

COUNTY OF CHARLOTTE

APPENDIX B

SUBDIVISIONS* (Amended August 21, 2007)

Article 1. Title and Purpose

- Sec. 1. Title.
- Sec. 2. Purpose.
- Sec. 3. Intent.

Article 2. Jurisdiction, Authority, Enforcement and Penalty

- Sec. 1. Jurisdiction.
- Sec. 2. Authority.
- Sec. 3. Enforcement and penalty.

Article 3. Interpretation and Severability

- Sec. 1. Interpretation
- Sec. 2. Severability.
- Sec. 3. Saving provision.

Article 4. Definitions

- Sec. 1. Definitions.

Article 5. General Regulations

- Sec. 1. Necessary changes.
- Sec. 2. Fees.
- Sec. 3. Subdivision not exempt from other laws.
- Sec. 4. Transfers, sales and permits to build.
- Sec. 5. Suitability of land.
- Sec. 6. Floodplains.
- Sec. 7. Dedication and reservation of land.
- Sec. 8. Physical improvements.

***Editor's note**--Printed herein is the subdivision ordinance, as adopted by the board on November 10, 1992. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings, and catchlines have been made uniform and the same system of citation to state statutes as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross references--Businesses, ch. 22; cable communications, ch. 26; community development, ch. 30; manufactured homes and trailers, ch. 50; planning, ch. 54; schools, ch. 58; utilities, ch. 74.

State law references--Planning, subdivision of land and zoning, Code of Virginia, S. 15.2-2200 et seq.; land subdivision and development, Code of Virginia, S. 15.2-2240 et seq.; Subdivided Land Sales Act of 1978, Code of Virginia, S. 55-336 et seq.

Amended: May 17, 2005

- Sec. 9. Streets.
- Sec. 10. Monuments.
- Sec. 11. Family subdivision.
- Sec. 12. Facilities.
- Sec. 13. Vacation of plats.
- Sec. 14. Vested rights.
- Sec. 15. Facilities outside the subdivision.
- Sec. 16. Plans and specifications for utility fixtures and systems to be submitted for approval.

Article 6. Subdivision

- Sec. 1. Definitions
- Sec. 2. Subdivision name.
- Sec. 3. Improvements.
- Sec. 4. Bond.
- Sec. 5. Release of Bond.

**Article 7. Procedures for Plat Preparation and Approval
for All Subdivisions Except Family Subdivisions**

- Sec. 1. Preliminary phase.
- Sec. 2. Tentative plat.
- Sec. 3. Final plat.

Article 8. Variations, Exceptions and Amendments

- Sec. 1. General requirements.
- Sec. 2. Amendments.
- Sec. 3. Repeal.

ARTICLE 1. TITLE AND PURPOSE

Section 1. Title.

This ordinance shall hereafter be known, cited and referred to as the "Subdivision Ordinance of Charlotte County, Virginia,"

Section 2. Purpose.

This ordinance is adopted for the following purposes:

- a. To promote the public health, safety and general welfare;
- b. To establish standards and procedures for the orderly division, subdivision and resubdivisions of lots, tracts, and parcels of land in Charlotte County;
- c. To ensure proper legal description and proper monumenting of subdivided land;
- d. To ensure that purchasers of lots, tracts and parcels of land purchase a commodity that is suitable for the intended use;
- e. To provide for safe, legal, efficient and environmentally compatible ingress and egress to properties and neighborhoods;
- f. To facilitate the provision of adequate public facilitation, services and utilities in the safest, most efficient, economic, and environmentally compatible manner possible;
- g. To avoid undue congestion of land and streets;
- h. To facilitate the implementation of the official Charlotte County Comprehensive Plan;
- i. To implement Code of Virginia, §§ 15.2-2240 to 15.2-2279. **Amended: May 17, 2005**

Section 3. Intent.

These regulations are established with reasonable consideration for the existing character of the County with a view toward conserving the value of the land and buildings while providing the best possible environment for human habitation.

ARTICLE 2. JURISDICTION, AUTHORITY, ENFORCEMENT AND PENALTY

Section 1. Jurisdiction.

The subdivision regulations herein shall apply to the division, subdivision, or resubdivision of all lots, tracts, or parcels of land unless explicitly exempted by this Ordinance, situated either wholly or partly within the boundaries of Charlotte County, Virginia in accordance with Code of Virginia, § 15.2-2240 et seq.

Amended: May 17, 2005

Section 2. Authority.

The Board of Supervisors pursuant to the recommendation of the Planning Commission and public hearing held in accordance with Code of Virginia, § 15.2-2204, does hereby exercise the power conferred by

Code of Virginia, §§ 15.2-2240 to 15.2-2279, to ensure the orderly subdivision of land, and the power conferred by Code of Virginia, § 15.2-2223, to adopt a comprehensive plan for Charlotte County, and the general power as conferred under Code of Virginia, § 15.2-1200.

Amended: May 17, 2005

2.1 *County Planning Commission.* The Charlotte County Board of Supervisors confers the power to preliminarily approve or to disapprove subdivision plats to the Planning Commission as of the effective date of this ordinance, pursuant to Code of Virginia, §15.2-2258 et seq, and to recommend approval or disapproval to the Board of Supervisors of all final plats pursuant to this ordinance.

Amended: May 17, 2005

2.2 *The Board of Supervisors of Charlotte County.* The Charlotte County Board of Supervisors reserves the power to grant final approval of subdivision plats pursuant to Code of Virginia, § 15.2-2255, after final preliminary approval by and recommendation of the County Planning Commission.

Amended: May 17, 2005

2.3 *Subdivision agent.* The subdivision agent, appointed by the Board of Supervisors, is vested with the following responsibilities pertaining to subdivisions:

- a. Advise engineers, surveyors, subdividers, and the public regarding local procedures, standards and actions of the Planning Commission regarding review of subdivision plats;
- b. To notify the Planning Commission, Board of Supervisors and County Attorney whenever any provisions of this ordinance have been violated;
- c. Act as advisor to the Planning Commission regarding matters of plats review;
- d. Collect all review fees due the County of Charlotte and transfer to the Treasurer for deposit in the general fund;
- e. Act as technical administrator and coordinator to the Planning Commission;
- f. Submit tentative and final plats to the County Health Department and the Virginia Department of Transportation for approval;
- g. To act as agent, in conjunction with the Commissioner of the Revenue, the count to certify and authorize recordation of all plats offered for recordation before the Clerk of the Circuit Court of Charlotte County for the purpose of exemption from or compliance with the regulations governing subdivisions and stated herein. If such plat does not meet the definitions of subdivision as defined in Article 4, Section 1(II), both shall mark and sign the plat as follows:

NOT A SUBDIVISION

Signature of Agent

Date

- h. To affix his signature to a final plat after the approval of the subdivision by the Planning Commission County Health Department, Virginia Department of Transportation, and the Board of Supervisors, and the proper signature of each has been affixed to the plat. The purpose of this authority is to bring the approval process to a conclusion upon which a subdivision plat will be approved for recordation in Office of the Clerk of the Circuit Court of Charlotte County;

- i. To review, approve, and sign family subdivisions and mark and sign the plat as follows:

APPROVED FAMILY SUBDIVISION

Signature of Agent

Date

- j. Any and all decisions of the subdivision agent may be appealed to the Planning Commission within ten days of a decision by the subdivision agent.

2.4 *The County Health Department.* The County Health Department shall review the water supply and sewage disposal facilities to be provided on all tentative and final plats referred to it by the subdivision agent. Determinations and recommendations shall be forwarded in writing to the Planning Commission within 15 days after submission to the County Health Department.

2.5 *The Virginia Department of Transportation.* For all plans showing streets intended for construction in accordance with the provisions of this ordinance, the plats and/or plans shall be submitted to the Highway Engineer for review and determination of adequacy of the streets for transportation and drainage purposes, based on the volume of traffic to be served and the runoff generated by the streets.

Amended: May 17, 2005

Section 3. Enforcement and penalty.

A. No person shall sell, convey or record a deed to land subdividing off a parcel without making and recording a plat of such subdivision and without fully complying with the provisions of this ordinance and Code of Virginia, §§ 15.2-2200 to 15.2-2279. **Amended: May 17, 2005**

B. No final subdivision plat shall be recorded unless and until it shall have been submitted to and approved by the Planning Commission, County Health Department, Virginia Department of Transportation, Board of Supervisors, and subdivision agent.

C. No person shall sell or transfer any such land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been duly recorded under this ordinance or a previous subdivision ordinance, provided that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

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

E. Upon and after the effective date of this ordinance, the Clerk of the Circuit Court shall not file or record a plat until such plat has been approved or exempted as required herein.

ARTICLE 3. INTERPRETATION AND SEVERABILITY

Section 1. Interpretation.

1.1 Requirements. In their interpretation and application, the provisions of this ordinance are required for the promotion of the public health, safety, and general welfare.

1.2 More restrictive standards govern. Where the conditions imposed by any provisions of this ordinance upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations that are more restrictive or impose higher standards or regulations shall govern.

1.3 Requirements govern easements. This ordinance is not intended to abrogate, annul, cancel, repeal, or destroy any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards of regulations than such easement, covenant or other private agreement, the requirements of this ordinance shall govern.

1.4 Interpretation and definitions apply. In the construction of this ordinance, the interpretations and definitions contained in this section shall be observed and applied, except when the context indicates otherwise.

- a. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and the plural shall include the singular.
- b. The word "shall" is mandatory and not discretionary.
- c. The word "may" is permissive.
- d. The masculine gender includes the feminine and neuter.
- e. Unless the natural construction of the word indicates otherwise, the word "lot" includes the words "tract" and "parcel."
- f. The word "approve" shall be considered to be followed by the words "or disapprove."
- g. Reference to this ordinance includes all ordinances amending or supplementing the same.
- h. All distances and areas refer to measurement in a horizontal plane.

Section 2. Severability.

It is hereby declared to be the intention of the Board of Supervisors of Charlotte County that the several provisions of this ordinance be severable in accordance with the following:

- a. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment.

Section 3. Saving provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

ARTICLE 4. DEFINITIONS**Section 1. Definitions.**

[The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

A. *Agent*. The subdivision agent of Charlotte County vested with the authority granted in Article 2, Section 2.3.

B. *Alley*. A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose frontage is on some other street.

C. *Approved base*. For the purpose of street construction, a type of soil, as defined or approved by the Virginia Department of Transportation, that will drain properly.

D. *Approved drainage*. For the purpose of street construction, grading and ditching to effectuate removal of water from the street.

E. *Building*. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and that is permanently affixed to the land.

F. *Building setback line*. A line within a lot or other parcel of land on the recorded plat, between which line and the adjacent boundary of the street, the erection of a building is prohibited.

G. *Board*. The Board of Supervisors of Charlotte County, Virginia.

H. *Clerk*. The Clerk of the Circuit Court of Charlotte County, Virginia.

I. *Commission*. The Planning Commission of Charlotte County, Virginia.

J. *Cul-de-sac*. A local street or road with only one outlet and having the other end for the reversal of traffic movement.

K. *Developer*. Any person, group of persons, corporation, or other legal entity who, having an interest in land and directly or indirectly sells, leases, or develops or offers to sell, lease, or develop, or advertises for sale, lease, or development any lot, tract, parcel, site, unit, or interest for residential, commercial, or industrial development as defined herein.

L. *Development*. A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

M. *Dwelling*. Any building containing one or more dwelling units but not including hotels, motels, boarding [houses] or lodginghouses or travel trailers.

1. *Dwelling, multiple-family*. A dwelling or building containing three or more dwelling units.
2. *Dwelling, single-family (detached)*. A dwelling unit that is designed to be and is substantially separate from any other structure except accessory structures.
3. *Dwelling, two-family*. A dwelling containing two dwelling units.

N. *Dwelling unit*. One or more rooms that are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

O. *Easement or right-of-way*. An interest in land owned by another that entitles its holder to specific limited use.

P. *Engineer*. An engineer, licensed as such by the Commonwealth of Virginia, designated by the Board of Supervisors to control the improvement of streets, installation of utilities or other improvements.

Q. *Family*. One or more persons occupying a dwelling unit and living as a sin not-for-profit housekeeping unit.

R. *Family subdivision*. A subdivision in which one division of the parent tract is made available to any person who is a natural or legally defined offspring, spouse, grandchild, grandparent, or parent of the owner. See Article 5, Section 11

S. *Final plat*. A map and any accompanying material prepared by the subdivider and approved by the Charlotte County Planning Commission and Board of Supervisors in accordance with the provisions of this ordinance to be recorded as a subdivision.

T. *Frontage*. The shortest distance between the side lines of any lot measured along a line coinciding with, tangent to, or meeting at one point the street upon which the lot fronts.

U. *Governing body*. The Board of Supervisors of Charlotte County, Virginia.

V. *Health official*. The health officer of Charlotte County, Virginia, or his duly author representative.

W. *Highway engineer* An engineer designated by and representing the Virginia Department of Transportation. **Amended: May 17, 2005**

X. *Highway, primary*. Any highway so designated by the Virginia Department of Transportation. In Charlotte County, they are Routes 15, 40, 47, 59, 92, and 360. Exact requirements can be obtained from the resident highway engineer in Halifax, Virginia.

Y *Highway, secondary*. Any road so designated by the Virginia Department of Transportation. **Amended: May 17, 2005**

Z. *Jurisdiction*. The area of territory subject to the legislative control of the governing body.

AA. *Lot*. A numbered and recorded portion of a subdivision intended for transfer ownership or for building development for a single building and its accessory building.

1. *Lot, corner.* A lot abutting upon two 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.
2. *Lot, depth of.* The mean horizontal distance between the front and rear lot lines.
3. *Lot, double frontage.* An interior lot having frontage on two streets.
4. *Lot, flag.* A residential building lot allowed in R-1, R-2, and R-3 zones that utilizes unique physical features but does not have the required lot width at the normal setback line. An additional elongated strip (minimum 50 feet wide and maximum 500 feet long) is required to allow at least 50 feet of property on a public road right-of-way (Allowed only by the Planning Commission; see Article 5, Section 12.6(f).)
5. *Lot, interior.* A lot other than a corner lot.
6. *Lot of record.* A lot that has been recorded in the Office of the Clerk of the Circuit Court of Charlotte County.
7. *Lot, width of.* The mean horizontal distance between the side lot lines.

BB. *Parent tract.* A separate lot, tract, or parcel of land conveyed by deed, devised by will, or passing pursuant to the law of descent and distribution, the boundaries of which are shown by a plat or described by metes and bounds, and recorded in the Office of the Clerk of the Circuit Court of Charlotte County, Virginia; for the purposes of this definition, the Charlotte County Tax Map may be used to identify parent tracts. Lots, tracts, or parcels separated by either preexisting secondary or primary highways are considered to be separate parent tracts for purposes of this ordinance.

CC. *Person.* An individual, a partnership, or a corporation or any other legal entity whatever term customarily known.

DD. *Physical improvements.* Any structure such as drainage structures, central water systems, central sewage disposal systems, bridges, etc., and such other improvements as the agent may designate.

EE. *Plat.* A drawing of a survey of a tract or parcel of land prepared by a licensed land surveyor; includes the terms map, plot, replat, replot; a map or plan of a tract or parcel of land that is to be, or which has been, subdivided. When used as a verb, [the word] "plat" is synonymous with [the word] "subdivide."

FF. *Street.* The principal means of access to any lot in a subdivision. The term "street" shall include road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare used for a similar purpose. Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways will be privately maintained and will not be eligible for acceptance into the system of state highways unless improved to current Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. **Amended: August 21, 2007**

1. *Private Street.* A street restricted for the exclusive use by the owners of the subdivided land to the occupants of the subdivision or property, or their guests. The term shall also apply to access roads serving family divisions of land. The plats and deeds for lots not otherwise served by a publicly maintained roadway, except lots in a family subdivision, shall be subject to covenant as described in Article 5 Sections 9.i.2 and 9.n, and further annotated declaring the road to be for the exclusive use of the property owners served. Lots in a family subdivision shall be subject to the provisions and covenants of Article 5 Section 11.

Amended: May 17, 2005

Amended: August 21, 2007

2. *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.
3. *Street width.* The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

GG. *Subdivide.* The division, subdivision, or resubdivision of a lot, tract, or parcel of I into three or more parts.

HH. *Subdivider* Any person, firm or corporation owning any tract, lot or parcel of land to be subdivided or a group of two or more persons acting in concert, or who has or have given his power of attorney to one of his group or to another individual to act on his behalf, in planning, negotiating for, in representing or executing the legal requirements of the subdivision ordinance.

II. *Subdivision.* The division of a parcel of land into three or more lots or parcels of land for the purpose of transfer of ownership or building development, or, if a new street is required for access, any division of a parcel of land. The division of land into three or more parcels that are all 20 acres or greater shall be exempt from all provisions of the Subdivision Ordinance, except those provisions concerning streets or roads. The term "subdivision" shall not include a bona fide division or partition of agricultural land for agricultural purposes. **Amended: May 17, 2005**

1. *Resubdivision.* The division of a lot that is a part of an approved subdivision.

Adopted: May 13, 1999

JJ. *Surveyor.* A licensed land surveyor authorized to do business in Commonwealth of Virginia.

KK *Variance.* A relaxation or variance of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

ARTICLE 5. GENERAL REGULATIONS

Section 1. Necessary changes.

No change or erasure or revision shall be made on a final plat, nor accompanying data sheets after final approval by the Board of Supervisors has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the chairman of the Planning Commission, the Board of Supervisors, and the subdivision agent.

Section 2. Fees.

There shall be a charge for the examination and approval or disapproval of every subdivision plat of lots required to be reviewed by the Planning Commission. The fee schedule shall be set by the Board of Supervisors.

Section 3. Subdivision not exempt from other laws.

The creation of a subdivision shall in no way exempt the land included within it from the requirements set forth by other ordinances or laws, including but not limited to the Charlotte County Zoning Ordinance.

Section 4. Transfers, sales and permits to build.

No property in a subdivision shall be transferred or offered for sale, nor shall a permit be issued for a structure thereon, until a final plat of such subdivision shall have been approved, as stated herein, and recorded in the Office of the Clerk of the Circuit Court of Charlotte County.

Section 5. Suitability of land.

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.

Section 6. Floodplains.

The computation of floodplain areas (land subject to inundation by floodwaters) and land deemed to be topographically unsuitable shall not be platted for any use that may tend to increase the likelihood of danger to health, life or property, or 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. It is expected that all floodplains shall be delineated based on a soil survey, a 100-year frequency and the balance of energy concept of computing water surface profiles (engineering method), or delineated by flood zone designation as shown on HUD Flood Boundary Maps for Charlotte County. This information and any other relevant data as requested by the agent shall be furnished by the subdivider.

Section 7. Dedication and reservation of land.

The subdivider shall dedicate to public use all land required for streets, alleys, and in appropriate cases, the common or shared easements to public service corporations furnishing cable television, gas, telephone and electric service. Such land and easements may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements agreed to by such public service corporations and recorded in the land records in the Office of the Clerk of the Circuit Court of Charlotte County, Virginia.

Section 8. Physical improvements.

The agent shall require that the subdivider make the improvements provided for in the following section 9 and that he install such improvements at his cost in compliance with the requirements of the Virginia Department of Transportation. No subdivider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of Transportation. No subdivider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of Transportation, as hereinafter provided. Any subdivider commencing any construction in violation of section 8 shall be guilty of a misdemeanor, and punishable as provided in Article 2, Section 3(D) of this ordinance.

Section 9. Streets.

All public and private streets in the proposed subdivision, except private streets serving exclusively family subdivisions, shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality.

Amended: May 17, 2005

- a. *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 80 degrees, unless approved by the agent upon recommendations of the highway engineer. **Amended: May 17, 2005**
- b. *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 highway or expressway at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distance shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
- c. *Approach angle.* Subdivision streets shall approach major streets at an angle of not less than 80 degrees, unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.
- d. *Minimum widths.* The minimum width of proposed streets, measured from lot line to lot line, shall be 50 feet. **Amended: May 17, 2005**
- e. *Construction Requirements.* All proposed streets shall be constructed at the expense of the subdivider to meet minimum standards of the Virginia Department of Transportation for hard-surfaced roads (also known as "tar and gravel" or "prime and double seal"). In cases where Virginia Department of Transportation specifications are lacking or are less restrictive than the requirements of this ordinance, this ordinance shall prevail. The grades of streets submitted on subdivision plans shall be approved by the agent upon recommendation of the highway engineer prior to final action by the agent. Wherever feasible, street grades shall not exceed seven percent nor be less than one percent. **Amended: November 5, 2002**
- f. *Adjoining property.* Vehicular access shall be provided to adjoining properties where:
1. Required by the adopted comprehensive plan of the county;
 2. Essential for the planned long term use and development of the adjoining property, or
 3. Consistent with sound community planning concepts.
- g. *Cul-de-sacs.* Generally, minor terminal streets (cul-de-sacs) that are designed to have one end permanently closed must be terminated by a turnaround of not less than 100 feet in diameter.
- h. *Alleys.* Alleys should be avoided wherever possible; however, in commercial areas and in other areas deemed necessary to promote orderly development and safe access, alleys will be permitted. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.

i. *Private streets.* Streets shall meet the following conditions:

1. Such streets shall be clearly designated as private streets on the subdivision plat with a 50-foot designated right-of-way. Such streets shall be constructed in accordance with the provisions of Section 9 e. **Amended: May 17, 2005**

2. The following statement shall be included on the subdivision plat and deed:

The streets in this subdivision are not intended for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. **Amended: August 21, 2007**

- j. *Completion of streets.* The subdivider shall have the option of completing the streets within the subdivision complying with Article 6, Section 4 as lots are considered for sale; however, no lot may be sold that does not front on a completed and approved street.
- k. *Names.* Proposed streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use the suffix “street,” “avenue,” “boulevard,” “drive,” “way,” “lane,” or “court.” Street names shall be indicated on the preliminary plat.
- l. *Identification signs.* Street identification signs of a design approved by the agent shall be installed at all intersections.
- m. *Cul-de-sacs on existing roads.* Any subdivision of land that results in an extension to a state or county road shall require a cul-de-sac with a turnaround having a right-of-way of not less than 100 feet in diameter and a graveled roadway of not less than 90 feet in diameter. The cul-de-sac may be shown as temporary if developable land is available to the rear. (Ord. Of 12-12-94)
- n. *Maintenance of Streets.* All developers must provide a suitable mechanism and procedure for maintaining the streets, including but not limited to snow removal, that will be effective until such streets are taken into the system of state highways. One such mechanism may be a viable property owners association, membership in which would be mandatory for all lot owners. It shall be empowered to assess lot owners such sums of money as may be necessary to properly maintain the streets including, but not limited to, a provision for snow removal. Delinquent lot assessments shall constitute a lien against the applicable lot. Voting membership in the association shall initially be comprised of two classes, the developer and the property owners, to ensure the developer proportionate representation and control over the project during construction. A restrictive covenant shall set forth the method of assessment for street maintenance. Such covenants shall become a part of the deed to each lot or parcel with the subdivision. All covenants and bylaws of the property owners association shall be approved as to form by the county attorney and shall be record simultaneously with the final subdivision plat. **Amended: August 21, 2007**

Section 10. Monuments.

As required by this ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the Board of Supervisors. All lot and block corners shall be marked and numbered with a solid steel or iron rod not less than five-eighths inch in diameter and 30 inches long and driven so as to be flush with the finished grade. The replacement of any monuments removed or destroyed during the development of the subdivision shall be the responsibility of the subdivider.

Section 11. Family subdivision.

11.1 *Review by agent.* Each subdivision of a lot or parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner shall be subject to the following review by the agent, (only one such subdivision shall be allowed per family member and shall not be for the purpose of circumventing this ordinance. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, grandchild, grandparent or parent of the owner.)

- a. Review of the proposed lot for size, shape, configuration, and setback.
- b. Review of the existing or proposed right-of-way for compliance with this ordinance. All lots shall have a reasonable right-of-way of not less than ten, or more than 20 feet providing ingress and egress to a dedicated recorded public street or thoroughfare. **Amended: May 17, 2005**
- c. Verification of number of lots divided from parent tract.
- d. When the vehicular access serves more than two parcels of a family division of land, including the parent tract, by initial or subsequent division of the land, inclusion of the following deed and plat note:

The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and Allocated by the Commonwealth Transportation Board. **Amended: August 21, 2007**

11.2 *Final approval by agent.* Family subdivisions shall be reviewed by the agent without further review by the Planning Commission or the Board of Supervisors.

Section 12. Facilities.12.1 *Size of lots.*

- a. Residential lots served by neither public water nor public sewer systems shall be not less than three acres in size and have a minimum of 275 feet of width at the setback line. The setback line shall be a minimum of 75 feet from the center of the street on which the lot fronts. **Amended: November 5, 2002**
- b. Residential lots served by public water and public sewer systems shall be not less than one and ½ acres in size and have a minimum of 200 feet of width at the setback line. The setback line shall be a minimum of 75 feet from the center of the street on which the lot fronts. **Amended: November 5, 2002**

12.2 *Private water and/or sewer* Nothing in this ordinance shall prevent the installation of privately owned water and/or sewer facilities in areas where public water and/or sewer facilities are not available; provided, however, that such installation 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. These lines shall not be within 14 feet of the centerline of the right of way, and water and sewer lines shall be eight feet apart. **Amended: May 17, 2005**

12.3 *Exceptions.* Variations in lot size may be required where individual septic tanks or individual wells are used, upon recommendation of the health official. The lot size variation may be required based on the relationship of public health to factors of drainage, soil condition, topography and any other related conditions.

The agent shall require that data from soil studies and evaluations, as required by the Health Department, be submitted as a basis for granting approval of subdivisions dependent upon septic tanks as means of sewage disposal.

12.4 *Storm drainage facilities.* When required by the Planning Commission, 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 properly qualified, licensed engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development.

12.5 *Easements.* An easement of not less than 20 feet in width is required for drainage of storm water through adjoining property all the way to a free flowing stream whenever practical. Easements of not less than ten feet in width shall be conveyed by reference in the final plat by the subdivider for power lines and other service utilities in the subdivision when required by the Planning Commission. **Amended: May 17, 2005**

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

- a. *Shape.* The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to the requirements of this ordinance. Lots shall not contain perpendicularly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- b. *Location.* In cases where lots abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street that has become public by right of use, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of 50 feet, if the existing streets are not at least that width.
- c. *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.
- d. *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 of Charlotte County, Virginia, and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.
- e. *Parcels without access.* No parcel of land shall be divided in such a way as to leave a portion or portions thereof without direct access to a public road or street.
- f. *Flag lots.* When topographic features or other unique physical characteristics of the land require such, flag lots may be created to utilize good building sites that do not have sufficient lot width on a public road. The elongated portion of a flag lot shall not be used in computing necessary lot area needed for sanitation facilities; shall be a minimum width of 50 feet; and shall be no more than 500 feet in length. In the case of two or more adjacent flag lots, only one driveway or street from all the lots to a public road is permitted. A covenant must be included stating that said driveway or street will not be maintained by, or included in, the Virginia Department of Transportation system unless and until said street is upgraded to minimum Virginia Department of Transportation standards for subdivision streets, and that no public funds may be used for maintenance or improvement of said driveway or street. All developers must provide a suitable mechanism and procedure for maintaining said driveway or street, including, but not limited to, providing for snow removal. The Planning Commission shall review each request and shall allow or disallow the use of the flag lot concept solely on the merits and conditions of each case. The developer (applicant) must

bear the burden of proof to the Planning Commission.

Amended: May 17, 2005

Section 13. Vacation of plats.

13.1 *Vacation of plat before sale of lot therein.*(Ref Code of Virginia 15.2-2271) Any such plat recorded or part thereof, may be vacated with the consent of the Planning Commission, by the owners, proprietors and trustees, if any, who signed the statement required by Article 7, Section 3(E)(1)(b), of this ordinance at any time before the sale of any lot therein, by a written instrument, declaring the same to be vacated, duly executed, acknowledged or provided and recorded in the office of the Clerk of the Circuit Court of Charlotte County, Virginia. The execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in and to reinvest such owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public areas laid out or described in such plat.

Amended: May 17, 2005

13.2 *Vacation of plat after sale of lot.*(Ref Code of Virginia 15.2-2272) In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

Amended: May 17, 2005

- a. By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed by the Planning Commission on behalf of the Board of Supervisors for the purpose of showing the approval of such vacation by the Board. Or, in cases involving drainage easements or street rights-of-way where the vacation does not impede or alter-drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, only the signatures of the lot owners immediately adjoining or contiguous to the vacated area shall be required. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the Office of the Clerk of the Circuit Court of Charlotte County, Virginia.
- b. By ordinance of the Board of Supervisors on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Board of Supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days with the Circuit Court of Charlotte County, Virginia. Upon such appeal, the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided, or if the ordinance is upheld on appeal, a certified copy of the Ordinance of Vacation may be recorded in the Office of the Clerk of the Circuit Court of Charlotte County.

Amended: May 17, 2005

13.3 *Effect of vacation.* The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement required by Code of Virginia, § 15.2-2264, free and clear of any rights of public use in the same.

Amended: May 17, 2005

13.4 *Duty of clerk when plat is vacated.* The clerk shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make a reference on the same to volume and page in which the instrument of vacation is recorded.

13.5 *Vacation of interests granted to the County of Charlotte as a condition of site plan approval.* (Ref Code of Virginia 15.2-2270) Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to the County of Charlotte as a condition of the approval of a site plan may be vacated according to either of the following methods:

Amended: May 17, 2005

- a. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring such interest or interests to be vacated, provided the Board of Supervisors of Charlotte County, Virginia, consents to the vacation. The instrument shall be recorded in the Office of the Clerk of the Circuit Court of Charlotte County, Virginia. The execution and recordation of such instrument shall operate to divest all public rights in, and to revest such owner with the title to the interests which formerly were held by the County of Charlotte; or
- b. By ordinance of the Board of Supervisors of Charlotte County, Virginia, provided that no interest shall be vacated in an area in which facilities, for which bonding is required, have been constructed. Such ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the interest of the governing body to be vacated by reference to the recorded instrument on which it was created and state the time and place of the meeting of the Board of Supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at such meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days of the adoption of the ordinance with the Circuit Court of Charlotte County. Upon such appeal the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided, or if the ordinance is upheld on appeal, a certified copy of the Ordinance of Vacation may be recorded in the Office of the Clerk of the Circuit Court of Charlotte County, Virginia. The execution and recordation of such Ordinance of Vacation shall operate to destroy the effect of the instrument which created the interest of Charlotte County so vacated and to divest all public rights in and to such property and vest title in such streets, alleys, easements for public rights of passage, easements for drainage, and easements for public utility as may be described in, and in accordance with, the Ordinance Vacation.

Section 14. Vested rights.

No vested rights shall accrue to any plat by reason of preliminary or final approval u the actual signing of the plat by those specified in this ordinance.

Section 15. Facilities outside the subdivision.

The subdivider or developer of land shall pay the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development. However, 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, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. The Board of Supervisors, at the time of the development of the improvement program, shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewer, water, 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 sewage flow, water flow, and/or increased volume and velocity of storm water runoff to be actually caused by the subdivision or development bears to total estimated volume and velocity of such sewage, water, 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 identified in the established sewer, water, and drainage program; however, in lieu of such payment the governing body may provide for the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to it, conditioned on payment to commencement of such construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program.

Section 16. Plans and specifications for utility fixtures and systems to be submitted for approval.

If the owners of any subdivision desire to construct in, on or under any streets or alleys located in such subdivision any gas, water, sewer or electric light or public works, pipes, wires, fixtures or systems, they shall present plans or specifications therefore to the Board of Supervisors for approval. The Board of Supervisors shall have 30 days to approve or disapprove the same. In the event of the failure of the Board of Supervisors to act within such period, such plans and specifications may be submitted, after ten days' notice to the Board of Supervisors, to the judge of the Circuit Court of Charlotte County for his approval disapproval, and his approval of the Board of Supervisors.

Section 17. Resubdivision

A lot in an approved subdivision may be divided according to either of the following methods:

- a. By instrument in writing agreeing to said resubdivision signed by all the owners of lots shown on the approved subdivision plat and also signed by the Planning Commission on behalf of the Board of Supervisors for the purpose of showing the approval of such resubdivision by the Board.
- b. By resolution of the Board of Supervisors on motion of one of its members or on application of any interested person. Such resolution shall not be adopted until after notice has been given as required by Code of Virginia, Section 15.2-2204 (A) and notice given to all owners of the lots shown on the approved subdivision plat by first class mail at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. Said notice shall state the time and place of the meeting of the Board of Supervisors at which the adoption of the resolution will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the resolution. An appeal from the adoption of the resolution may be filed within 30 days with the Circuit Court of Charlotte County, Virginia. Upon such appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the resolution is filed within the time above provided, or if the resolution is upheld on appeal a certified copy of the resolution may be recorded in the Office of the Clerk of the Circuit Court of Charlotte County.

Adopted: May 13, 1999

ARTICLE 6. SUBDIVISION

Section 1. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

[Subdivision.] The division of a parcel of land into three or more lots or parcels of land for the purpose of transfer of ownership or building development, or, if a new street is required for access, any division of a parcel of land. The division of land into three or more parcels that are all 20 acres or greater shall be exempt from all provisions of the Subdivision Ordinance, except those provision concerning streets or roads, The term “subdivision” shall not include a bona fide division or partition of agricultural land for agricultural purposes.

Amended: May 17, 2005

[Resubdivision.] The division of a lot that is a part of an approved subdivision. **Amended: May 13, 1999**

Section 2. Subdivision name.

Every subdivision shall be given a name that shall not duplicate or closely approximate that of any other subdivision existing or planned.

Section 3. Improvements.

All improvements as required in this ordinance shall be installed within the subdivision by the subdivider at his own expense. The bond of the subdivider in reference to Article 6, Section 4 shall not be released until construction in conformance with the requirements of this ordinance has been inspected and approved by the health officer, the agent, and the highway engineer.

Section 4. Bond.

Prior to the filing with the agent of a final plat for approval, all improvements required under these regulations shall be completed, or provisions made therefore. The following options are available to the subdivider.

- A. Installation and completion by, and at the cost of, the subdivider, in which case the subdivider shall certify to the Board that the construction costs have been paid to the person constructing such facilities.
- B. The furnishing by the subdivider to the Board of Supervisors of a certified check or performance bond approved by the Board of Supervisors at an amount sufficient to guarantee the installation and completion of such improvements.
- C. The furnishing by the subdivider of a letter of credit from a local, reputable bank. Said letter of credit shall be in a form acceptable to the Board of Supervisors and shall serve as a guarantee that all required improvements shall be installed in accordance with the subdivider's plan of development. In the event that the subdivider elects to proceed by method B, as outlined above, the subdivider shall set a time, subject to the approval of the Board of Supervisors, by which it is estimated the improvements will be installed and completed. Unless an extension of that time is approved by the Board of Supervisors and a new estimated date of completion is established, the agent shall take the necessary steps to proceed with the accomplishment and completion of The completion of the improvements, making use of the certified check or the bond.

Section 5. Release of bond.

The Board of Supervisors shall partially or completely release any bond, escrow, letter of credit, or any other performance guarantee within 30 days after receipt of written notice by the subdivider of completion of part or all of any facilities required to be constructed hereunder unless the Board of Supervisors notifies said subdivider or developer in writing of nonreceipt 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 30-day period. If no such action is taken by the Board of Supervisors within the time specified above, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail, return receipt, to the county administrator. The Board of Supervisors shall act within ten working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider. The Board of Supervisors shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by said bond, escrow, letter of credit, or other

performance guarantee. Upon written request by the subdivider, the Board of Supervisors shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than 80 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, or after completion of more than 80 percent of said facilities. The Board of Supervisors shall not be required to execute more than three periodic partial releases in any 12-month period. Upon final completion and acceptance of said facilities, the Board of Supervisors shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance. For the purposes of this section, a certificate of partial or final completion of such facilities from either a duty licensed professional engineer or land surveyor, as defined in and limited to Code of Virginia, §54.1-400, or from a department or agency designated by the local government may be accepted without requiring further inspection of such facilities.

ARTICLE 7. PROCEDURES FOR PLAT PREPARATION AND APPROVAL FOR ALL SUBDIVISIONS EXCEPT FAMILY SUBDIVISIONS

Section 1. Preliminary phase.

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

- A. *Application.* The subdivider or his representative shall file an application to subdivide with the subdivision agent. This application shall establish the intentions of the subdivider to subdivide.
- B. *Preliminary conference.* The subdivider or his representative shall meet informally with the subdivision agent for the purpose of presenting a general outline of his proposal, including but not limited to:
 - 1. Existing physical features such as natural drainageways, swamps, and wooded areas.
 - 2. Existing easements and covenants affecting the property.
 - 3. Surrounding land uses, streets and existing buildings.
 - 4. Sketch plans and a written description regarding future land uses, streets 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. Evidence of consultation with, and tentative approval of, public utility companies concerned.
 - 6. A map drawn from the Charlotte County Soil Survey showing the location of various soil types underlying the property, color coded as to their limitations on septic tank absorption fields, to a scale not smaller than one inch equals 1,320 feet.
- C. *Action by the subdivision agent.* The subdivision agent shall discuss the proposed subdivision with the subdivider and advise him of procedural steps, design and improvement standards and general plat requirements. The subdivision agent shall then proceed with the following investigations:

1. Advise the subdivider of existing county ordinances that might affect the proposed subdivision.
2. Check the existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.
3. 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.
4. Within 30 days of completion of investigations described above, the subdivision agent shall advise the subdivider in writing of any necessary changes to his sketch plan. The subdivider shall be requested to prepare and submit a tentative plat.

Section 2. Tentative plat.

2.1 *Filing of the tentative plat.* The subdivider shall prepare a tentative plat of the proposed subdivision in accordance with the requirements of this section. The submission shall include the following:

- a. *Application for approval.* Written application by the owner or his agent for subdivision plat approval.
- b. *The plat.* Seven copies and one reproducible copy of the tentative plat shall be submitted to the Planning Commission through the subdivision agent. These shall be blackline prints at a scale of 100 feet to the inch, or, where conditions warrant, the agent may permit plats up to a scale of one inch to 200 feet. The tentative plat shall be prepared by a qualified professional, trained and experienced in the layout of subdivisions. Drawings shall be stamped with the seal of a surveyor licensed in the Commonwealth of Virginia. Said plat shall be drawn on sheets 24 by 36 inches. The plat shall contain the following information:
 - i. Survey data:

Date, scale, north point and number of sheets. If shown on more than one sheet, matched lines shall clearly indicate where the several sheets join. Each sheet shall be consecutively numbered (e.g. one of five, etc.).

A boundary survey with a field error of closure within the limit of one [foot] in 10,000 [feet] and bearings relating to either true north or magnetic north. The location of all monuments and their type of material should also be shown. The survey may be related to the U.S. Geological Survey state grid north if the coordinate of two adjacent corners of the subdivision are shown. Dimensions shall be expressed in feet and decimals of a foot.

If a subdivision borders a lake, the name shall be noted and bearings of the ordinary highwater mark of such lake must be established. If an active watercourse, including a periodic stream, lies adjacent to or transverses the property, its name shall be noted, and said stream shall be shown on [the] plat in its proper location when the property or portion of the property lies within the 100-year floodplain as shown by HUD Flood Boundary Maps for Charlotte County. The extent of the floodplain and its corresponding zone designation shall be shown on the plat.

Where any new street is proposed, existing topography shall be shown with contours at vertical intervals of not more than ten feet.

- ii. Persons responsible:

The name and address of owner(s), the subdivider, and the surveyor responsible for surveys.

iii. Name and location:

A vicinity or location map to the scale of not less than 2,000 feet to the inch and shall show the subdivision name and location. It shall also show the relationship of the proposed subdivision to the existing community facilities which serve or influence it, including main traffic arteries, elementary school(s), parks and playgrounds.

The proposed subdivision name (must be [the] same as that specified in the application).

Location of the subdivision by magisterial district, assessor's parcel number(s), county and state.

When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be identified and the name of the owners of the respective tracts shall be placed on the plat.

Location and names of abutting subdivisions and owners of adjoining parcels of unsubdivided land.

iv. Lots:

The boundary lines of all existing and proposed lots within the subdivision, except that when the lines in any tier of lots are parallel, it shall be sufficient to make bearing of outer lines on one tier thereof.

Easements shall be shown by centerline data with easement width, by width only, when lines are parallel to a boundary or by boundary bearings and distances around easements.

Dimensions shall be shown along all boundaries of all lots under one acre in size. All lots over one acre in size shall also have the acreage marked within the lot.

All lots shall be consecutively numbered.

A graphic presentation or note on the plat, showing the minimum building setback lines on all lots and parcels and a notation of the distance. between such lines and the street right-of-way.

v. Adjacent street and utilities:

The names of adjoining streets, state highways and subdivisions shown in their proper location.

Abutting street lines of adjoining subdivisions shown in their correct locations.

Location, width, and names of all existing, proposed and platted railroad and utility rights-of-way, parks, cemeteries, permanent buildings and bridges located within 300 feet of the subdivision, and other pertinent data as determined by the Planning Commission.

Existing sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest public or semi-publicly owned water main and sanitary and storm sewers are to be indicated in a general way upon the tentative plat.

vi. Dedicated areas: Location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision with

the conditions, if any, of such dedication or reservation.

- vii. Approved space: A blank oblong space three inches by six inches shall be reserved for the use of the approving authorities.
- viii. Zoning: Zoning on and within 300 feet of the subdivision.
- ix. When any part of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the plat of the proposed subdivision.
- x. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, the grave, object or structure shall be identified on any plans or site plans required by this article.
- xi. When the land involved lies wholly or partly within an area subject to the joint control of more than one political subdivision, the plat shall be submitted to the local commission or other designated agent of the political subdivision in which the tract of land is located.

2.2 Action by the subdivision agent. Within five days of submission by the subdivider to the subdivision agent, the subdivision agent shall transmit copies of the tentative plat, or appropriate portions thereof, to the county administrator, resident engineer, health officer, appropriate utility companies, and other pertinent county and state officials and agencies as deemed necessary by the Planning Commission for recommendations. These recommendations in respect thereto shall be submitted to the Planning Commission not later than five days before the meeting at which the tentative plat will be reviewed. Any state or local agency making a review of a plat forwarded to it under this section including, without limitation, the Virginia Department of Transportation, shall complete its review within 45 days of receipt of such preliminary plat. If the state or local agency does not approve the plat, it shall disapprove such plat in writing, giving specific reasons therefore. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself. The reasons for disapproval shall identify deficiencies in the plat which cause the disapproval by reference to specific duly adopted ordinances, statutes, regulations, or policies and shall generally identify such modifications or corrections as will permit approval of the plat.

2.3 Submission to Planning Commission. Every proposed subdivision shall be submitted forthwith by the agent upon receipt from state agencies or other agencies to the Planning Commission for tentative or conditional approval in the form of tentative plat prior to the submission of final record plat. Its purpose is to show graphically all facts needed to enable the Planning Commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The tentative plat shall be prepared by a qualified surveyor.

2.4 Action by the Planning Commission.

- A. Upon receipt of all necessary data, recommendations and applications, a tentative plat shall be reviewed by the Planning Commission to determine its conformity to this ordinance, the comprehensive plan, and all other ordinances and regulations in force which affect subdivisions.
- B. The Planning Commission shall, within ten days of receipt of the completed application from the subdivision agent for the approval of a tentative plat, approve or disapprove the plat, or approve it with modifications, noting thereon any changes that will be required. If agreed to by the subdivider, the time may be extended for no more than 30 days after which one copy shall be returned to the subdivider with the date of the approval or disapproval, and the reason therefore in letter form, accompanying the plat. If the Commission fails to approve or disapprove the preliminary plat within 90 days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the Commission, may petition the Circuit Court of the county or municipality in which the land

involved, or the major part thereof, is located to enter such order with respect thereto as it deems proper, which may include directing approval of the plat. If the Commission disapproves a preliminary plat and the subdivider contends that such disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Circuit Court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the Circuit Court within 60 days of the written disapproval by such Commission.

- C. Conditional approval of a tentative plat shall not constitute approval of the final plat. It shall be deemed as an expression of approval of the layout submitted on the tentative plat as a guide to the preparation of the final plat. The final plat will be submitted for recording when compliance with requirements of this ordinance has been shown.
- D. The subdivider shall have not more than six months after receiving official notification concerning the tentative plat to file with the subdivision agent a final subdivision plat in accordance with this ordinance. Failure to do so shall make tentative approval null and void. The Planning Commission may, on written request by the subdivider, grant an extension of this time limit not to exceed an additional six-month period.
- E. If the Planning Commission fails to approve or disapprove the final plat within 90 days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the Commission, may petition the Circuit Court of Charlotte County to decide whether the plat should or should not be approved.
- F. If the Planning Commission disapproves a preliminary or final plat and the subdivider contends that such disapproval was not properly based on this ordinance, or was arbitrary or capricious, he may appeal to the Circuit Court of Charlotte County within 60 days of the written disapproval by the Planning Commission.

Section 3. Final plat.

After approval of the tentative plat, the subdivider may prepare and submit to the Planning Commission, through the subdivision agent, a final plat. During the final plat stage, the following actions shall be taken:

- A. *Filing of final plat.* After he has complied with the provisions of Article 7, Section 2 of this ordinance, the subdivider shall file with the subdivision agent within six months of the date of approval of the tentative plat, unless such period is extended by the Planning Commission, the final plat which shall conform to the requirements of this ordinance. The subdivision agent shall promptly transmit copies of the final plat to the Planning Commission.
 - 1. *Final plat may constitute all or a portion of the approved tentative plat.* A final plat constituting only a portion of the area contained in the tentative plat, but in which improvements constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety, convenience of the proposed residents therein and for adequate access to contiguous areas may be approved.
 - 2. *The plat.* The subdivider shall submit to the subdivision agent eight copies of the proposed final plat. Each sheet shall bear the name of the subdivision. Each plat shall show correctly on its face sufficient engineering data to reproduce any line on the ground, as well as the following:
 - a. Name and date of approval, of the tentative plat upon which the final plat is based.
 - b. All information required by Article 7. Section 2 of this ordinance except for contour

information.

- c. All lands to be dedicated to public use except roads and streets shall be clearly marked "dedicated to the public."
 - d. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines. All dimensions shown in feet and decimals of a foot to the closest 0.01 of a foot, all bearings, in degrees, minutes and seconds to the nearest ten seconds. The boundary survey shall show a field error of closure within the limit of one foot in 10,000 feet and bearings relating to either true or magnetic north. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc length, tangent length, chord length, and chord bearings.
 - e. One reproducible copy and six blue or black line prints of final engineering plans for streets and utilities.
 - f. A statement to the effect that the subdivision as it appears in this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, and shall be duly acknowledged as of deeds.
 - g. Certificates signed by the engineer or 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.
 - h. In subdivisions that will contain individual septic tanks and/or individual wells, soil testing shall be required for all lots by a qualified professional trained and experienced in soil examination. Such soil tests will be required to be submitted to the Planning Commission for review simultaneously with the review of the final plat.
- B. *Action by the Planning Commission.* Upon receipt thereof the Planning Commission shall examine the final plat and plans and all necessary certificates to determine conformance to the tentative plat, conditions attached thereto, and the requirements established in this ordinance, and shall, within ten days of its submission, unless the time is extended by the Planning Commission in agreement with the subdivider, either approve or disapprove said final plat and/or plans. After the Planning Commission reviews the final plat, such a review and the date thereof shall be noted on the plat over the signature of the Chairman of the Commission. The Chairman of the Planning Commission shall submit the final plat to the Board of Supervisors at the next regular meeting of the board along with its recommendation in writing as to approval of the final plat.
- C. *Action by the Board of Supervisors.* At the next regular meeting after receiving the recommendation of the Planning Commission, the Board of Supervisors shall approve or disapprove the final plat by resolution. Any such disapproval must be based on noncompliance with an ordinance of the County of Charlotte. The Chairman or acting Chairman of the Board of Supervisors shall sign approval of the final plat before it may be recorded.
- D. *Action by the subdivider.* Upon receipt of the final plat approval by the Board of Supervisors, the subdivider shall present the final plat with the signatures over the approval thereof of the Chairman of the Planning Commission, and the Chairman of the Board of Supervisors to the subdivision agent in order to notify him of the final approval of the final plat. The subdivision agent shall affix his signature to the final plat within ten days of each submission. The subdivider shall record the plat in

the Office of the Clerk of the Circuit Court of Charlotte County, Virginia within six months of the date of the final approval by the Board of Supervisors. Failure to record the final plat within six months will void the actions of the Board of Supervisors and necessitate reinstatement of the final plat procedure in accordance with the provisions of Article 7, Section 3.

E. *Recording the final plat.* To entitle a final plat to be entered in the proper record books in the Office of the Clerk of the Circuit Court of Charlotte County, the following certificates shall be lettered or printed legibly on the face of the final plat:

1. *Certificates.* The following certificates and affidavit shall appear on the final plat. Each shall be duly signed by the appropriate person before the plat is entitled to be recorded.

a. Certification by surveyor:

"To the best of my knowledge and belief, all of the requirements as set forth in the Ordinance for approving plats of subdivisions for recordation in Charlotte County, Virginia have been complied with."

Virginia Certificate Number _____

b. Certification of dedication by the owner of the land:

"The subdivision of land shown herein and designated as _____(name) _____ is with the free consent and in accordance with the desires of the undersigned owner; there is (is not) a mortgage on the property. The dedication of the street and easements is of the width and extent shown on this plat. All state and county taxes or other assessments now due on this property have been paid.

Given under my hand and seal this _____ day of _____, 20____."

Owner

c. Certification by notary public:

"Commonwealth of Virginia:

"I, Notary Public, in and for the County/City of _____Commonwealth of Virginia do hereby certify that and _____and _____ whose names are signed to the Subdivision Certificate have appeared before me in my County/City, and Commonwealth aforesaid and acknowledged the same before me. Given under my hand and seal this _____ day of _____, 20____."

Notary Public

My commission expires:

d. Certification by the Planning Commission Chairman:

"Approved by the Charlotte County Planning Commission."

Date Chairman

e. Certification by the Department of Transportation:

"Approval recommended by the Virginia Department of Transportation. Drainage deemed of no impact to the Virginia Department of Transportation." **Amended: May 17, 2005**

Date Engineer

f. Certification by the Charlotte County Health Department:

"Approved by the Charlotte County Health Department."

Date Health Official

g. Certification by the Charlotte County Board of Supervisors:

"Approved by the Charlotte County Board of Supervisors."

Date Chairman

h. Certification of subdivision agent:

"Notification of final approval by the Charlotte County Board of Supervisors of plat received."

Date Subdivision Agent

i. Certification of source of title:

"The property contained within the confines of this subdivision was conveyed to _____ and _____ from _____ and _____ by deed dated _____, 20 ____, and recorded in the Office of the Clerk of the Circuit Court of Charlotte County, Virginia in Deed Book _____ at Page _____.

After the final plat shall have been approved by the Planning Commission and the Board of Supervisors, and notice of such approval shall have been received by the subdivision agent, the Clerk of the Circuit Court of Charlotte County shall sign the plat and cause a certified copy of the resolution

approving such plat to be attached to the plat and returned to the subdivider. Copies of the resolution and plat shall also be transmitted by the Clerk of the Circuit Court to the county administrator and subdivision agent for their files.

ARTICLE 8. VARIATIONS, EXCEPTIONS AND AMENDMENTS

Section 1. General requirements.

Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, they may approve variations or-exceptions to the regulations, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this ordinance; and further provided the Commission shall not approve variations or-exceptions to the regulations of this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

- A. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
- B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- D. Cost to the subdivider of strict or literal compliance with the regulations shall not be the sole reason for granting a variation or exception.
- E. In recommending variations and exceptions, the Commission may require such conditions as will, in their judgment, secure substantially the objectives of the standards or requirements of the Charlotte County Subdivision Ordinance.

Section 2. Procedures.

- A. A petition for any such variation shall be submitted in writing by the subdivider at the time when the tentative plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the variation and all of the facts taken into consideration by the petitioner. Such variations and exceptions as may be approved by the Planning Commission shall be in writing. Approval shall substantiate why the variations and/or exceptions were approved and reasons why approval will not adversely affect the intent and purpose of this ordinance.

B. A petition for any variation of the street design and/or construction provisions of this ordinance shall first be submitted to the Virginia Department of Transportation, and must receive the concurrence of that agency before the Commission may approve such variation.

Amended: May 17, 2005

Section 3. Amendments.

- A. For the purpose of promoting the public health, safety, and general welfare, the Board of Supervisors

may from time to time amend the regulations imposed by this ordinance. Public hearings on all proposed amendments shall be held by both the Planning Commission and the Board of Supervisors in the manner prescribed by law.

Amended: November 5, 2002

- B. All approved residential and commercial subdivisions will be subject to the subdivision ordinance in effect on the date of recordation. An approved subdivision in a subdivision that has been approved by the governing body of the county. Any new division of property will be subject to current ordinances.

Amended: November 5, 2002

Section 3. Repeal.

Upon the adoption of this ordinance, all subdivision ordinances heretofore adopted by Board of Supervisors of Charlotte County, Virginia, are hereby repealed.