otherwise determine its relationship to existing and proposed streets, utility systems and adjacent land uses and determine any unusual problems in regard to topography, utilities, soils, flooding, access, etc.
5. Upon completion of investigations described above the agent shall advise the subdivider in writing of any necessary changes to his/her sketch plan. The subdivider shall be requested to prepare and submit a preliminary plat.

### **5.3 PRELIMINARY PLAT**

The subdivider shall present to the agent three (3) prints of a preliminary layout at a scale of one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

#### **5.3.1 Name**

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

#### **5.3.2 Location**

Location of proposed subdivision by an insert map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions, and other landmarks.

#### **5.3.3 Boundary**

The boundary survey or existing survey of record provided the survey used shows a closure with an accuracy of not less than one in twenty-five hundred; including 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 and adjoining such boundaries.

#### **5.3.4 Existing Improvements**

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

#### **5.3.5 Drainage**

The complete drainage layout, including all pipe size, type, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage.

#### **5.3.6 Cross Section**

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

#### **5.3.7 Contour Map**

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

#### **5.3.8 Flood Plain and Drainage Course**

When any stream or substantial surface drainage course is located in the area being subdivided, provisions shall be made for an adequate easement along the stream or drainage course for the purpose of widening, deepening, relocating, improving, or protecting the streams or drainage courses for drainage purposes. Such easements shall not be considered part of required street widths. No plat of a subdivision shall be approved without provision for adequate drainage. To insure development of lots containing sufficient land upon which to place structures without impeding natural drainage, the subdivider shall provide elevation and flood profiles as may be required. When property lies within the 100-year flood plain (ZONE A), the extent of the flood plain shall be shown on the plat.

#### **5.3.9 Connection to Public Facilities**

Proposed connections with existing sanitary sewers and existing water supply or alternate means for sewage disposal and water supply.

#### **5.3.10 Dedicated Public Land**

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

#### **5.3.11 Soil Erosion Compliance**

No final subdivision plat shall be approved until the subdivider has obtained a soil erosion and sedimentation control permit, as required by the Amelia County Soil Erosion and Sedimentation Control Ordinance.

### **5.3.12 Time Limit on Preliminary Plats (Amended 11-14-07)**

Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon ninety days' written notice by certified mail to the subdivider, the planning commission or subdivision agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat. Code of Virginia, § 15.2-2260

## **5.4 PROCEDURE**

The agent or appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. 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 estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent or preferably may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

## **5.5 NO GUARANTEE**

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

## **5.6 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 this ordinance. Failure to do so shall make the preliminary approval null and void. The agent may, upon written request by the subdivider, grant an extension of this time limit.

## **5.7 FINAL PLAT**

Five (5) unfolded copies of the final subdivision plats shall be submitted to the Subdivision Agent for final approval by the governing body and other appropriate agencies and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of one hundred (100) feet to the inch on sheets having a size of eighteen

(18) inches by twenty-four (24) inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

**5.7.1 Signature Area**

An oblong space three (3) inches by five (5) inches shall be reserved for the use of the approving authorities. Date and signature lines for the Virginia Department of Transportation, Amelia County Health Department and the Subdivision Agent shall be drawn and labeled.

**5.7.2 Source of Title**

Certificates signed by the surveyor setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

**5.7.3 Subdivision Statement**

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

**5.7.4 Multiple Sources of Title**

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.

**5.7.5 Location and Dimension Information**

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

**5.7.6 Distance and Bearings**

Distance and bearings must balance and close with an accuracy of not less than one in ten thousand.

**5.7.7 Curve Data**

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

**5.7.8 Setback Lines** (Amended 11/15/01)

The setback lines for all lots located on cul-de-sacs shall be shown.

## **5.8 CONDITIONS**

The final plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, prior to construction, to the satisfaction of the agent. Approval of the final plat shall be written on the face of the plat by the agent, and the subdivider shall be advised in writing within forty-five (45) days, which may be by formal letter or by legible markings on the subdivider's copy of the final plat. The subdivider shall record the final plat within sixty (60) days after final approval; otherwise the agent shall mark the plat "void" and return same to the subdivider.

### **5.8.1 Traffic Impact Analysis (Amended 11-14-07)**

Within 10 days of submitting a subdivision plan or site plan, the applicant shall submit to the County and the Virginia Department of Transportation a traffic impact analysis for any proposed plan or plat that will have a significant impact on state-controlled highways as defined by state regulations. All traffic impact analyses shall comply with §15.2-2222.1 of the Code of Virginia and Department regulations (24VAC30-155-10 et seq.), as may be amended.

**SECTION 6 - ADMINISTRATIVE REVIEW OF SINGLE CUT SUBDIVISIONS,  
SUBDIVISION EXCEPTIONS, LARGE LOT DEVELOPMENTS, FAMILY  
DIVISIONS,  
AND CHARITABLE EXCEPTIONS**

**6.1 PURPOSE** (Amended 12/16/09)

The purpose of this section is to delineate special administrative procedures and requirements which will be applied to review of plats of Single Cut Subdivisions, Subdivision Exceptions, Large Lot Developments, Family Divisions, and Charitable Exceptions.

**6.2 SINGLE CUT SUBDIVISION**

**6.2.1 Intent** (Amended 11/16/2005)

The provisions of this Section shall apply to Single Cut Subdivisions. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the Zoning Ordinance.

The deed and plat of each lot in a private street Single Cut Subdivision shall carry a restrictive covenant to the effect that the streets in the subdivision are private in nature and shall not be maintained by VDOT or other public agency and that the maintenance and improvements thereof shall be the mutual obligation of the landowner in the developments abutting said roads that such private roads shall not be taken into the state highway system unless and until the abutting landowners shall have constructed and dedicated the private roads in accordance with VDOT specifications, and, thereafter, the Amelia County Board of Supervisors shall have recommended that said road be taken into the State Secondary Road System.

The minimum right-of-way for a private street serving a Single Cut Subdivision shall be in accordance with Section 6.2.2 below. The private street shall be surfaced for all-weather use which shall consist of a minimum of six (6) inches of stone base. Private streets shall have a service width of at least eighteen (18) feet and shall provide drainage that meets all the requirements of Amelia County's Soil Erosion and Sedimentation Control Ordinance.

**6.2.2 Access** (Amended 11/15/01)

A Single Cut Subdivision of a lot that is further sub-dividable shall either abut a public road by a minimum of fifty (50) feet or have access to a public road via a fifty (50) feet dedicated access right-of-way or fifty (50) feet easement. If the lot is not further sub-dividable a minimum of a twenty (20) feet dedicated access right-of-way or twenty (20) feet easement can be used. In the B-1, B-2, M-1, and M-2 zoning districts a minimum of a thirty (30) feet access right-of-way or thirty (30) feet easement shall be required. No more than three (3) lots shall be served by a single easement.

**6.2.3 Plat Requirements**

The plat of a Single Cut Subdivision shall be drawn to scale and shall show the following:

- a) Date, scale and north arrow;
- b) Boundaries, dimensions, bearings and area of the new lots; provided that, any lot hereby created exceeding ten (10) acres in area may be platted by reference to a previously existing survey of the original parcel forming the basis of the Single Cut Subdivision, and a new survey shall not be required;
- c) Public road to which the lot has access;
- d) Zoning district;
- e) Surveyor's certificate and Surveyor's seal;
- f) Owner's consent statement

#### **6.2.4 Plat Approval**

Copies of the plat of a Single Cut Subdivision, the number of which shall be determined by the Subdivision Agent, or his designee, together with a completed application form, shall be submitted to the County Administrator's Office, who shall approve the plat for recordation within five (5) business days if it meets these requirements and the minimum lot size requirements of the Zoning Ordinance. If deficiencies are noted on the plat, it shall be marked disapproved and the reasons therefore shall be transmitted to the subdivider in writing.

### **6.3 SUBDIVISION EXCEPTIONS**

#### **6.3.1 Application for Exception**

Provided that such requirement is not otherwise contrary to law, application for approval of a division as a Subdivision Exception under this Ordinance shall be made prior to recordation of any such division. Application shall be made to the County Administrator's Office. The application shall include a plat of survey certified and sealed by a Surveyor, drawn to such scale and including such minimal information sufficient to satisfy the Planning Department that the division qualifies as a Subdivision Exception.

#### **6.3.2 Recordation of Exception**

Provided that such requirement is not otherwise contrary to law, no plat of any division qualifying as a Subdivision Exception shall be recorded unless and until it shall have been submitted to and approved within five (5) working days as a Subdivision Exception by the Subdivision Agent, or his designee. The plat of any such approved Subdivision Exception shall contain a clearly visible indication that it is a Subdivision Exception, and shall be dated and signed by a designated member of the County Administrator's Office.

### **6.4 LARGE LOT DEVELOPMENTS**

#### **6.4.1 General Information** (Amended 11/16/2005)

All divisions of forty (40) acres or more shall be considered a Large Lot Development. No lot in a Large Lot Development shall be less than forty (40) acres in area except for a Family Division created in accordance with Section 6.5 of this Ordinance.

A maximum of five (5) large lots can be created from a parent tract.

All lot and yard requirements of the Zoning Ordinance shall be satisfied. On Corner lots, where the side yard adjoins a street, the side yard setback shall be equal to the front yard setback.

**6.4.2 Remnants**

All parcels smaller than forty (40) acres remaining after subdivision of a tract shall be added to adjacent parcels or lots.

**6.4.3 Street Construction Requirements (Amended 11/16/2005)**

All streets serving Large Lot Developments shall be constructed according to Virginia Department of Transportation's Subdivision Street Requirements/Design Guidelines for Subdivision Streets and shall be dedicated for public use.

**6.4.4 Street Frontage (Amended 11/16/2005)**

All lots in a Large Lot Development shall have a minimum of one thousand (1,000) feet of frontage (that side of a lot abutting on a street; the front lot line) along an existing public street or shall have a minimum of eight hundred (800) feet of frontage along a new subdivision street. A Family Division created in accordance with Section 6.5.3.2 below shall have a minimum of three hundred and fifty (350) feet of frontage on a publicly maintained street or road.

**6.4.5 Separate Ownership**

Where the land covered by a development includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one 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 final plat until the sub-divider is ready to record same, and they both shall then be recorded together.

**6.4.6 Plat Requirements (Amended 11/16/2005)**

The plat of a Large Lot Development shall be governed by the same requirements for the plat of a Single Cut Subdivision as specified in Section 6.2.3. If new subdivision streets are proposed, the plat shall include sufficient information on the construction of such proposed streets to assure compliance with Section 6.4.3 above.

**6.4.7 Plat Approval (Amended 11/16/2005)**

Copies of a Large Lot Development plat, the number of which shall be determined by the Subdivision Agent, or his designee, shall be submitted to the County Administrator's office for review. If new subdivision streets are proposed, the Subdivision Agent shall forward the plat to the Virginia Department of Transportation for review and approval. The Subdivision Agent shall approve the plat upon determining that the development

meets the requirements of this Ordinance within forty-five (45) days. If the plat is not approved, the reasons therefore shall be transmitted in writing to the applicant.

## **6.5 FAMILY DIVISIONS**

### **6.5.1 One Division Limit** (Amended 11/17/99)

Only one such division shall be allowed during the lifetime of each family member of the donor or grantor without regard for ownership by the donor or grantor of differing tracts or parcels of land, and shall not be for the purpose of circumventing this Ordinance. Any further division beyond one cut for each family member shall be considered a subdivision subject to the provisions of this Ordinance. No more than three (3) lots shall be served by a single easement.

### **6.5.2 Immediate Family**

For the purposes hereof, a member of the immediate family is defined as any person who is natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the owner.

### **6.5.3 Restrictions** (Amended 5/17/2006)

1. Any lot hereby created other than in a Large Lot Development shall contain a minimum of two (2) acres to qualify as a Family Division and shall have a reasonable access right-of-way and/or easement twenty (20) feet wide providing ingress and egress to a publicly maintained street or road. The parcel from which the family division is made shall maintain the minimum lot size of the zoning district which it is located.
2. No lot in a Large Lot Development may be deeded as a Family Division unless said lot is ten (10) acres in size or larger and approved under the provisions of this Ordinance. The parcel from which the Family Division is made shall maintain the forty (40) acre minimum lot size for a Large Lot Development in accordance with Section 6.4.1 above.
3. No Family Division shall be made unless approved by the County Administrator or his designee. Approval shall be made within five (5) business days of the County Administrator's office receiving all appropriate information to determine the Family Division.
4. During the initial five (5) year period following the creation of lots by Family Division, no sale of any such lot shall be made to any person other than an immediate family member as defined in Section 6.5.2 above unless such lots are subject to an involuntary transfer such as by foreclosure, death, judicial sale, condemnation, or bankruptcy and such transfer is approved by the County Administrator. Furthermore, no building permit shall be issued to the recipient of any such lot if such recipient is not an immediate family member as defined in Section 6.5.2 above.
5. No Family Division shall be made in subdivisions recorded in the Amelia County Clerk's Office after August 8, 1988.
6. The following note shall be added to the Deed for a Family Division:

“The grantor desires to divide the parent parcel to create a Family Division lot under the authority of Amelia County’s Family Division provisions as found in Section 6.5 of the Amelia County Subdivision Ordinance. The grantee is an eligible “member of the immediate family” of the grantor as that term is defined in Section 6.5.2 of the Amelia County Subdivision Ordinance. The grantee shall not sell or convey the Family Division lot to a person other than an eligible “member of the immediate family” for a period of five (5) years from the date of recordation of this deed except as authorized by Section 6.5.3 of the Amelia County Subdivision Ordinance.”

## **6.6 Charitable Divisions (Amended 12/16/09)**

6.6.1 A division of one (1) parcel of land may be permitted for conveyance to a bona fide charitable organization. A “bona fide charitable organization” is defined as an entity holding a valid 501 (c)(3) designation from the Internal Revenue Service.

6.6.2. Charitable Exceptions may only be taken from the A-5 Agricultural District, RP-5 Rural Preservation District, RR-3 Rural Residential District and R-1 Residential District. Only one Charitable Exception may be taken from any parcel of land in Amelia County.

6.6.3 A Charitable Exception division from a parent tract shall not result in the loss of the property owner’s Single Cut Subdivision exception per Section 5 of this Ordinance.

6.6.4 A Charitable Exception parcel shall be the minimum acreage required for the A-5, RP-5, and RR-3 zoning districts, and one (1) acre in size for the R-1 zoning district unless serviced by public water and/or sewer. In the case of public water and/or sewage the lot size could decrease to 25,000 square feet and if both services are available and used the lot size could decrease to 15,000 square feet. The parcel from which the Charitable Exception lot is divided shall meet the minimum lot size for the zoning district in which it lies. All other lot requirements (for both lots) shall follow the Zoning Ordinance provisions for the zoning district in which the parcels lie.

6.6.5 Request for Charitable Exceptions shall be submitted to the County Administrator for consideration along with a conceptual plan showing the dimensions of the proposed Charitable Exception parcel and the residual parcel (from which it was divided), the standard of proposed dwelling to be constructed, and written evidence of a valid 501 (c)(3) designation.

6.6.6 The County Administrator shall review and provide to the Board of Supervisors such documentation and summary for the Boards approval.

6.6.7 The Board may impose conditions pertaining to the development of the property and may, at its discretion, allow a Charitable Exception parcel to access a state maintained road via exclusive dedicated easement. No fee shall be charged for a Charitable Exception request.

## **SECTION 7 - EFFECTUAL CLAUSES**

### **7.1 EXCEPTION**

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 this ordinance which is opposed in writing by the highway engineer or health official.

### **7.2 PENALTIES**

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this ordinance shall be guilty of a Class 1 misdemeanor, punishable by a fine of up to two thousand five hundred dollars (\$2,500) for each lot or parcel of land so subdivided or transferred or sold.

### **7.3 SEVERABILITY**

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

### **7.4 REPEAL**

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

### **7.5 AMENDMENTS**

This ordinance may be amended in whole or in part by the governing body, provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five (5) days prior to the hearing.

### **7.6 APPEALS**

Appeals of decisions made by the Subdivision Agent shall be made to the Amelia County Board of Supervisors.

## SECTION 8 - DEFINITIONS

### WORDS AND TERMS

For the purposes of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and area refer to measurement on a horizontal plane.

- 8.1 AGENT:** The representative of the governing body who has been appointed to serve as the agent of the board in approving the subdivision plats.
- 8.2 ALLEYS:** A permanent service way providing a secondary means of access to abutting properties.
- 8.3 BUILDING LINES:** The distance which a building is from the from the front lot line or front boundary line.
- 8.4 COMMISSION:** The Planning Commission of Amelia County, Virginia.
- 8.5 CUL-DE-SAC:** A street with only one outlet and having an appropriate turn-around for a safe and convenient reserve traffic movement.
- 8.6 DEVELOPER:** An owner of property being subdivided, whether or not represented by an agent.
- 8.7 EASEMENT:** A grant by a property owner of the use of land for specific purpose or purposes.
- 8.8 ENGINEER:** An engineer licensed by the Commonwealth of Virginia.
- 8.9 FLAG LOT:** A lot not fronting on a public road and where the access to the public road is by way of a narrow (minimum 50-foot width) deeded right-of-way.
- 8.10 GOVERNING BODY:** The Board of Supervisors of Amelia County, Virginia.
- 8.11 HEALTH OFFICIAL:** The health director or sanitarian for Amelia County, Virginia.
- 8.12 HIGHWAY ENGINEER:** The resident engineer employed by the Virginia Department of Highways and Transportation.
- 8.13 JURISDICTION:** The area or territory subject to the legislative control of the governing body.
- 8.14 LOT:** A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.

- 8.15 LOTS, CORNER:** A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.
- 8.16 LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.
- 8.17 LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two (2) streets.
- 8.18 LOT, INTERIOR:** A lot other than a corner lot.
- 8.19 LOT OF RECORD:** A lot which has been recorded in the office of the Clerk of the Circuit Court.
- 8.20 LOT, WIDTH OF:** The mean horizontal distance between the side lot lines.
- 8.21 PARENT TRACT:** A separate lot, tract, or parcel of land conveyed by deed, devised by will, or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by a plat, by metes and bounds or other legal description and recorded in the Amelia County Clerk's Office on or before August 8, 1988.
- 8.22 PLAT:** Includes the terms: map, plan, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used as a verb "plat" is synonymous with "subdivide."
- 8.23 PROPERTY:** Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 8.24 STREET:** The principal means of access to abutting properties.
- 8.25 STREET OR ALLEY, PUBLIC USE OF:** The unrestricted use of as specified area or right-of-way for ingress and egress to two or more abutting properties.
- 8.26 STREET, MAJOR:** Any existing or future street designated as a major street on an adopted Plan of Land Use and Major Thoroughfares or any heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic, exceeding five hundred (500) vehicles per day.
- 8.27 STREET, MINOR:** A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
- 8.28 STREET, SERVICE DRIVE:** A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
- 8.29 STREET, WIDTH:** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, and gutters.
- 8.30 SUBDIVIDE:** (Amended 9/15/04) The partition or division of land into two (2) or more lots, tracts, parcels, plots, sites, areas, units, interest or other divisions of land for the

purpose, whether immediate or future, of offer, sale, lease, transfer of ownership, building construction, development, or any land use. Subdivision applies to all forms of development including residential, commercial and industrial, and includes the division of land whether by deed, contract of sale, metes and bounds description, devise, intestacy, lease, map, plat or other instrument, or by act of construction or land use. Subdivision includes resubdivision and, when appropriate to the context, shall relate to the land subdivided.

All subdivisions shall be classified as either a subdivision or COMMERCIAL subdivision. Subdivision of lots on contiguous parent tracts by the same subdivider(s) or developer(s) shall be added together to determine the classification of the subdivision.

For the purpose of this Ordinance, all parcels of land platted, and/or deeded, and recorded within the County extant as of August 8, 1988, shall be considered as parent tracts. Successive single divisions of the parent tract, or portions of the parent tract, into two (2) or more tracts shall be considered an act of subdivision. The requirements of this Ordinance shall apply to parcels created or resulting from this act of subdivision.

**8.30.1 SUBDIVISION EXCEPTIONS** (See Section 6 of this Ordinance): The term "to subdivide" shall **not** include: (Amended 9/15/04)

1. The sale or gift of a lot or parcel of land to a member of the immediate family of the owner(s) for the purpose of providing a residential building site for such family member. A member of the immediate family is limited to grandparents, parents, spouse, siblings, children and grandchildren, natural or legal, of the owner; or
2. The formation of individual lots, provided the deed to such lots states that the property is to be merged with adjoining land for the exclusive purpose of increasing land area and adjusting shape. Properties so merged may not be considered as separate parcels and may not be used or sold individually, unless in agreement with prevailing county land development laws; or
3. The formation of cemetery lots.
4. Partitions of land by tenants in common, joint tenants, executors with the power to sell, and coparceners, whether by suit or by act of the owners. However, partitions of land must comply with the minimum lot size required by the parcel's zoning classification.
5. Any and all divisions of a parent tract which result in all lots being equal to or in excess of forty (40) acres.

**8.31 SUBDIVIDER:** An individual, corporation, or registered partnership, owning any tract, lot, or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, representing, or executing the legal requirements of the subdivision.

**8.32 SUBDIVISION:** (Amended 9/15/04) The division of a parent tract into parcels which do not qualify for subdivision exemptions. This designation shall also apply to all subdivisions of property not considered to be commercial subdivisions.

- 8.33 SUBDIVISION, COMMERCIAL:** (Amended 10/15/03) The division of a parent tract that has a business, commercial or industrial zoning designation and does not qualify for subdivision exceptions.
- 8.34 SURVEYOR:** An individual licensed by the Commonwealth of Virginia, in accordance with Section 17.1 of Title 54 of the Code of Virginia, 1950, as amended.
- 8.35 ZONING ORDINANCE:** The Amelia County Zoning Ordinance, amended.

### **EFFECTIVE DATE**

This ordinance was duly considered, following a required public hearing held on September 6, 1980, and was adopted by the Board of Supervisors of Amelia County, Virginia, at its regular meeting held on October 14, 1980.

**This ordinance shall be effective on and after 12:01 A.M., October 15, 1980.**