NOTTOWAY COUNTY
VIRGINIA

SUBDIVISION ORDINANCE

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NOTTOWAY COUNTY
SUBDIVISION ORDINANCE

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ARTICLE I. TITLE AND PURPOSE

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Sec. 1-100. Title.
This Ordinance shall be known and cited as the "Subdivision Ordinance of Nottoway County, Virginia," or the "Subdivision Ordinance."

Sec. 1-101. Authority.
This Ordinance is authorized under Title 15, Chapter 22, Article 6 (Land Subdivision and Development) and Article 7 (Zoning) of the Code of Virginia, 1950, as amended.

Sec. 1-102. Policy.
Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

Proposed improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, and the County Zoning Ordinance.

Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this chapter.

Sec. 1-103. Purpose of chapter.
This chapter establishes standards and procedures for the subdivisions and site plans of land in all unincorporated areas of the County. The purpose of these standards and procedures is to assure orderly growth; to assure the responsible development of land; and to make possible the provision of adequate highway, utility, health, educational and recreational facilities in a manner that will promote the public health, safety, convenience and general welfare. This Ordinance is intended as an aid in implementation of the Comprehensive Plan. The provisions of this Ordinance shall be the minimum requirements for the submission, preparation and recordation of all plans and plats.

Sec. 1-104 Jurisdiction and applicability of chapter.

This chapter shall constitute the comprehensive regulations governing all subdivision of land located within all unincorporated areas of the County. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the County in accordance with this chapter.

The provisions of this chapter shall not apply to any subdivision for which a currently effective preliminary plat was approved on or before the effective date of this chapter. These plats or subdivisions shall be reviewed and acted on under applicable prior subdivision ordinances.

No existing subdivision shall be modified except by approval in accordance with this and other applicable ordinances of the County.

This Ordinance shall govern residential and nonresidential subdivisions.

Sec. 1-105 Adoption, amendment and recordation of this Ordinance.

The Planning Commission shall prepare and recommend the Subdivision Ordinance and transmit it to the Board of Supervisors. The Board of Supervisors shall approve and adopt a Subdivision Ordinance only after notice has been published, and a public hearing held, in accordance with Virginia Code §15.2-2204.

The Planning Commission on its own initiative may or at the request of the Board of Supervisors shall prepare and recommend amendments to the Subdivision Ordinance. The procedure for amendments shall be the same as for the preparation, recommendation, approval and adoption of the original Ordinance; provided that no amendment shall be adopted by the Board of Supervisors without a reference of the proposed amendment to the Planning Commission for recommendation, nor until 60 days after such reference, if no recommendation is made by the Commission.

When the Subdivision Ordinance has been adopted or amended, a certified copy of the Ordinance and any and all amendments thereto shall be filed in the office of the County Administrator and in the Clerk's Office of the Nottoway County Circuit Court.

Sec. 1-106 Interpretation and meaning.

The provisions of this chapter shall be the minimum requirements for submission, preparation and recordation of all plats and plans. Words used in the present tense include the future tense, except where the natural construction of this chapter indicates otherwise; words in the singular number include the plural number, and any words in the plural include the singular; "shall" is mandatory and not discretionary; "may" is permissive.

Sec. 1-107 Effective date.

In order that land be subdivided in accordance with the purposes of this Ordinance, this Ordinance is hereby adopted, to become effective on **January 1, 2009**. This Ordinance shall apply to all preliminary plats submitted thereafter and any reapprovals of expired preliminary plats when no construction plan has been submitted.

Any subdivision for which a preliminary or final plat has received written approval prior to the effective date of this chapter and for which a final plat for the subdivision or a section thereof is recorded within one year of the date of such approval may be developed in accordance with the subdivision in effect on the date of such approval.

Sec. 1-108 Relationship to Zoning Ordinance.

The Zoning Ordinance and zoning map shall control the type and intensity of use of all property within the unincorporated areas of the County.

ARTICLE II. ADMINISTRATION

Sec. 2-100 Agent.
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Sec. 2-100 Agent.

The agent appointed by the Board of Supervisors is hereby designated to administer this chapter only as hereinafter specifically provided. The powers of administration and enforcement of this chapter are hereby vested in and retained by the Board of Supervisors, except as such powers are expressly delegated in this chapter to the agent appointed by the Board and to the Planning Commission which shall exercise authority to review, approve and disapprove the preliminary plat for subdivisions of land within the unincorporated areas of Nottoway County.

The agent shall maintain a list and summary description of each land subdivision procedure described in this chapter and shall make copies available to the public.

The agent will revise and update the provisions of this chapter on a periodic basis due to state code and related changes and will, from time to time, sponsor educational forums which will explain the provisions of this chapter.

All administration and enforcement of this chapter shall be done in conformity with this chapter and with the Code of Virginia (§15.2-2240).

Sec. 2-101 Administration and enforcement.

No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this chapter and the provisions of §15.2-2204 et seq.

No plat of any subdivision subject to this Ordinance shall be recorded unless and until it shall receive final approval as provided by this chapter.

No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. Nothing herein shall be construed as preventing the recording of the instrument by which land is transferred or the passage of title between the parties to the instrument. (§15.2-2254)

No person shall subdivide land in any way inconsistent with such conditions as may be imposed by any other action of the County including special exception conditions, proffer conditions, Health Department requirements, county water and sewer requirements, and the like.

The provisions of this chapter shall not apply to any subdivision for which a currently effective preliminary plat was approved on or before the effective date of this chapter. These plats or subdivisions shall be reviewed and acted on under applicable prior subdivision ordinances.

Sec. 2-102 General authority of the agent.

The agent shall exercise authority to review, approve and disapprove the final plats for the subdivision of land within the unincorporated areas of Nottoway County. The agent shall also submit the final subdivision plat to the Board of Supervisors for their approval before the plat can be recorded.

The agent shall exercise authority to review and require changes when necessary throughout the subdivision approval process.

In the performance of his duties under this chapter, the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident highway engineer and the Health Department.

In addition to the regulations contained in this chapter for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this chapter, consistent with the Code of Virginia (§15.22-2240).

Sec. 2-103 Planning Commission role.

The Planning Commission shall exercise authority to review, approve and disapprove the preliminary plats for subdivisions of land within the unincorporated areas of Nottoway County. In so doing, the Planning Commission shall be considered an agent of the County. The Planning Commission shall ensure that the development is rationally designed, suitably adapted to the topography, efficient for the provisions of utilities and services, and has minimal negative impact on adjoining property. Their discretion shall be guided by the following standards:

Rational design. Lot sizes and shapes, block sizes and shapes, and street networks alignments shall be designed in accordance with accepted planning practices to produce a rational and economical system without undue clearing or grading.

Suitability to topography. If the site contains floodplains, wetlands or slopes steeper than 15 percent, the proposed development shall be designed to protect against such dangers as erosion, sedimentation, flooding, landslide or subsidence.

Infrastructure. All roads, water systems, sewer systems, storm drainage systems, solid waste collection systems, and other utilities and service shall be coordinated with the existing and planned systems in the surrounding area and shall be designed and constructed so as to minimize the cost of operation and maintenance.

Phasing. Proposed development shall be phased in a manner that will promote orderly growth and allow for planned improvements to the highway system and other infrastructure in coordination with the County Capital Improvements Plan and the State Department of Transportation Six-Year Improvement plans.

Noise, glare and pollution. The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property.

Sec. 2-104 Exceptions.

An applicant may request an exception to the substantive requirements contained in this Ordinance by submitting in writing the request, including evidence for justification, to the agent. The Planning Commission may grant such an exception upon evidence presented by the applicant that an exception is warranted due to an unusual situation or that strict adherence to the requirements would result in substantial injustice or hardship. No such exception may be granted which is opposed in writing by the county highway engineer or health official.

No such exception shall be granted that the Planning Commission finds would conflict with the Comprehensive Plan or would conflict with the applicable requirements of the Zoning Ordinance. Further, no exception granted pursuant to this Section shall affect the applicant's obligation to comply with requirements which are established by separate authority in accord with state or county law, nor may any exception relating to agreements and surety be granted pursuant to this Section.

The Planning Commission shall conduct a public hearing on the application for an exception, in accord with the procedures for public hearing as provided for in Section 15.2-2204-6 of the Code of Virginia.

The Planning Commission shall act on the application for exception within sixty (60) days from the date the application was officially submitted and shall adopt written findings of fact supporting its decision. At least ten (10) working days prior to final action, the Planning Commission shall give written notice by regular mail or by delivery to landowners adjoining the plat involved in the request.

The Planning Commission shall grant or deny each request in writing, stating the reasons therefore. As to each exception, the agent shall preserve and record the application and the basis for the exception or denial of the exception. These records shall be kept at least five (5) years from the date of the granting or denial of the exception.

Sec. 2-105 Private easements, covenants, contracts.

This chapter bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contracts, the provisions of this chapter shall control.

This Ordinance is not intended to interfere with, abrogate or annul any order of a court of competent jurisdiction, statute, regulation, or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of county ordinances or regulations or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

Sec. 2-106 Provisions for non-residential development.

Nonresidential subdivisions shall be subject to the provisions and requirements of this Ordinance. It is the intent of this Section that site plan review and nonresidential subdivision plat review proceed simultaneously through the approval process outlined in this Ordinance.

In addition to the principles and standards of this chapter which refer to subdivision design, the applicant shall demonstrate that the street, parcel and block pattern proposed for a nonresidential subdivision is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

Proposed nonresidential parcels shall be suitable in area and dimensions to the types of nonresidential development anticipated.

Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed nonresidential subdivision, including the provisions of extra depth in parcels backing up to existing or imminent residential development and provisions for a permanently landscaped buffer strip, when and where necessary.

Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas and shall be designed and constructed so as to ensure coordination with other existing and planned roads within the general area as to arrangement, character, extent, grade, width, location and drainage. Interparcel access between nonresidential uses shall be provided whenever it is determined that there is potential to reduce number of public road access points and/or reduce traffic on public roads.

Sec. 2-107 Vesting.

When the agent or Planning Commission has approved a preliminary subdivision plat, site plan or plan and the owner diligently pursues approval of the final plan or plat within a reasonable period of time under the circumstances or when agent or Planning Commission has approved a final subdivision plat, site plan or plan, then these actions shall be considered to be a significant governmental action under the terms of §15.2-2307.

Sec. 2-108 Schedule of fees.

There shall be reasonable fees and charges not to exceed an amount commensurate with the costs incurred for administration, examining plans and plats, making investigations, advertising, travel, or other work incidental to the review of plats or plans. Such fees shall be payable to the County of Nottoway in the amount set by resolution of the Board of Supervisors and maintained in the agent's office.

Sec. 2-109 Penalties.

Any person violating the foregoing provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of ten (10) percent of the assessed value or five hundred dollars ($500.00), whichever is greater, for each lot or parcel of land so subdivided, transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. Each day after the first during which violation shall continue shall constitute a separate violation punishable by a fine.

ARTICLE III. DEFINITIONS

Sec. 3-100 Definitions.

General Usage

This Article shall be read in conjunction with the Zoning Ordinance and other relevant chapters of the Nottoway County Code.

As used in this Ordinance, unless obvious construction of the wording indicates otherwise, words used in the present tense include the future tense; words in the singular number include the plural number; and, words in the plural number include the singular number.

"Shall" means mandatory.

Words in the masculine gender include the feminine gender.

"May" is permissive.

"Adjacent" means contiguous.

In the event a subsequent amendment to the State enabling language supersedes any provisions of this Ordinance, the requirements of the amendment shall be administered in place of the superseded ordinance provisions until such time as this Ordinance is amended.

Unless otherwise specified, all distances shall be measured horizontally and at right angles or radically to the line in relation to which the distance is specified.

Unless otherwise specified, the term "day" shall mean calendar day (Monday through Sunday) and working day shall refer to Monday through Friday.

The word "lot" includes the word plot; the word "used" includes the terms designed, intended, arranged or to be used.

The terms "land use" and "use of land" shall include the use of buildings and structures.

Meaning of Words

Any word, term or phrase used in this Ordinance not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless the opinion of the Agent, the context or the established customs or practices of the County of Nottoway, Virginia justify a different or additional meaning. Further, for the purpose of this Ordinance, certain words and terms are to be interpreted as follows:

Administrator, county: The County Administrator.

Agent or Subdivision Agent: The representative of the Board of Supervisors who has been appointed to serve as its agent in administering this chapter, as hereinafter specifically provided.

Alley: A permanent public or private right-of-way providing a secondary and/or service means of vehicular access to the side or rear of those projects whose principal frontage is on some other street.

Applicant: The owner of land proposed to be subdivided or his representative; also "subdivider".

Application, active: A subdivision or site plan application of any kind that has been officially accepted for review by the County is currently in some stage of processing by the County.

Application, inactive: A subdivision or site plan application of any kind that has been officially accepted for review by the County but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant for a period of at least six months.

Approve: The word approve shall be considered to be followed by the words "or disapproved".

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.

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

Block: A tract of land bounded by streets or by a combination of streets, public areas, cemeteries, railroad rights-of-way, shorelines of waterways or subdivision boundary lines.

Bond: Any form of security, including certified check or cash escrow; a personal, corporate or property bond, with surety satisfactory to the Board of Supervisors or its designee; a construction contract and contractor's bond, with surety satisfactory to the Board of Supervisors, or its designee; and a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Board of Supervisors or its designee as to the bank or savings and loan association. All such bonds or other form of security shall be subject to the approval of the Board of Supervisors or its designee as to form and amount.

Boundary line adjustment: means the adjustment of the boundary line between two or more lots within a subdivision, but not on the boundary of a subdivision, or the vacation of a lot line for the purpose of combining two or more lots, but not including any action which would result in a creation of additional building lots or the vacation of any street, alley, easement for public passage or other public feature. All boundary line adjustments are subject to Planning Commission approval.

Building envelope: That area within which the principle structure may be located in compliance with all minimum setback requirements of the Zoning Ordinance.

Building setback: The minimum distance that a building must be set back from the front lot line or other lot lines as may be specified.

Central sewage system: A community sewer system, including collection and treatment facilities, established by the developer to serve a new subdivision in an area not served by a public sewage system, and which conforms to the design specifications required by the Health Department and the County Code and has received approval from those bodies.

Central water system: A private water company formed by a developer to serve a new community development in an area not served by a public water system and which conforms to the design specifications required by the Health Department and the County Code and has received approval from those bodies. This includes water treatment and distribution facilities.

Commission: The Planning Commission of Nottoway County.

Condominium: A building or group of buildings in which dwelling units or floor area are owned individually and the structure, common areas and facilities are owned by all owners on a proportional, undivided basis.

Community Water or Sewer: A water or sewer system owned and operated by a private individual or corporation approved by the Board of Supervisors and properly licensed by the Commonwealth of Virginia and subject to special regulations as set forth in this chapter. (Also see Public Utility, Water or Sewer System).

Conservation Easement: An easement granting a right or interest in real property that retains land or water areas predominately in their natural, scenic, open, or wooded condition, preserving such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

Cul-de-sac: A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement, which meets the design and construction standards of the County and the Virginia Department of Transportation.

Dedicate or dedication: To appropriate, or an appropriation of, land to some public use, made by the owner and accepted for such use on behalf of the public or in accordance with Section 15.2-478 of the Virginia Code.

Department of Transportation standards: The "Subdivision Street Requirements," Virginia Department of Transportation (January 1, 2005); "Road and Bridge Standards," Vols. I and II, Virginia Department of Transportation (February 1, 2001); and comparable or later revisions of these works.

Developer: A legal or beneficial owner of property being subdivided, whether or not represented by an agent.

Development: Any manmade change to improved or unimproved real estate including, but not limited to, construction or alteration of the buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

Distance or area: Refers to measurement in a horizontal plane.

Easement: A grant by a property owner of an interest in real property for specific purposes.

Engineer: An engineer licensed by the Commonwealth.

Family or immediate family: The natural or legally defined offspring, parents, spouse, siblings, grandparents, grandchild, nieces or nephews of the subdivider.

Family Division: A division of a lot or parcel of record into two or more lots for the purpose of conveyance to members of the owner's family.

Final subdivision plat: The map of a subdivision submitted to the Nottoway County Board of Supervisors for final approval and subsequently to be recorded with the Nottoway County Circuit Court.

Governing body: The Board of Supervisors of Nottoway County.

Grade: The slope of a road or other public way, specified in percentage terms.

Health Official: The director of the County Department of Health or his designated deputy.

Highway engineer: The resident engineer employed by the State Department of Transportation.

Individual sewage disposal system: A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device, that conforms to the requirements and specifications of the Health Department and any other applicable County Code standards.

Lot: A numbered and recorded portion of a subdivision having fixed boundaries, designated on a plat or survey and created in conformance with this chapter.

Lot corner: A lot abutting on two (2) or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees. The front shall be deemed to be the shortest of the sides fronting on streets. For purposes of regulation, all corner lots shall be designated at the time of subdivision as fronting on a single street, and all yard and building requirements shall be based upon that designation.

Lot, depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

Lot, double frontage: An interior lot having frontage on two (2) streets.

Lot, improvement: Any building, structure, place, work of art or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in this chapter.

Lot, interior: A lot other than a corner lot.

Lot line: The boundary line of a lot that separates it from adjoining lots or from street right-of-way.

Lot of record: A lot which has been recorded in the office of the Clerk of the Circuit Court of the County.

Lot, width of: The mean horizontal distances between the side lot lines.

Monument: A boundary marker, classed as natural or artificial indicating the lines and boundaries of a lot.

Nonresidential subdivision: A subdivision, the intended use of which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this chapter.

Parent parcel; parent tract: The original lot or lots of record from which a subdivision is created.

Plat: A map prepared by a licensed surveyor representing a subdivision of a parcel of land into lots, blocks and streets or other divisions and dedications.

Preliminary plat: The preliminary drawing or drawings, including the elements required by this chapter, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Private road or street: Means any roadway not maintained by the State Department of Transportation, whether or not the road has been built to state specifications.

Property: Means any tract, lot, parcel or several of such tracts, lots or parcels collected together for the purpose of subdividing.

Resubdivision: A change in a map or an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line with the exception of an approved boundary adjustment.

Right-of-way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, bicycle trails, or for another special use that is granted to the user or a separate strip with title vested in the user. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use either as an easement or as a conveyance of title as required by the Subdivision Agent.

Street: The principal means of vehicular access to abutting properties.

Street or alley, public use of: A right-of-way improved for vehicular traffic whether called street, highway, thoroughfare, parkway, through road, avenue, boulevard, lane, place, mall or otherwise designated.

Street categories: The categories of subdivision streets divided into traffic volume classifications by the State Department of Transportation.

Street, service drive: A public right-of-way generally parallel and contiguous to a major highway primarily designed to promote safety by eliminating hazardous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

Street, width: The total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks and planting strips.

Subdivider: An individual, corporation, or registered partnership, executors, heirs, their successors in interest, except for immediate family, 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, or any of the above, who have given their power of attorney to one of their group to another individual or to a corporation or partnership to act on their behalf in planning, negotiating for, in representing or executing the purpose of the subdivision.

Subdivision: Division of any tract, parcel or lot of land, that creates three (3) or more lots, at one time or within twenty-four months thereafter, for the purpose of transfer of ownership or building development. If a new street is involved in such a division, then any division of land constitutes a subdivision.

Surveyor: A surveyor licensed by the Commonwealth.

ARTICLE IV. APPROVAL OF PLATS

Division 1 In General.
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Sec. 4-102 Mutual responsibility.
Sec. 4-103 Suitability of land.
Sec. 4-104 Flooding and other hazards.
Sec. 4-105 Preliminary sketch.
Sec. 4-106 Approval process, major subdivisions.
Sec. 4-107 Approval process, boundary line adjustment.
Sec. 4-108 Approval process, family subdivision.

Sec. 4-100 Platting required.

Any owner or developer of any tract of land situated within the County who subdivides that land shall have a plat of such subdivision and have it recorded in the office of the Clerk of the Circuit Court of the County. No such plat 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 chapter.

Sec. 4-101 Preparation and certification of plats.

Every plat shall be prepared by a surveyor or engineer, duly certified by the state, 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 of record of the last instrument in the chain of title. When the plat is of land acquired by more than one source of title, the outlines of the several tracts shall be indicated upon such plat, with an inset block or by means of a dotted or dashed boundary upon the plat.

Sec. 4-102 Mutual responsibility.

There is mutual responsibility between the subdivider and the County to divide the land so as to improve the general land use pattern of the area being subdivided.

Sec. 4-103 Suitability of land.

The agent shall not approve the subdivision of land if, from adequate investigation 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.

Sec. 4-104 Flooding and other hazards.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase dangers to health, life or property, or aggravate erosion or flood hazard. Such land, if any, within any 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.

The applicant for any subdivision of lots shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property in the proposed subdivision lies within the 100-year floodplain. When property lies within the 100-year floodplain, the extent of the floodplain shall be shown on the plat.

Sec. 4-105 Preliminary sketch.

The applicant shall submit to the agent a preliminary sketch of the proposed subdivision prior to the applicant preparing an engineered preliminary plat. The purpose of such preliminary sketch is to permit the agent to advise the applicant whether his plans, in general, are in accordance with the requirements of this chapter, and to facilitate the review as hereafter provided. The agent shall study the sketch and advise the applicant as to any changes that would be necessary to substantially conform to the requirements of this Ordinance. The agent shall mark the sketch indicating any such necessary changes. The agent shall provide such advice to the applicant within ten (10) working days of submission of the preliminary sketch.

Sec. 4-106 Approval process for subdivisions.

Submission and Acceptance of Preliminary Plat

After obtaining advice from the agent as to the conformance of the preliminary sketch to the subdivision regulations, the applicant shall submit a preliminary plat, in accord with the subdivision requirements provided for herein. The agent shall review the preliminary plat within ten (10) working days to determine whether it is in substantial conformance with the requirements of this Ordinance. If deemed to be in substantial conformance, the plat is thereby accepted for processing and so noted by the agent on the plat. Upon making such determination that all documents are in order, the preliminary plat shall be deemed to be officially submitted. The date of this determination shall be deemed the filing date for the preliminary plat. If it is not accepted by the agent, the agent shall submit the reasons in writing to the applicant within ten (10) working days. The agent's determination that the plat has been accepted for review and processing shall not be deemed a determination that the plat meets all requirements for approval.

Review of the Preliminary Plat and Action

The agent shall distribute copies of the preliminary plat to other county departments, and other county, state or federal government agencies as the agent may deem necessary to determine compliance with all applicable regulations. Review and comment by any such agency is encouraged to be completed within fifteen (15) working days of the date on which the preliminary plat was officially submitted. Any comments shall be submitted to the agent in writing. The agent shall also forthwith transmit the plat to the E-911 coordinator for approval of any proposed street names for any new streets or extensions of existing streets, and for addresses for the new lots.

The agent shall review the preliminary plat for conformance to the requirements of this Ordinance and shall prepare written comments as to findings.

The agent shall then provide a copy of all such written comments to the applicant within forty-five (45) days of the date on which the preliminary plat was officially submitted. If reviewing agencies require more than fifteen (15) days to provide comment, the number of days in excess shall be added to the forty-five day comment period.

The applicant shall have the option of revising the application (preliminary plat) based upon the comments received. The agent shall determine whether such revisions, if any, constitute an amended application such that additional substantive review is required by the agent or other agencies, in which case the date on which the amended application is submitted shall thereafter be deemed the official filing date or date of acceptance of the application, for timeline purposes.

The agent shall submit the preliminary plat and the agent's written comments to the Planning Commission, which shall consider the application at a regularly scheduled work session as to whether the application conforms with the applicable regulations, as provided for herein.

Action on Preliminary Plat

The Planning Commission shall act on the proposed preliminary plat within ninety (90) days of the date of official acceptance. The agent may delay such action if the applicant has submitted a written request for a delay or if reviewing agencies took excess time in providing their comments. The Planning Commission shall act on the preliminary plat by approving, conditionally approving, or disapproving such plat, including reasons for the action, in writing, transmitted to the applicant by certified mail. The Planning Commission shall approve the preliminary plat provided that the requirements of this Ordinance and other applicable ordinances have been met. If disapproved, specific reasons for disapproval shall be provided in writing or marked on the plat, and shall include such modifications or corrections as will permit approval of the plat. The conditions of a conditional approval or disapproval of the plat may be appealed to the Board of Supervisors as provided for herein. Nothing herein shall be interpreted so as to preclude the applicant from filing a new preliminary plat for the same property if no appeal to the Circuit Court is pending.

1. After approval or conditional approval of the preliminary plat, a final (record) plat application may be officially submitted within two (2) years of the date of action, hereafter called the initial approval period. If no record plat is submitted within such time, the applicant will be considered as not having diligently pursued final plat approval and the approved preliminary will become null and void. Upon such determination by the County, the applicant is free to resubmit a new preliminary plat and reinitiate the process.

2. Extensions of up to one (1) year each may be granted by the Planning Commission at the written request and justification of the applicant at least twenty-one (21) days prior to the end of the initial approval period or current extension period, provided that the total of all such extensions shall not exceed an aggregate of three (3) years beyond the initial approval period, at which point the County will deem that the applicant is not diligently pursuing final approval. In considering such requests for extensions, the

Planning Commission shall consider whether the applicant has agreed in writing that all future plats, plans and profiles shall comply with all applicable regulations in effect as of the date of the granting of such extension, and whether compliance of those plans with the ordinances is feasible without rendering the final (record) plat no longer capable of substantial conformance with the approved preliminary plat and the conditions, if any, imposed at the time of approval.

3. If an applicant has obtained approval of a preliminary plat and submitted within two years or any extended period as approved by the agent, a final plat meeting the submission requirements of this Ordinance for a portion of the lots shown on the preliminary plat, then the applicant may submit final plats for remaining portions shown on the approved preliminary plat within five (5) years of the date of recordation of the initial final plat, or within such longer period as the Planning Commission may, at the time of preliminary plat approval, deem to be reasonable, taking into consideration the size and phasing of the proposed development, provided, however, that no final plat for any portion of the lots on an approved preliminary plat shall be approved unless such final plat is in conformance with the provisions of this Ordinance and all other applicable regulations in effect at the time it is submitted for approval.

Final Plat

Construction Plans and Profiles

Subsequent to approval or conditional approval of the preliminary plat and prior to submission of the final plat, the applicant shall submit to the agent copies of the construction plans and profiles of any public improvements that are required by this or other applicable regulations.

Subsequent to approval or conditional approval of the preliminary plat, an applicant who proposes to record a final plat of subdivision shall submit copies of the final plat and other documents as required herein, to the agent for review. The agent shall determine within five (5) working days if the final plats and documents comply with the submission requirements for final plats. Except as provided for with regard to the preliminary/final plat process, the agent shall not accept a final plat unless there is a valid, approved preliminary plat for the same property. Upon acceptance of the documents and final plat, the application shall be deemed to be officially submitted, and the date upon which such determination is made, shall be the filing date for the final plat. If not accepted, the reasons shall be indicated by the agent in writing and returned with the documents and final plat to the applicant. Acceptance of the application for processing shall not be deemed as a determination that the final plat meets the requirements for approval.

Review and Action
Within sixty (60) days after the filing date of the final plat, the agent shall act on the final plat application. If the Board of Supervisors approves the application, approval shall be evidenced by the agent's signature on the final plat, thereby indicating that the final plat is in substantial conformance with the approved preliminary plat and is in conformance with the requirements and provisions of this Ordinance and all other applicable regulations, and that all construction plans and profiles are designed and in accord with all county public facility regulations and requirements.

If such requirements and conditions are not met, the agent shall not approve the final plat. Written reasons for such disapproval shall identify specific deficiencies with respect to adopted regulations, and shall generally identify such modifications or corrections as will permit approval of the plat.

The agent shall not release an approved final plat and approval of a final plat shall not be deemed complete until all required agreements and surety relating to the final plat have been submitted, approved and executed in accordance with this policies and regulations in effect at the time the final plat is approved.

An approved final plat shall be recorded by the applicant in the Office of the Clerk of the Circuit Court of Nottoway County within six (6) months of the date of final approval, or the County will deem that the applicant is not diligently pursuing completion of the subdivision process and recordation of the plat and shall declare it void.

Prior to approval of the final plat, the applicant shall submit a written request for assignment of addresses.

Sec. 4-107 Approval process, boundary line adjustment.
When the boundary lines of any two legal lots or parcels of record are proposed to be relocated or altered without creation of any additional lot or parcel and where all resultant lots meet all applicable requirements of the Zoning and Subdivision Ordinances, the following provisions apply:

The Planning Commission shall waive the requirements of this Ordinance and approve such boundary line adjustment (BLA) as evidenced by the agent's signature on the plat so long as the following conditions have been met:

Such BLA shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas, and no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

Such BLA shall be clearly depicted upon the plat which shall be executed, acknowledged and recorded by the owner or owners of such land as provided in Section 15.2-2264 of the Code of Virginia.

Such BLA shall not result in any new violation of the area or other dimensional requirements of the Zoning Ordinance, provided, however, that any existing violation of minimum yard requirements or any existing nonconformity is not enlarged, expanded or extended.

With respect to each lot or parcel resulting from any such BLA, the applicant shall provide evidence of either Health Department approval for an on-site sewage disposal or from the County for connection to a public or community sewage disposal system.

Unless the titles to all parcels affected by the BLA are vested identically in the same person or entity or the same combination of persons and/or entities, a deed shall be filed with the plat which makes clear that no additional lot or parcel shall be created by the BLA.

For the purposes of the Zoning and Subdivision Ordinances of Nottoway County, the lots or parcels resulting from any such boundary line adjustment approved hereunder shall be considered as coming into existence as of the date of recordation in the office of the Clerk of the Circuit Court of Nottoway County, Virginia, of the boundary line adjustment plat.

The Planning Commission shall take action to approve or deny any BLA plat filed hereunder within sixty (60) working days after such plat has been officially submitted. Such sixty-day period shall not include time that elapses awaiting applicant's response to the agent's comments and requirements.

Any boundary line adjustment approved hereunder shall be recorded by the applicant in the Office of the Clerk of the Circuit Court of Nottoway County, Virginia, within six (6) months of the date of final approval, or the County will deem that the applicant is not diligently pursuing completion of the subdivision process and recordation of the plat and shall declare it void.

Sec. 4-108 Approval process, family divisions.

A family division shall be exempt from the requirements of this Subdivision Ordinance when the following conditions are met:

1. There is no intent to circumvent the requirements of the Nottoway County Zoning Ordinance and/or the other procedures of this Subdivision Ordinance by the creation of lots which would not be approved except under this Section, for conveyance or reconveyance to grantees who are not eligible family members as defined herein, except for the trustees of a bona fide lender of purchase money and/or money for the construction of a residence or purchase of a mobile home to be sited on the lot conveyed.

2. The person the lot is to be conveyed to is a natural or legally defined child, spouse, sibling, parent, grandparent or grandchild of the property owner, or a niece or nephew of same.

3. The person the lot is to be conveyed to has not previously been conveyed a lot by the exercise of this Section or any previous family exemption. Where the previous conveyance can be shown not to have resulted in a circumvention, the Agent or the Planning Commission may grant an exception to this requirement.

4. Lots or parcels created under this provision must conform to all applicable requirements of the Zoning Ordinance, the Subdivision Ordinance and all other applicable land development or design regulations adopted by the County, including the minimum residential lot area of the zoning district in which they are located.

The plat shall contain the following certificate, executed by the owner of the property, or by the family member it is being conveyed to:

"I/We, the undersigned, hereby affirm, under oath and subject to penalties for perjury, that _____ is my/our _____;
Name of Owner or Grantee Relationship

That I/we he/they has/have not previously been conveyed property by use of the family exemption or family subdivision provisions of the Nottoway County Code, except as noted hereon; that the conveyance hereon contemplated is a bona fide conveyance for purposes of establishing a residence on family owned property and not for purposes of circumvention of the Subdivision Ordinance by reconveyance to a non-family member.

I/we understand that conveyance to a non-family member, except by foreclosure, within five years of the date of this oath, shall be presumed to be a circumvention of the County Code and that I/we may be subject to fines as set forth herein unless I/we are able to prove otherwise, and that such fines may be assessed on a daily basis until the lot hereby conveyed is brought into conformance with the Nottoway County Code. Witness my/our signatures hereto.

The foregoing shall be signed and sworn before the Clerk or Deputy Clerk of the Nottoway County Circuit Court with the following acknowledgement:

Commonwealth of Virginia
County of Nottoway

The foregoing instrument was subscribed and sworn before me this _____ day of _____, by _____.

_____
Clerk/Deputy Clerk
Circuit Court for Nottoway County Virginia"

An executed deed of conveyance shall be presented to the Subdivision Agent with the executed plat of family subdivision for approval. Upon approval, both shall immediately be given to the Clerk of the Circuit Court for recordation. Upon recordation five copies of the plat with plat book and page number and date of recordation added, and one copy of the recorded deed shall be returned to the Agent. Failure to record the plat and deed upon approval and/or failure to return the required copies shall constitute a violation of this Ordinance and the violator shall be liable for the penalties set forth in Section 2-111 above. If said failure is part of a circumvention, additional penalties may apply.

It shall be the applicant's responsibility to obtain preliminary approvals of the proposed family subdivision before executing the deed or to render the conveyance void and of no effect if the agent finds that the plat is not in conformity with the County Code.

Division 2 Preliminary Plats.
Sec. 4-200 General requirements.
Sec. 4-201 Preliminary plat content.
Sec. 4-202 Acceptance of plat.
Sec. 4-203 Advertising of commission hearing.
Sec. 4-204 Multi-phase major subdivisions.
Sec. 4-205 Agency review.
Sec. 4-206 Consultation with towns.
Sec. 4-207 Planning Commission review.
Sec. 4-208 Term of validity of preliminary plat.
Sec. 4-209 Failure to act on the preliminary plat.
Sec. 4-210 Appeal of plat disapproval.

Sec. 4-200 General requirements.

All preliminary and final plats shall provide all of the facts necessary to show compliance with these subdivision regulations. The agent shall have the authority to waive certain submittal requirements for plats if the agent determines that such information is not necessary for the proper review and approval of the plat and that not providing the information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Zoning Ordinance or Subdivision Ordinance. Such waivers must be approved prior to submission of the plat.

Sec. 4-201 Preliminary plat content.

Unless a waiver is approved as provided for in Section 4-200 above, all applications for preliminary plat approval shall include or be accompanied by the following information:

The applicant shall present to the agent one (1) original or other reproducible copy and eight (8) paper copies of the plat, at a scale of not less than one hundred (100) feet to the inch, on sheets not larger than seventeen (17) inches by twenty-two (22) inches.

1. Name of subdivision.
2. County and state.
3. Property owner – name and address.
4. Engineer or Surveyor who prepared plat – name, address, license & signature.
5. Date plat was drawn and date of any revision(s).
6. True North point.
7. Scale of drawing.
8. Number of sheets (if greater than one, clearly indicate where sheets join).
9. Blank space box – three (3) by five (5) inches for use by approving authority.
10. Vicinity map showing general location of proposed subdivision (at a scale of not less than two (2) inches per one (1) mile to include adjoining roads, road names and number, towns and other landmarks.

11. Proposed names and locations of new streets or extensions of existing streets.
12. Boundaries of all proposed and existing lots, easements, parks, school sites or other public areas, areas of common open space.
13. Proposed uses on the property.
14. Proposed house site(s), drain field site(s) and entrance(s) for each lot.
15. Number and area of all building lots.
16. All existing public and private streets and other rights-of-way, their names, numbers and widths.
17. Water courses and their names.
18. Names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
19. Deed reference, tax map and parcel number.
20. Existing zoning and any proffers associated with the property; proof of any special exceptions, variances or waiver necessary for the subdivision, and existing zoning of adjoining properties.
21. When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dash lines and the identification of the respective tracts shall be placed on the plat.
22. The boundary survey or existing survey of record; provided, such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2500).
23. Total acreage, acreage of subdivided area, number, area and frontage of all building lots, existing buildings within the boundaries of the tract, yard and setback lines, and any areas of common open space.
24. Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
25. All parcels of land to be dedicated for public use or ownership, the prospective owner(s) of such public uses sites and the conditions of such dedication.
26. Written designation by the Health Department of the suitability of each lot within the subdivision for an individual sewage disposal system, or written designation by the county engineer or public works department of approval for connection to a public or community sewage disposal system.
27. Any proposed connections to public or community water and sewer systems.
28. Preliminary storm water management plans.
29. Outline of any proposed covenants.

When possible, the applicant shall also submit plat drawings electronically.

Sec. 4-202 Acceptance of plat.
A preliminary plat accepted for review and accompanied by the correct fee shall be deemed officially submitted to the County.

The agent is authorized to reject a preliminary plat on account of significant deficiencies as determined by the agent based on the requirements of this chapter.

Preliminary plats which are found deficient shall not be accepted until the deficiencies have been properly addressed and remedied. Resubmittals shall reactive the review period.

Sec. 4-203 Advertising of Commission hearing.
Notice of the public hearing to consider the proposed subdivision shall be advertised in accordance with the standards in Section 15.2-2204, of the Code of Virginia. Notice shall include mailing of written notice to property owners per subsection B of that section. The agent shall mail the written notice within ten (10) working days after the acceptance of the preliminary plat.

In addition, the subdivider shall cause notice to be posted on the property proposed for subdivision, in accordance with the standards required by Nottoway County.

Sec. 4-204 Multi-phase subdivisions.
When the Planning Commission approves the preliminary plat of a multi-phase major subdivision, it may approve an extended period for the recordation of the final plats of the subdivision. The final plats for all phases must be recorded within five years of the first recordation of a final plat for any phase, unless this period is extended by the Planning Commission at the time of the approval of the preliminary plat. The Planning Commission may grant the extension for such time as it may deem to be reasonable, taking into consideration the size and phasing of the proposed subdivision. The final plats for unrecorded phases shall be subject to the terms and conditions of the engineering and construction standards and zoning requirements in effect at the time that each remaining phase is recorded.

Sec. 4-205 Agency review.
Such agencies shall review the plat and respond to the Subdivision Agent within 45 days as required by the Code of Virginia.

Sec. 4-206 Consultation with town.
Whenever a plat is submitted for a subdivision of land within one mile of the corporate limits of the towns within Nottoway County, the Subdivision Agent shall submit a copy of the plat to the applicable town, requesting comments.

Sec. 4-207 Planning Commission review.

Within 45 days of receipt of the response from all appropriate agencies, the Planning Commission shall review the preliminary plats of all major subdivisions and may require reasonable changes to the design of such plats to ensure that the development is rationally designed, suitably adapted to the topography, efficient for the provisions of utilities and services, and has minimal negative impact on adjoining property.

Sec. 4-208 Term of validity of preliminary plat.

The subdivider shall have six months from the date of approval of the preliminary plat within which to file a final plat and final engineering plan meeting all of the submittal requirements established by Article IV of this chapter for the subdivision of section thereof. Failure to do so shall make the preliminary plat approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one six-month extension of preliminary plat approval.

Sec. 4-209 Appeal of failure to act on preliminary plat.

If the Planning Commission fails to approve or disapprove the preliminary plat within ninety days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the Commission, may petition the Circuit Court for an order with respect thereto as it deems proper, which may include directing approval of the plat.

Sec. 4-210 Appeal of disapproval of preliminary plat.

If the Planning Commission disapproves a preliminary plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he or she may appeal to the Circuit Court of Nottoway County, which Court shall hear and determine the case as soon as may be. The appeal must be filed with the Circuit Court within sixty days of the written disapproval by the Commission.

Division 3 Final Plats.
Sec. 4-300 General requirements.
Sec. 4-301 Time limit for filing.
Sec. 4-302 Content of final plat.
Sec. 4-303 Improvements.
Sec. 4-304 Certificates.
Sec. 4-305 Posting of bond.
Sec. 4-306 Recording of plat.
Sec. 4-307 Effect of plat recordation.
Sec. 4-308 Changes in approved plat.
Sec. 4-309 Vacation of recorded plat.

Sec. 4-300 General requirements.

The subdivider shall submit to the agent a final plat that meets the standards for plats as provided in this Division.

The agent will review the submitted final plat and, if no corrections are needed, will submit the final plat to the Nottoway County Board of Supervisors for their review and decision at the next regularly scheduled Board of Supervisors meeting.

The Board of Supervisors may require a public hearing for any subdivision review. Notice of any such public hearing to consider the proposed subdivision shall be advertised in accordance with the standards in Section 15.2-2204, of the Code of Virginia.

Should such a public hearing be required, the cost of advertising for the public hearing shall be the responsibility of the subdivision developer or applicant.

Sec. 4-301 Time limit for filing.

The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

Sec. 4-302 Content of final plat.

All final plats shall contain the same information provided on the preliminary plat unless a waiver is approved as provided for in Section 4-200 or is superseded by the following final plat requirements:

The applicant shall present a minimum of six original copies of the final plat to the agent.

All final plats shall be clearly and legibly drawn in ink, at a scale of not smaller than fifty (50) feet to the inch (1" = 50'), except in cases where the agent has approved an alternate scale, on sheets being twenty-four (24) by thirty-six (36) or seventeen (17) by twenty-two (22) inches in size. If the plat is drawn on more than one sheet, match lines shall clearly indicate where the several sheets join.

The final plat (including supplements and attachments) will, in addition to preliminary plat requirements, clearly show the following information:

1. The exact layout, including all dimensions, both linear and angular, for locating lots, adjoining streets, proposed and existing streets and easements. The linear dimensions shall be expressed in feet and hundredths of a foot, and the angular measurements shall be expressed by bearings or angles in degrees, minutes and seconds. The accurate location and dimensions by the bearings and distances with all curve data shall be shown on all lots and street lines and center lines of streets. The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: radius, arc, chord and chord bearings. Survey accuracy shall result in an effort of closure of one in ten thousand or better.

2. Total area within the final plat, to nearest one one-thousandth of an acre.

3. All survey monuments, lot corners, block markers and benchmarks, together with their description.

4. All dimensions of all lots and parcels shown in feet, and decimals of a foot to the closest one one-hundredth of a foot; all bearings in degrees, minutes and the nearest ten seconds.

5. The endorsement of the surveyor duly licensed by the state who prepared the plat and, in addition, a statement to the effect that "the above and foregoing subdivision of (here insert correct description of land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees," which statement shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.

6. 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.

7. A land-disturbing permit for the subdivision in accordance with applicable regulations.

8. Approval by the highway engineer of the construction plans of all proposed streets or roads within the subdivision. Such approval may be indicated by the highway engineer's signature on the plat.

9. Any deed covenants which may affect the type or location of structures, use of properties, or access to public rights-of-way.

10. Cash bond, certified check, letter of credit with bond, performance bond, or other agreement for all infrastructure improvements.

11. Deed of dedication and/or deed of easement for all rights-of-way, easements, or other properties which will be conveyed to the County or other entity as a result of the subdivision, in a form approved by the County Attorney; such easements shall clearly specify the purposes and owners of the easement.

12. Property Owner's Association documents if applicable.

13. Common or shared easements.

14. Whenever the Board of Supervisors shall determine that any pipes, cables, poles, equipment, or other facilities installed by or for any utility after the recordation of this subdivision plat in any street right-of-way or stormwater management easement shown on this plat must be relocated or removed, the owner or operator of such facilities shall relocate or remove the same at its expense in accordance with the order of the Board.

15. Detailed construction plans and profiles for all required streets, public or community water and sewer systems, and storm drainage facilities, such plans shall be submitted after approval of the preliminary plat and prior to submission of the final plat.

16. Written confirmation from the appropriate officials that the construction plans and profiles have been approved by the Virginia Department of Transportation, County engineer, or other agency or jurisdiction as appropriate shall accompany the submission of the final plan.

    Subsequent to construction, the subdivider shall provide the County with as-built construction drawings for all utility facilities.

Sec. 4-303 Improvements.
The plat shall be accompanied by final plans and specifications of all streets, water, sewer and storm water management systems, drawn to the specifications of the agency to be responsible for their maintenance.

Sec. 4-304 Certificates.
The following certificates shall appear on the final plat and shall be executed as appropriate:

I certify that, to the best of my knowledge and belief, all requirements of the Board of Supervisors and ordinances of the County, regarding the platting of subdivisions within the County, have been complied with (to be signed, dated and sealed by the surveyor).

The platting and subdivision of (here insert a correct legal description of land subdivided, including magisterial district, source of title, and location of last instrument in the chain of title), containing (insert acreage) and designated (insert name of subdivision), is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any; that all streets shown on the plat are irrevocably offered for dedication to public use; and that all lots are subject to certain covenants and restrictions dated (insert date) and recorded at (deed book and page) in the office of the Clerk of the Circuit Court of the County. (To be signed and dated by all owners.)

The subdivision shown on this plat has been reviewed and approved by the undersigned in accordance with existing regulations and may be committed to record. (To be signed and dated by representatives of the Department of Transportation, the Department of Health, and the agent of the Board of Supervisors.)

Sec. 4-305 Posting of bond.
After approval of the final plat, the subdivider shall post a bond or an irrevocable letter of credit with the County in the amount sufficient to cover the costs of necessary improvements as determined by the agent subject to Planning Commission approval, including all roads, streets, drainage facilities, water and sewer facilities, other utility facilities and all other required or proffered facilities including landscaping and outdoor lighting facilities. The bond or irrevocable letter of credit shall be terminated only with the consent of the agent.

In determining the cost of required improvements and the amount of the bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent or, preferably, shall require a bona fide estimate of the cost improvements to be furnished him by the subdivider to assist the agent in determining the amount of the bond.

The agent shall review progress on all subdivisions on an annual basis to determine adjustment of the amount of the bond is necessary. At the subdivider's request, the amount of the bond shall be reviewed by the Planning Commission at its next regular meeting following any adjustment by the agent, or within sixty (60) days, whichever is sooner.

All such bonded subdivision improvements shall be accomplished and roads accepted into the Virginia Department of Transportation system within two (2) years from date of approval of the subdivision and the bond shall guarantee such performance. The bond shall not be released until the construction has been inspected and approved by the highway engineer, County Department of Public Works and other appropriate authorized agents.

The County Subdivision Agent shall be empowered to grant up to two (2) six-month extensions or one (1) twelve-month extension to this two-year period when extenuating circumstances or hardship conditions are found to exist. The agent shall make such determination within thirty (30) days of receiving such request from the applicant in writing. If proposed public street(s) or public street improvements have not been approved by the Virginia Department of Transportation for acceptance into the Virginia State Highway System within the time limits specified, the County Subdivision Agent shall immediately initiate appropriate bond collection procedures.

Sec. 4-306 Recording of plat.

After approval of the final plat and the posting of the bond, where applicable, approval of the final plat shall be written by the agent on the face thereof. When thus executed and approved as herein specified, the plat shall be filed and recorded in the office of the Clerk of the Circuit Court and indexed under the names of the landowners signing the statement specified in Section 21-33 and under the name of the subdivision.

Sec. 4-307 Effect of plat recordation.

Recordation of the final plat with the Clerk of the Circuit Court shall operate to transfer, in fee simple, to the County such land or portion of the premises platted as is on such plat set apart for streets, alleys or other public use and to transfer to the County any easement indicated on such plat to create a public right of passage over same. Rights of subdividers of land that has been validly reserved are not to be affected.

Sec. 4-308 Changes in approved plat.

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

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of this chapter, such parcel shall be approved by the agent and the Board of Supervisors by the applicable procedures, rules and regulations for a subdivision approval as provided for herein.

Sec. 4-309 Vacation of recorded plat.

Any plat recorded, or part thereof, may be vacated with the consent of the Board of Supervisors and the owners, as specified in Section 15.2-2271 of the Code of Virginia. In cases where any lot has been sold, the plat or part thereof may be vacated according to either common agreement of all lot owners on the plat indicated by a written statement or by ordinance of the Board of Supervisors, as specified in Section 15.2-2271.

ARTICLE V. REQUIRED IMPROVEMENTS

Sec. 5-100 Application of Article.
Sec. 5-101 Land suitability.
Sec. 5-102 Improvements generally.
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Sec. 5-104 Water and sewer systems.
Sec. 5-105 Vegetation.
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Sec. 5-110 Fire protection.
Sec. 5-111 Blocks.
Sec. 5-112 Streets.
Sec. 5-113 Monuments.
Sec. 5-114 Recreation. (Optional)

Sec. 5-100 Application of Article.

The provisions of this Article shall apply to any subdivider of any tract of land in the unincorporated parts of the County, and any subdivider shall submit a plat of a subdivision. The provisions of this Article shall apply to any developer of any tract of land in the County, and any developer of land shall submit a site plan. The provisions of this Article may be superseded by proffers or special exception conditions in cases where they are more stringent or impose a higher standard.

Sec. 5-101 Land suitability.

Generally. The subdivision of land shall not be approved if, from investigation conducted by all public agencies concerned, it is determined by the Planning Commission that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed in terms of the standards of this Ordinance and any other County ordinance or state/federal statute. Land subject to flooding, land deemed to be topographically unsuitable because of street grades/geometrics, unstable soils inadequate drainage, or severe erosion potential, may be considered not suitable; land with inadequate coordination of streets/widths/grading/drainage; land with inadequate provision for drainage, storm water management, flood control; land with inadequate access or access causing unsafe traffic conditions may be considered not suitable.

Suitability of land in floodplains. All proposed subdivision activities in land determined to be within a one hundred-year floodplain shall be governed by the regulations of the Virginia Uniform Statewide Building Code and the State Health Department as well as the FEMA regulations of the U.S. government and the Nottoway Zoning Ordinance.

Drainage. To ensure 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 by the agent or the Planning Commission.

Waiver. The Planning Commission may waive the application of any requirement of this chapter if, in its opinion, the topography or other special or unusual conditions in cases of unusual situations when strict adherence to the general regulations would result in substantial injustice or hardship.

Sec. 5-102 Improvements generally.

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established by the State Department of Transportation for streets, curbs and the like, such specifications shall be followed. Minimum surface treatment for all new road construction shall be in accordance with current Virginia Department of Transportation specifications for subdivision streets.

The subdivider's performance bond shall not be released until construction subject to State Department of Transportation specifications has been inspected and approved by the highway engineer. All improvements shall be in accordance with the requirements contained in this Article.

The subdivider shall provide all requested 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 may also be required to provide plans for all such improvements, together with a certified engineer's statement that such improvements, when properly installed, will be adequate for proper development. The agent and engineer shall then approve or disapprove such plans. The subdivider shall also provide any other information required by the Virginia Department of Transportation.

Sec. 5-103 Building sites generally.

The site of buildings constructed within a subdivision shall be in accordance with the following:

Building setback. The building setback for each lot shall conform to the provisions established by the County Zoning Ordinance.

Building line. The building line shall be designated by the subdivider and reflected on the plat.

Lot sizes. Residential lot sizes shall conform to the regulations of the use district in which located. Availability of public water or sewer and/or a suitable approved alternative shall be the governing factor in the determination of lot sizes.

Lot arrangement, design and shape. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage or frontage which would be unsuitable for normal purposes.

Lots to abut on street. Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of fifty (50) feet or greater than fifty (50) feet.

Corner lots. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets, as required by the agent.

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

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.

Separate ownership. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the property line divides one (1) 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. Such deed is to be deposited with the agent and held with the final plat until the subdivider is ready to record such plat, and they both shall then be recorded together.

Sec. 5-104 Water and sewer systems.

In subdivisions where septic tanks or individual wells are contemplated, the agent may require that the lot areas be greater than those required in this chapter. If the Health Department determines that there are factors of drainage, soil condition or other conditions to cause potential health problems, the agent shall require that data from percolation or soil analysis tests be submitted as a basis for making decisions upon subdivisions containing septic tanks as a means of sewage disposal. A 100% or greater replacement septic drain field shall be employed in accordance with other provisions of the Nottoway and/or Virginia health code statutes.

Nothing in this Section shall prevent the installation of privately-owned water distribution systems or sewage collection and treatment facilities; provided that any such installation must meet all of the requirements of this Ordinance, the State Water Control Board, the State Health Department and any other state or local agency having authority over such installations.

Sec. 5-105 Vegetation.
All subdivision and site plans shall be designed to encourage the preservation of existing vegetation. A landscape plan may be required if deemed necessary by the Planning Commission or the agent.

Sec. 5-106 Soils.
Soils and/or geotechnical reviews are required for all applicable subdivision and development activities. The extent of these reviews is to be directly related to the quality of the in-place materials as they relate to engineering applications. The purpose of such reviews is to identify those tracts of land or building sites, or parts thereof, where Class III or Class IV soil classifications exist in order that any foreseeable problems affecting health safety or general welfare are addressed. This requirement can be satisfied with as little as a soils map and interpretations or as much as detailed geotechnical report as required by the agent or Planning Commission. Soils maps shall be submitted at scales of not less than one (1) inch equals two hundred (200) feet. The agent or Planning Commission may require that studies be prepared by a certified professional soil scientist or other qualified professional such as a professional engineer or professional geologist registered in Virginia.

Sec. 5-107 Drainage.
When required by this Ordinance or other county or state regulations, drainage and/or storm water management systems shall be provided by means of culverts, ditches, catch basins, cross drains, curbs and gutters, ponds, swales and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.

Adequate drainage must have the hydraulic characteristics necessary to convey stormwater runoff from the contributing watershed, or portion thereof, for a specified rainfall event.

The design of an adequate drainage system must (a) account for both off-site and on-site stormwater runoff; (b) honor natural drainage divides; and (c) convey stormwater runoff discharge into an adequate channel. An adequate channel shall be defined as a natural or manmade channel or pipe which can convey the stormwater runoff without overtopping its banks, surcharging the system, or creating erosive velocities. Adequate drainage must also include provisions for overland relief to accommodate stormwater runoff in excess of the design storms without damaging or endangering adjacent structures.

Proposed drainage systems which are designed to convey concentrated off-site stormwater runoff across the project shall be located within a dedicated drainage easement.

The objective of Nottoway County is to promote water quality provisions within the drainage system design of all proposed developments as contained in Best Management Practices published by the State of Virginia in order to avoid extensive water quality monitoring and inspection.

Except where otherwise prescribed, the design provisions of the most current adopted VDOT Drainage Manual and Virginia Erosion and Sediment Control Handbook shall apply.

Sec. 5-108 Erosion and sediment control.

Proposed subdivisions shall meet the applicable requirements of the County and the subdivider shall submit the required land-disturbing permit to the agent prior to the submission of the subdivision plat.

Sec. 5-109 Easements.

The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than fifteen (15) feet in width shall be provided for water, sewer, power lines and other facilities in the subdivision, when required by the agent.

Sec. 5-110 Fire protection.

The installation of adequate fire hydrants, adequate water mains and adequate water storage facilities at locations approved by the agent may be required.

Sec. 5-111 Blocks.

Length. The maximum length of subdivision blocks generally shall be twelve hundred (1,200) feet and the minimum length of blocks on which lots have frontage shall be five hundred (500) feet.

Width. Blocks in subdivisions shall be wide enough to allow two (2) tiers of lots minimum depth, except where fronting on major streets or prevented by topographical conditions of size of the property, in which case the agent may approve a single tier of lots of minimum depth.

Orientation. Where a subdivision adjoins a major road, the Commission may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress and egress.

Business or industrial use. Blocks intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

Sec. 5-112 Streets.

General requirements. Each lot within a subdivision shall be served by a publicly dedicated street. Streets shall conform to the standards and regulations of the State Department of Transportation and to this Section. All approvals and inspections of streets will be coordinated with the Virginia Department of Transportation, the Nottoway Comprehensive Plan and any applicable proffers or special exception conditions. Any access improvements in connection with a subdivision or site plan shall meet county standards where Virginia Department of Transportation standards are not available or do not apply.

Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. Where, in the opinion of the agent or the Planning Commission, it is desirable to provide for street access to adjoining property, whether or not there are existing streets in such adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted.

Service drives, right-of-way widths. Whenever a proposed residential or nonresidential 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.

Approach angle. Major streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees, unless the agent, upon recommendation of the engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

Minimum widths. The minimum width of proposed streets, measured from lot line to lot line, shall be in accordance with regulations established by the Virginia Department of Transportation. However, in no case shall the right-of-way of a street be less than fifty (50) feet in width. Alleys, if permitted, shall be not less than twenty (20) feet nor more than twenty-eight (28) feet in width. If an existing street is to be utilized, the Commission may require the developer to dedicate land sufficient to widen the right-of-way if such widening is related to needs generated by the proposed development.

Grading and paving. Grading and paving of all streets dedicated to public use shall be in accordance with regulations established by the State Department of Highways and Transportation.

Cul-de-sacs. Minor terminal streets (cul-de-sacs), designed to have one (1) end permanently closed, must be terminated by a turnaround in accordance with Virginia Department of Transportation Subdivision Street Requirements.

Alleys. Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the Virginia Department of Transportation.

Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets provided that a continuous path of natural travel is maintained. Prior to acceptance, all proposed new street names shall be reviewed by the E-911 coordinator to ensure that the names are in compliance with the Nottoway County Street Naming, Signing and Building Numbering article. In no case shall the names of proposed streets duplicate existing street names in the County, nor shall they duplicate street names of adjoining jurisdictions, if such names might conflict with the delivery services of the United States Postal Service in that location. The use of the suffix street, avenue, boulevard, drive, way, place, lane or court to circumvent the intent of this paragraph is prohibited. 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 Board of Supervisors.

Identification signs. Street identification signs of a design approved by the Virginia Department of Transportation shall be installed at all intersections by the subdivider prior to occupancy of any residence thereon.

Grades. The grades of streets shall be in accordance with specifications established by the engineer and such grades as submitted on subdivision plats shall be approved by the engineer prior to final action by the agent. Whenever feasible, street grades shall not exceed ten (10) percent and in no case shall they exceed grades prescribed by the standards of the Virginia Department of Transportation.

Access and egress. Where a proposed subdivision will border on or include frontage on an existing or proposed primary arterial, the Planning Commission may require that access to such street be limited by one of the following means:

The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.

A series of cul-de-sacs, U-shaped streets or short loops entered from, and designed generally at, right angles to such a parallel street, with the rear lines at their terminal lots backing onto the primary arterial.

A marginal access or service road separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

Sec. 5-113 Monuments.

All subdivisions shall be monumented in accordance with "minimum standards and procedures for land boundary surveying practice" (18 VAC 10-20-370).

All subdivisions shall be monumented as follows:

The outside boundary of the tract being subdivided shall be monumented in accordance with "minimum standards and procedures for land boundary surveying practice" (18 VAC 10-20-370). In addition, the substance and size of each monument found shall be noted on the Final Plat of the subdivision. All replacement monuments set shall meet the requirements for new division corners as set forth below.

All new division corners shall be monumented with solid iron rod greater than or equal to one-half (1/2) inch outside diameter or a pipe greater than or equal to three-quarter (3/4) inch outside diameter, twenty (20) inches long, driven so as to be flush with the finished grade. Where conditions do not allow the specified monument to be placed as required at the lot corner, the corner shall be marked as appropriate to the conditions and the specified monument shall be set on line as near to the corner as conditions allow and such location shall be noted on the Final Plat, or the Schedule of Monumentation subsequently recorded, as appropriate.

All subdivisions with bonded improvements shall meet the following requirements.

The surveyor preparing the final plat shall submit with same a letter or schedule setting forth his charge for monumenting, as required above, the subdivision being submitted and the developer shall bond same along with other improvements.

Before the bond will be released, the surveyor shall submit a letter or schedule certifying that all required monuments were set after construction of improvements bonded by the developer and after the installation of underground utilities by others, or that monuments set prior to such construction were field verified after same and found to be as required. In addition, any variations in type or location of monument from what was shown on the Final Plat of the subdivision, shall be noted on a Schedule of Monumentation, which may be a copy of the horizontal layout sheet of the final plat, and recorded in the office of the Clerk of the Circuit Court, with a title block containing all names the original Final Plat of the subdivision was indexed under.

Where corner monumentation is to be permanently placed after construction, same shall be noted on the Final plat of the subdivision, and precise reference points shall be shown on said Final Plat, or made available to other surveyors, for the location of improvements prior to final monumentation.