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SUBDIVISION ORDINANCE



AMELIA COUNTY
VIRGINIA

SUBDIVISION ORDINANCE
OF
AMELIA COUNTY, VIRGINIA

EFFECTIVE OCTOBER 15, 1980

Amended June 22, 1981
Amended March 10, 1986
Amended August 8, 1988
Amended March 13, 1989
Amended December 14, 1992
Amended July 27, 1995
Amended February 19, 1997
Amended February 17, 1999
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SECTION 1 - PURPOSE AND TITLE

1.1 AUTHORITY (Amended 11/17/99)

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

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

- a. For size, scale and other plat details;
- b. [Repealed];
- c. For the coordination of streets within the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage;
- d. For adequate provisions for drainage and flood control and other public purposes, and for light and air;
- e. For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewers and other utilities or other facilities installed,
- f. For the acceptance of dedication of public use of any right of way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, water line as part of a public system or other improvement, financed or to be financed in whole or in part by private funds only if the owner or developer (1) certifies to the governing body that the construction costs have been paid to the persons constructing such facilities, or (2) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a corporate or property bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned, or furnishes to the governing body a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings and loan association, the amount and the form; provided, however, in the event a governing body of a county, wherein the highway system maintained by the Virginia Department of Highways and Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the State Highway System, then such governing body may if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the governing body in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the State Highway System or in lieu of such bond, a bank or savings and loan association, the amount and the form. "Maintenance for such road" shall be deemed to mean maintenance of the streets, curb, gutter, drainage facilities, utilities or other street

thirty days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder, unless the governing body, or its designated administrative agency, notifies said subdivider or developer in writing of non-receipt of approval by applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period.

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

1.2 PURPOSE

The purpose of this ordinance is to establish certain subdivision standards and procedures for Amelia County, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the Code of Virginia, 1950, as amended.

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

1.3 TITLE

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

SECTION 3 - PROCEDURE FOR MAKING AND RECORDING PLATS

3.1 PLATTING REQUIRED

Any owner or developer of any tract of land situated within the County who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the circuit court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded. No building permit will be issued to any prospective developer of any tract, parcel, etc., if the property was illegally subdivided after the effective date of this ordinance and its amendments. A building permit may be issued if the noncompliance requirements are met. It shall be the responsibility of the agent to check with the clerk's office monthly to assure compliance.

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

3.2 DRAW AND CERTIFY

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

3.3 OWNER'S STATEMENT

Every such plat, or the deed of dedication to which the plat is attached, shall contain, in addition to the surveyor's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided), as appears in the plat, is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, of any", which shall be signed by the owners, proprietors, and trustees, and shall be duly acknowledged before some officer authorized to take acknowledgments for deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the Clerk of the Circuit Court, and indexed under the names of the land owners signing such statement and under the name of the Subdivision.

3.4 NO ONE EXEMPT

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

SECTION 4 - GENERAL REGULATIONS

4.1 MUTUAL RESPONSIBILITY

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

4.2 LAND MUST BE SUITABLE

The agent shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

4.3 FLOODING

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

4.4 INSTALLATION COSTS

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

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

Each payment received for such off-site improvements shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer. In lieu of such payment, the subdivider may post a corporate or property bond, cash escrow or other method of performance guarantee equal to the total payment due and satisfactory to the agent, conditioned upon payment at the commencement of such construction.

4.4.1.2 Service Drives

Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

4.4.1.3 Street Angle

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

4.4.1.4 Minimum Widths

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

4.4.1.5 Construction Requirements (Amended 11/14/07)

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

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

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

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

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

4.4.2.1 Location - Concrete

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

4.4.2.2 Location - Corner Marker

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

4.4.3 Water Facilities (Amended 9/15/04)

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

4.4.4 Sewage Facilities (Amended 9/15/04)

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

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

4.4.5 Private Water and/or Sewer

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

4.4.6 Lot Size

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

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

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

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

4.4.13 Plans and Specifications

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

4.5 LOTS

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

4.5.1 Shape

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

4.5.2 Location

Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use.

4.5.9 Family Exemption (Amended 7/27/00)

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

4.6 BLOCKS

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

4.6.1 Length

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

4.6.2 Width

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

4.6.3 Orientation

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

4.7 FLAG LOTS (Amended 11/15/01)

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

4.7.1 Limit on Flag Lots

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

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

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

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

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

The Type I study and report shall include the following:

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

Table 1
Number of Test Wells Required

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

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

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

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

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

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

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

Inorganic Chemicals - other, and physical factors

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

Organic Chemicals - trihalomethanes

Bromoform	Dibromochloromethane
Bromodichloromethane	Total Trihalomethanes
Chloroform	

Organic Chemicals - Volatiles

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

Organic Chemicals - Pesticides, Herbicides and PCBs

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

Other

Coliform

SECTION 5 - APPROVAL OF PLATS

5.1 APPROVAL REQUIRED BEFORE SALE

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the agent for the approval of the subdivision plat and submit three (3) copies of the preliminary plat including the lot, street, and utilities layout. No lot shall be sold until the final plat for the subdivision shall have been approved and recorded in the following manner:

5.2 PRE-APPLICATION CONFERENCE

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

5.2.1 Application

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

5.2.2 Preliminary Conference

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

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

5.3.4 Existing Improvements

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

5.3.5 Drainage

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

5.3.6 Cross Section

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

5.3.7 Contour Map

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

5.3.8 Flood Plain and Drainage Course

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

5.3.9 Connection to Public Facilities

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

5.3.10 Dedicated Public Land

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

5.3.11 Soil Erosion Compliance

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

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

5.7.1 Signature Area

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

5.7.2 Source of Title

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

5.7.3 Subdivision Statement

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

5.7.4 Multiple Sources of Title

When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.

5.7.5 Location and Dimension Information

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

5.7.6 Distance and Bearings

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

5.7.7 Curve Data

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

5.7.8 Setback Lines (Amended 11/15/01)

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

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

6.1 PURPOSE (Amended 12/16/09)

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

6.2 SINGLE CUT SUBDIVISION

6.2.1 Intent (Amended 11/16/2005)

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

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

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

6.2.2 Access (Amended 11/15/01)

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

6.2.3 Plat Requirements

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

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

6.4.2 Remnants

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

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

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

6.4.4 Street Frontage (Amended 11/16/2005)

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

6.4.5 Separate Ownership

Where the land covered by a development includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneous with the recording of the final plat. Said deed is to be deposited with the final plat until the sub-divider is ready to record same, and they both shall then be recorded together.

6.4.6 Plat Requirements (Amended 11/16/2005)

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

6.4.7 Plat Approval (Amended 11/16/2005)

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

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

6.6 Charitable Divisions (Amended 12/16/09)

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

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

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

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

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

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

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

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SECTION 8 - DEFINITIONS

WORDS AND TERMS

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE

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

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