

CHARLES CITY COUNTY



SUBDIVISION ORDINANCE

CHARLES CITY COUNTY
SUBDIVISION ORDINANCE

ADOPTED: APRIL 28, 2015
Amended through July 31, 2017

**CHARLES CITY COUNTY, VIRGINIA
SUBDIVISION ORDINANCE**

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 subdivisions and the certifications of same and provide for approval of plats.

WHEREAS, by Article 6, Land Subdivision and Development found in the Code of Virginia 1950, as amended, Section 15.2-2240-2279 the governing body of Charles City County, Virginia is authorized to adopt regulations to:

1. promote the public health, safety, convenience and general welfare;
2. further the orderly layout and use of land;
3. avoid undue concentration of population and overcrowding of land;
4. minimize congestion in the streets and highways;
5. provide for adequate light and air and for identifying soil characteristics;
6. facilitate adequate provisions for transportation, water, wastewater, storm drainage, schools, parks, and other public requirements;
7. provide for adequate access and mitigating street improvements;
8. ensure proper legal description and proper monumenting of subdivided land;
9. promote safety from fire, flood, failure of impounding structures and impacts within dam break inundation zones, panic, and other dangers;
10. facilitate the further re-subdivision of tracts or parcels of land;
11. promote the preservation and integration of environmental resources into subdivision layouts;
12. minimize the impact of development on environmental resources.

These regulations are established with reasonable consideration of the rural character of the County, and the public safety and welfare of its citizens. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the comprehensive plan, and applicable laws and regulations.

THEREFORE, be it ordained by the Board of Supervisors of Charles City County, Virginia, that the following regulations are hereby adopted for the subdivision of land within the jurisdiction of Charles City County, Virginia, as its amended Subdivision Ordinance and from and after the effective date of this amended Ordinance, every owner or proprietor of any tract of land to which these regulations apply, who subdivides such 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 Court wherein deeds conveying such land are required by law to be recorded. The prior Subdivision Ordinance of this County is hereby repealed.

TABLE OF CONTENTS

	Page
SECTION 1 - PURPOSE AND TITLE	1
1-1 Purpose	1
1-2 Title	1
SECTION 2 - DEFINITIONS	3
SECTION 3 - ADMINISTRATION	5
3-1 Subdivision Agent	5
3-2 Duties	5
3-3 To Consult	5
3-4 Additional Authority	5
3-5 Health Department	5
3-6 Approvals in Conflict with this Ordinance	6
3-7 Authority of the Subdivision Agent to Initiate Legal Action	6
SECTION 4 - REQUIREMENT FOR MAKING AND RECORDING PLATS	7
4-1 Platting Required	7
4-2 Draw and Certify	7
4-3 Owner's Statement	7
4-4 No One Exempt	8
4-5 Private Contracts	8
4-6 Penalty	8
SECTION 5 - GENERAL REGULATIONS	9
5-1 Mutual Responsibility	9
5-2 Land must be Suitable	9
5-3 Land Deemed Inappropriate for Residential Development	9
5-4 Lot Size	10
5-4.1 Lot Frontage for Minor and Major Subdivisions	10
5-5 Utilities Required to be Underground	10
5-6 Soil Erosion and Sedimentation Control	10
5-7 Fire Protection	10
5-8 Monuments	10
5-8.1 Location of Monuments – Concrete	11
5-8.2 Location of Monuments-Iron Pipe or Rod	11

TABLE OF CONTENTS

	Page
SECTION 6 - DESIGN STANDARDS	13
6-1 Improvements Required	13
6-2 Streets	13
6-2.1 Alignment and Layout	13
6-2.2 Street Jogs	13
6-2.3 Approach Angle	14
6-2.4 Streets Hierarchy	14
6-2.5 Construction Requirements	14
6-2.6 Surface Requirements for Major Subdivisions	15
6-2.7 Cul-de-sacs	15
6-2.8 Alleys	15
6-3 Public/Private Streets and Reserve Strips	15
6-3.1 Street Names	16
6-3.2 Street Identification Signs	16
6-4 Central Water and Sewer Facilities	16
6-4.1 Water Facilities	16
6-4.1(a) Individual Wells	17
6-4.2 Sewerage Facilities	17
6-4.2(a) Individual Sewer Systems	17
6-4.2(b) Greater Lot Area Required	18
6-5 Storm Drainage Facilities	18
6-6 Drainage and Utility Easements	18
6-7 Lots	18
6-7.1 Shape	18
6-7.2 Location	19
6-7.3 Corner Lots	19
6-7.4 Side Lines	19
6-7.5 Remnants	19
6-7.6 Separate Ownership	19
6-7.7 Double Frontage Lots	19
6-8 Blocks	20
6-8.1 Block Length	20
6-8.2 Block Width	20
6-8.3 Block Orientation	20
6-9 Recreation Areas	20

TABLE OF CONTENTS

	Page
SECTION 7 - PROCEDURE FOR CLASSIFICATION AND APPROVAL OF PLATS	21
7-1 Purpose	21
7-2 Approval Required Before Sale or Permit	21
7-3 Application	21
7-4 Subdivision Plat Classifications	21
7-5 Boundary Line Adjustment Review Procedures	24
7-5.1 Boundary Line Adjustment Plat Requirements	25
7-6 Family Subdivision Review Procedures	26
7-6.1 Family Subdivision Plat Requirements	26
7-7 Minor Subdivisions Review Procedures	27
7-7.1 Minor Subdivision Required Submittals and Plat Requirements	27
7-7.2 Approval/Review by Subdivision Agent	29
7-7.3 Term of Validity for Minor Subdivision Plat	29
7-7.4 Appeals	29
7-8 Major Subdivision Review Procedures	29
7-8.1 Application	29
7-8.2 Sketch Plan Review	30
7-8.3 Preliminary Plat Review	30
7-8.4 Final Plat Contents	34
7-8.5 Final Plat Review	35
7-8.6 Endorsement by Subdivision Agent	36
7-8.7 Performance Agreement Required	36
7-8.8 Term of Validity for Final Plat	36
7-8.9 Plat Vacation	36
SECTION 8 - PERFORMANCE AND MAINTENANCE GUARANTEES	37
8-1 Purpose	37
8-2 Construction Requirements	37
8-3 Performance Agreement	37
8-4 Release Provisions	38
8-5 Maintenance Bond	38
8-6 Terms	39
8-7 Defect Bond	39
8-8 Extension Permitted	39

TABLE OF CONTENTS

	Page
SECTION 9 - EFFECTUAL CLAUSES	41
9-1 Waiver of Requirements	41
9-1.1 Fee for Waiver Application	41
9-1.2 Waiver for Subdivisions Prior to January 1, 1991	42
9-2 Conflicting Laws	42
9-3 Repeal	42
9-4 Amendments	42
9-5 Severability	43
9-6 Effective Date	43

APPENDIX

		Page
APPENDIX A	MAINTENANCE AGREEMENT	45
-	Road Maintenance Agreement	45
-	Joint Entrance Maintenance Agreement	46
APPENDIX B	RESTRICTIVE COVENANT FOR MINOR/LARGE LOT SUBDIVISIONS	47
APPENDIX C	CERTIFICATES REQUIRED	49
-	Surveyor's Certification	49
-	Owner's Consent for Minor, Major, Commercial Subdivisions	49
-	Owner's Consent for Family Subdivisions	49
-	Owner's Consent for Boundary Line Adjustments	50
-	Certificate of Approval for Family Subdivision	50
-	Certificate of Approval for Boundary Line Adjustments	50
-	Certificate of Approval for Minor, Major, Commercial Subdivisions	50
APPENDIX D	CHESAPEAKE BAY PRESERVATION AREA	51
-	Certification Chesapeake Bay Preservation Area	51
APPENDIX E	SUBDIVISION PLAT NOTES	53

SECTION 1 - PURPOSE AND TITLE

1-1 Purpose

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

These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, 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 land and acreage become urban in character as a result of development for residential, business, or industrial purposes; to lessen the impact of such change; to assist in the 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 urban areas must be provided. This Ordinance assists the community in meeting these responsibilities and is to be used as more than a set of minimums; where appropriate, the base requirements of this ordinance (including, but not limited to densities, street alignments, buffers, and recreational areas) may be increased to meet the purposes of this Ordinance as set forth herein.

1-2 Title

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

SECTION 2 - DEFINITIONS

BOUNDARY LINE ADJUSTMENT: The altering in shape or size due to the addition or subtraction of land or the exchange of contiguous property that does not have the effect of a net increase in the number of lots or parcels involved and does not as a result create any lot in violation of this Ordinance and/or the parcel's underlying zoning district's regulations. A boundary line adjustment is a form of subdivision.

DRAWING: A sketch or plan of property, drawn to scale, without courses or distances.

DRIVE: Any road for ingress and egress serving no more than two (2) parcels within a minor subdivision, and/or individual driveways serving single lots within a major subdivision. All roads serving two (2) or more parcels which will not be maintained by the Virginia Department of Transportation, must have a recorded road maintenance agreement substantially equal to Addendum A, attached hereto.

PARENT TRACT: Any lot/parcel created by subdivision exemption, "family subdivision", or prior to the adoption of the Subdivision Ordinance on May 22, 1967.

PLAT: A linear description of a piece or parcel of land by a certified engineer or land surveyor showing courses and distances and all other appropriate information.

PUBLIC: Owned and operated by Charles City County or the Commonwealth of Virginia.

REGISTERED: A registered, certified or licensed individual means licensed, registered or certified by the Commonwealth of Virginia.

ROAD: A travel way with a hard compact surface that is primarily designed and used for vehicular use.

ROAD, ALL-WEATHER: An unpaved road that is constructed according to the specifications set out in Section 6-2.5 (c). (Amended 6/27/2017)

SKETCH: See drawing.

STREET: Any road paved or unpaved, serving a major subdivision or serving more than two (2) parcels within a minor subdivision. All roads serving two (2) or more parcels which will not be maintained by the Virginia Department of Transportation (VDOT), must have a recorded road maintenance agreement substantially equal to Addendum A, attached hereto.

SUBDIVIDE: To divide any tract, parcel, or lot of land into two or more parts.

SUBDIVISION: Any division of a piece of land.

SUBDIVISION, COMMERCIAL: A division for business or industrial purposes, of land zoned as business or industrial, including General Business (B-1), Neighborhood Business (B-2), Tourist Business (B-3), Light Industrial (M-1), Heavy Industrial (M-2), and Planned Development-Industrial Park (PD-IP).

SUBDIVISION, FAMILY: A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner as prescribed in the Code of Virginia §15.2-2244 and 15.2-2244.1, as amended.

SUBDIVISION, LARGE LOT: A division only permitted in the Limited Residential Agricultural District (A-20) in which all lots or parcels are 20 acres or more in size.

SUBDIVISION, MAJOR: Any division, excluding a “Commercial Subdivision”, “Family Subdivision” and “Large Lot Subdivision”, of a parcel of land into a total of five (5) or more lots or parcels from a parent tract, including the parent tract, for purpose of transfer of ownership or building development or which creates a new street or an extension of an existing street.

SUBDIVISION, MINOR: Any division, excluding a “Commercial Subdivision”, “Family Subdivision” and “Large Lot Subdivision”, of a parcel of land or parent tract into three (3) lots or less of any size without a residue or, the division of four (4) lots or less of any size including the parent tract, without a residue.

SURVEY: See drawing.

SECTION 3 - ADMINISTRATION

3-1 Subdivision Agent

The Subdivision Agent appointed by the governing body by resolution is hereby delegated responsibility to administer this ordinance. In so doing, the Subdivision Agent shall be considered the Subdivision Agent of the governing body. For the purposes of the Ordinance, the Subdivision Agent which currently is the Zoning Administrator/Planning Director will be designated by resolution of the Board of Supervisors.

3-2 Duties

The Subdivision Agent shall perform his duties with regards to subdivisions and subdividing in accordance with this Ordinance and applicable portions of the Code of Virginia, 1950, as amended.

3-3 To Consult

In the performance of his duties the Subdivision 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 Subdivision Agent shall have particular reference to the resident highway engineer, and the health officer. The Subdivision Agent shall also consult with the Planning Commission on matters contained herein.

3-4 Additional Authority

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

3-5 Health Department

The Health Department will perform the following duties in regard to the administration of these regulations;

- a. Preliminary Plat: After review of the preliminary plat, if submitted, the Health Department Representative shall provide the Subdivision Agent with a written statement relative to the possible success of individual sewage facilities on tracts where sanitary sewers are not provided, and make recommendations concerning other health factors as they may be related to the subdivision of land.
- b. Final Plat: After review of the final plat, the Health Department Representative will provide the Subdivision Agent with a written statement of any deficiencies. If there are no deficiencies, that is, if the Health Department Representative approves the

septic or sewerage systems which are proposed for the subdivision and otherwise has no objection for health reasons to that subdivision, the Health Department Representative will sign the final plat before final approval by the County's Subdivision Agent.

3-6 Approvals in Conflict with this Ordinance

All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or approvals under this Ordinance shall conform to the provisions of this Ordinance. Any such approvals or permits if issued in conflict with the provisions of this ordinance shall be null and void.

3-7 Authority of the Subdivision Agent to Initiate Legal Action

The Subdivision Agent shall have the authority to bring any necessary action in the appropriate court of Charles City County to restrain, correct, or abate any violation of the Ordinance by injunction or otherwise. (Code of Virginia, Section 15.2-2255, as amended)

SECTION 4 - REQUIREMENT FOR MAKING AND RECORDING PLATS

4-1 Platting Required

No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of Title 15.2, Chapter 22, Article 6 (Land Subdivision and Development) of the Code of Virginia, as amended, and this ordinance. No such plat of subdivision shall be recorded unless, and until, it shall have been submitted, approved and certified by the Subdivision Agent in accordance with the regulations set forth in this Ordinance. 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 the Charles City County Subdivision Ordinance on May 22, 1967.

The Clerk of the Circuit Court shall not file or record a plat of a subdivision required to be recorded until such plat has been approved as required herein, and the penalties provided by Section 17.1-291 of the Code of Virginia, as amended, shall apply to any failure of the Clerk to comply with this requirement.

4-2 Draw and Certify

Every such plat intended for recording shall be prepared by a certified professional engineer or land surveyor duly licensed by the State 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 of record of the last instrument in the chain of title. When the plat is of land acquired 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. All proposed drainage plans shall be certified by an engineer duly licensed by the State of Virginia. Nothing in this ordinance shall prohibit the preparation of preliminary plans or plats by land planners, architects, landscape architects or others having training or experience in subdivision planning or design (Code of Virginia 15.2-2262, as amended).

4-3 Owner's Statement

Every such plat, or the deed of dedication to which such plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent, and in accordance with, the desire of the undersigned owners, proprietors, and trustees, if any", which shall be duly acknowledged before some officer authorized to take acknowledgement of deeds. When thus executed and

approved as herein specified such statement shall be filed and recorded in the Office of the Clerk of the appropriate Court and indexed under the names of land owners signing such statement and under the name of the subdivision. See **Appendix C** for the full statement required.

4-4 No One Exempt

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

4-5 Private Contracts

This ordinance 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 ordinance calls for more restrictive standards than are required by private contract the provisions of this ordinance shall control.

4-6 Penalty

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided or transferred or sold; and the use of a 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 (instead of a plat) shall not exempt the transaction from such penalties or from the remedies herein provided. In addition to any other penalty or remedy, no building permit shall be issued for any parcel of land that is subdivided contrary to this Ordinance.

SECTION 5 - GENERAL REGULATIONS

5-1 Mutual Responsibility

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

5-2 Land must be Suitable

The Subdivision 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.

5-3 Land Deemed Inappropriate for Residential Development

Lots subject to flooding and land deemed to be topographically unsuitable for residences shall not be platted for residential occupancy, unless there is sufficient land within each lot that is free from flooding and is otherwise suitable for the proposed use, nor for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such lots 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 health and welfare.

The following area types shall remain undeveloped, as open space, to the extent possible and consistent with the reasonable utilization of land, and in accordance with applicable state or local regulations; to the extent they are included in a recreational area, they must be reasonably useable for such purposes without significant injury to the land:

1. Unique and/or fragile areas, such as wetlands, as defined in the Chesapeake Bay Preservation Act, the regulations implementing the Act and the County Chesapeake Bay Preservation Ordinance.
2. Lands located in the floodplain, as defined by the most recent Federal Emergency Management Act flood plain maps as adopted by the County. (Any such delineation is subject to correction by a licensed engineer.)
3. Steep slopes in excess of 15%, as measured on a ten foot interval (unless otherwise specified by the Subdivision Agent), provided that this standard may be lessened upon the provision of adequate engineering measures, to be approved by the County Engineer.
4. Habitats of endangered plant and animal species, as identified by reliable state and/or local sources.

5. Sites or structures of historical significance, as designated on federal or state historical registers.

5-4 Lot Size

The minimum lot size in any area shall be in accordance with the zoning ordinance of Charles City County

5-4.1 Lot Frontage for Minor and Major Subdivisions

The minimum frontage on the road serving the lot will be 200 feet in Agricultural Districts (A-1 and A-20). All residential zoning districts shall have a minimum frontage width on the road serving the lot of 100 feet, unless fronting on a cul-de-sac in which the lot shall have a frontage of 75 feet, provided that the depth to frontage ratio shall not exceed a ratio of 4:1 depth to frontage.

5-5 Utilities Required to be Underground

All utilities, including electricity, cable and telephone, shall be underground for all major subdivisions, except that primary distribution lines (i.e., lines serving properties other than the subdivision) may be above ground where there is at least ten feet of forested buffer between the line and the street it faces. For primary lines existing prior to the subdivision, no such buffer is necessary if it does not exist.

5-6 Soil Erosion and Sedimentation Control

No land disturbing activity, or continuance thereof, shall be permitted until such activity is in compliance with the applicable provisions of the Combined Water Protection Ordinance of Charles City County.

5-7 Fire Protection

The installation of adequate fire hydrants in a subdivision at locations approved by the Subdivision Agent shall be required if central water (either public or private) is available. The Subdivision Agent shall consult with the proper authority before approving such location and spacing of hydrants.

5-8 Monuments

As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the Subdivision Agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the appropriate authority before any improvements are accepted

by the governing body.

5-8.1 Location of Monuments - Concrete

Concrete monuments four inches in diameter or square, three 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 flush with the finished grade.

5-8.2 Location of Monuments – Iron Pipe or Rod

All (other than concrete monument) lot corners shall be marked with iron pipe not less than 3/4 inch in diameter or metal rod not less than 1/2 inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod 1/2 inch in diameter, the top of which shall be flush with the finished grade line.

SECTION 6 - DESIGN STANDARDS

6-1 Improvements Required

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established, either by the Virginia Department of Transportation for streets, curbs, drainage facilities, utility service for power and water etc., or local ordinances and 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. All improvements shall be in accordance with the following requirements.

6-2 Streets

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

6-2.1 Alignment and Layout

The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Subdivision Agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles. For the provision of the public health, safety, and welfare, access to public roads from any subdivided lot shall be allowed only by means of a street within the subdivision.

In the case of minor subdivisions and large lot subdivisions, direct access to an existing public road may be allowed, and shall be minimized to the extent reasonably possible through the use of shared entrances, interior streets or other means. If a shared entrance is utilized then the signed and notarized Joint Entrance Maintenance Agreement as given in **Appendix A** must be recorded.

6-2.2 Street Jogs

Street jogs with centerline off-sets of less than 150 feet shall be prohibited.

6-2.3 Approach Angle

Major streets shall approach major or minor streets (as defined by VDOT) at an angle

of not less than 80 degrees, unless the Subdivision Agent, upon recommendation of the Virginia Department of Transportation (VDOT) resident engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

6-2.4 Streets Hierarchy

The design of subdivisions shall be such as to insure that a street hierarchy system is established which separates streets by function. New residential streets shall be classified as designed for their entire length as one of the following street types;

- a. Residential Access Streets: These streets are the lowest order street in the hierarchy. They are intended to carry the least amount of traffic at the lowest speed and provide the safest and most desirable environment for a residential neighborhood. Subdivision developments should be designed so that all, or the maximum number, of homes possible will front on this classification of street.
- b. Residential Subcollector Street: These streets are the middle order street in the hierarchy. They will carry more traffic than the residential access street and provide an acceptable environment for a residential neighborhood.
- c. Residential Collector Street: These streets are the highest order street within the residential subdivision. These streets will carry the largest volume of traffic at high speeds. Residential collector streets in large residentially developed areas may carry traffic from one neighborhood to another or from the neighborhood to streets connecting to other areas in the community. Building lots should be avoided on residential collector streets.

6-2.5 Construction Requirements

- a. Paved Streets: All paved streets shall be constructed according to the latest standards of the Virginia Department of Transportation (VDOT). This requirement includes, but is not limited to, such standards for grading, pavement base width and depth, grades and pavement width and materials, except that specific alternative designs for pavement width, alignment, ditch design and ditch location may be permitted by the Commission and the Board of Supervisors.

Rights of way shall be at least 50 feet in width.

All street construction must be certified as meeting VDOT standards with such alternatives as may be permitted hereunder by a licensed professional engineer.

In cases where Virginia Department of Transportation's specifications are lacking, or are less restrictive than the requirements of this ordinance, this ordinance shall prevail.

- b. Unpaved Streets: All streets that are not paved, whether in major or minor subdivisions, must be constructed as all weather roads according to the standards set out below (Section 6-2.5 c). This requirement includes, but is not limited to such standards for grading, base width and depth, grades and materials, except that specific alternative designs for width, alignment, ditch design and ditch location may be permitted by the Commission and the Board of Supervisors. (Amended 6/27/2017)
- c. **All-Weather Road shall consist of not less than the following:**
 - 1) **A minimum of fifteen (15) foot wide surface area, with four (4) foot graded shoulders, that is, a twenty-three (23) foot wide roadway.**
 - 2) **Compacted soil su-base with at least six (6) inches of compacted 21-A crushed stone or equivalent. If asphalt-based surface is to be applied, it shall be designed and constructed to the VDOT Secondary Street Requirements or an equivalent design approved by the Planning Department, capable of supporting the projected 75,000-pound vehicle weight and shall be maintained to this standard. The roadway shall not be approved if it is rutted or potholed.**
 - 3) **There shall be an additional three (3) foot clear area beyond the shoulders.**
 - 4) **There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.**
 - 5) **The roadway shall have a maximum grade of ten (10) percent with an appropriate transition to any street connections.**
 - 6) **The minimum centerline turning radius for any curve shall be thirty-five (35) feet.**
 - 7) **Any cross drains shall be designed to accommodate a minimum ten (10) year storm.**
 - 8) **Certification by a third party engineer or equivalent that the road as constructed meets the above specifications. (Amended 6/27/2107)**

6-2.6 Surface Requirements for Major Subdivisions

- a. Paved Streets: All streets within a major subdivision containing lots of less than three acres must be paved.
- b. Unpaved Streets: Streets within a major subdivision containing only lots of three acres or greater may be either all-weather or paved.

6-2.7 Cul-de-sacs

Cul-de-sacs will be constructed according to the latest VDOT standards, **whether paved or unpaved. (Amended 6/27/2017)**

6-2.8 Alleys

Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turn-around facilities as determined by the Subdivision Agent.

6-3 Public/Private Streets and Reserve Strips

Streets built to VDOT standards as set forth above must be dedicated as public streets unless the following conditions are met:

- a. Lot owners within the subdivision are subject to recorded covenants and restrictions approved by the County and recorded prior to final approval creating continuing contractual obligations on the owners, their successors, heirs and assigns to maintain any and all streets. The instrument creating the covenants and restrictions must impose a lien on the property or properties involved that would run with the land and be enforceable by the owners or any one of them by action at law or suit in equity; the terms of those covenants must include the terms set forth in **Appendix A** hereto. The burden of demonstrating that the streets can be maintained effectively by the owners must be met by the subdivider.
- b. The plat, deeds of subdivision, and similar instruments shall contain a statement advising that the streets in the subdivision are not public roads and will not be maintained by VDOT or the County.
- c. Any proposed street that is deemed to be an extension of an existing public right-of-way shall become a paved publicly dedicated roadway.
- d. There shall be no reserve strips controlling access to streets.

6-3.1 Street Names

Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the term street, avenue, boulevard, drive, way, place, lane, court, or any other suffix, nor shall they phonetically resemble existing names. The term street, avenue, boulevard, drive, way, place, lane, court or any other suffix shall be consistent with the nature, function and importance of the roadway to which it is proposed to be affixed. Street names shall be indicated on the final plats, and shall be approved by the Subdivision Agent, in accordance with the procedures of the Richmond Regional Planning District Commission's Street Name Clearinghouse. Names of existing streets shall not be changed except by approval of the governing body.

6-3.2 Street Identification Signs

Street identification signs of a design approved by the Subdivision Agent shall be installed at all intersections at the cost of the subdivider.

6-4 Central Water and Sewer Facilities

Central water and sewerage systems shall be required to be installed by the subdivider at his cost in a proposed major subdivision. All such central water and sewer systems must be owned and operated by an entity, such as a homeowners' association, with sufficient resources (by restrictive covenants or otherwise) to assure adequate maintenance and operation of such systems by that entity.

6-4.1 Water Facilities

Where a public water system exists within 2,000 feet of a proposed major subdivision, for which a central water system is required by Section 6-4, those services shall be extended to all lots within the subdivision, including fire hydrants installed by the subdivider in accordance with the design standards and specification for water, construction, and improvements in Charles City County and meeting the requirements of the State Water Control Board, the State Health Department, and the approval of the Subdivision Agent. Every major subdivision, for which a central water system is required by Section 6-4, shall be supplied by the subdivider with a complete water supply and distribution system equal or superior to the public water system, including adequate hydrants to serve each and every lot and including fire hydrants necessary in the view of the Subdivision Agent to serve the area. The distance specified herein shall be measured in a straight line from the nearest boundary of the proposed subdivision to the nearest available line. Actual construction may have to be along a more indirect route.

6-4.1(a) Individual Wells

Where a central water system is not required, lots may be served by individual water wells provided they meet current State Health standards. Where the lot density of the area is such that shallow (surface water) wells may be more than the surface water supply, deep (drilled) wells may be required.

6-4.2 Sewerage Facilities

All subdivided lots shall have sewerage facilities as follows:

- a. All major subdivisions for which a central sewer system is required by Section 6-4, within 2,000 feet of public sewerage facility must be served by that facility or by a central waste treatment system; individual septic tanks will not be permitted.

- b. Any lot for which an individual septic system is allowed must contain an 100% approved reserve area for the system's drainfield.
- c. All sewerage facilities allowed must meet current Health Department regulations and design criteria.

6-4.2(a) Individual Sewer Systems

No subdivision plat shall be approved where central sewers are not provided, unless the Health Officer approves each platted lot thereon for the installation of individual septic tanks and drainfields, or some other approved on-site sewage disposal system, which will not create hazards to the public health. On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall also contain a reserve sewage disposal site equal in size to the initial disposal site. Any lots created which do not contain a Health Department approved area for both the initial and reserve disposal sites, other than lots approved for on site treatment with a VPDES permit, shall be marked "**Not a buildable lot**" or other similar wording on the face of the plat.

6-4.2(b) Greater Lot Area Required

Greater lot areas may be required where individual septic tanks or individual wells are proposed if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The Subdivision Agent shall require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal; provided, however, that the Subdivision Agent may require further soil studies or additional necessary documentation in areas where known soil limitations exist.

6-5 Storm Drainage Facilities

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

6-6 Drainage and Utility Easements

The Subdivision Agent may require that easements of a width satisfactory to the Subdivision Agent for drainage, telephone, electric, and cable TV utilities through

adjoining property be provided by the subdivider. Where possible, easements shall be combined for more efficient use of the land.

6-7 Lots

In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied and to encourage a sense of community.

6-7.1 Shape

The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings will be properly related to topography and each other and will conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage or area which would be unusable for normal purposes.

6-7.2 Location

Each lot in a major subdivision shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street, or on a street that has been determined to be public by court order or on a private street as specified in Section 6-3. If the existing street rights-of-way are not 50 feet in width, the subdivider shall make provisions on the plat and in the deeds to the lots for all buildings to be so constructed as to permit the widening of such roads or streets to a width of 50 feet as required by VDOT.

6-7.3 Corner Lots

Corner lots shall have extra width sufficient for maintenance of any required building setback lines on both streets. Ingress and egress to such lots shall only be located on interior subdivision streets or roads.

6-7.4 Side Lines

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

6-7.5 Remnants

Remnants of the original tract which are below the minimum size for building lots after the subdivision of a tract shall be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

6-7.6 Separate Ownership

Where the land covered by a subdivision includes two or more parcels in separate ownership and the boundary line between such owners divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the Circuit Court and held with the final plat until the subdivider is ready to record same and they shall then be recorded together.

6-7.7 Double Frontage Lots

Double frontage lots, excluding corner lots, are discouraged. However, should the shape of the parcel, the topography, or other feature of the land make it necessary to create double frontage lots, they shall contain as a restrictive covenant an easement at least ten feet in width along one of the frontages across which there shall be no right of access to the lot from the right-of-way. This covenanted area shall be used for the cultivation of buffer plantings.

6-8 Blocks

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

6-8.1 Block Length

Generally, the maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.

6-8.2 Block Width

Blocks generally shall be wide enough to allow two tiers of lots of minimum depth, unless prevented by topographical conditions or size of the property.

6-8.3 Block Orientation

Where a proposed subdivision will adjoin a major road the block(s) shall be oriented towards new, interior streets to avoid unnecessary ingress or egress on major public roads.

6-9 Recreation Areas

All subdivisions of 25 lots or more (except for large lot subdivisions) shall set aside at least 10% of the area of the subdivision, exclusive of street reservations, for recreational purposes. Such land must be suitable for recreational, playground or park use, the

jurisdiction and maintenance of which would be controlled by a subdivision recreation association or similar entity.

SECTION 7 - PROCEDURE FOR CLASSIFICATION AND APPROVAL OF PLATS

7-1 Purpose

This section outlines the specific requirements for classification and submittal of a subdivision plat to be reviewed by the County and sets forth a listing of the documents which may be required for a particular submittal process. These requirements assure compliance with the enabling legislation and with all necessary codes and development specifications.

7-2 Approval Required Before Sale or Permit

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 receive approval of the subdivision plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in accordance with the provisions of this ordinance.

7-3 Application

A plat shall be submitted to the Subdivision Agent for each subdivision to be reviewed. The date of filing for an application for the purposes of this ordinance shall be when the following items are received and accepted by the Subdivision Agent:

1. A completed subdivision application form signed by the owner of the property or the agent for the owner;
2. The required number of plats as described in this section along with any accompanying material required by this ordinance; and,
3. The appropriate application fee as set forth by the Board of Supervisors.

7-4 Subdivision Plat Classifications

Subdivision plats shall be classified as being a boundary line adjustment, commercial subdivision, family subdivision, large lot subdivision, minor subdivision or a major subdivision as follows:

- a. Boundary Line Adjustment: The action of altering in shape or size due to the addition or subtraction of land or the exchange of contiguous property that does not have the effect of a net increase in the number of lots or parcels involved and does not as a result create any lot in violation of this Ordinance and/or the parcel's underlying zoning district's regulations. Acreage of conveyed property shall comply with the minimum lot area for residential use requirements as set forth within the property's zoning district.

A form of a Boundary Line Adjustment is a lot line and/or plat vacation. The County may authorize the boundary lines of any lot be vacated, relocated or otherwise altered as part of an otherwise valid and properly recorded plat of subdivision or re-subdivision. No easements or utilities right-of-ways may be relocated or altered without the express consent of all persons holding any interest therein. This procedure may be used only if it does not involve relocating or altering streets, alleys, easements for public passage or other public areas. Lot lines may be vacated by deed (known as a deed of consolidation or vacation) provided that no easements or utility right-of-ways located along any of the lot lines may be extinguished or altered without the express consent of the easement holders. The deed must be approved in writing on its face by the County's Subdivision Agent and must reference the recorded plat by which the lot line was originally created. Once approved by the locality, the deed must be recorded (Code of Virginia §15.2-2275).

A Boundary Line Adjustment shall meet all procedure and platting requirements given in Section 7-5.

- b. Commercial Subdivision: A division of land zoned as business or industrial, which shall be reviewed according to the Minor Subdivision procedure as given in Section 7-7, except as:
 1. When there are more than four (4) lots of less than five (5) acres in size, central water and sewer systems shall be required;
 2. All lots or parcels of land must have at least a fifty (50) foot access to public road or front thereon for at least fifty (50) feet; and,
 3. Any subdivision of more than four (4) lots or parcels that do not front on a public roadway, must design and construct a public road to serve those parcels that meets the street design requirements as given in Section 6-2.
 4. The requirements of any restrictive covenants relating to the creation of a major subdivision will no longer be applicable to Commercial Subdivisions.
- c. Family Subdivision: A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner as prescribed in the Code of Virginia §15.2-2244 and 15.2-2244.1, as amended. A Family Subdivision shall meet the following provisions:
 1. A member of the immediate family shall be defined as being any person who is a naturally or legally defined offspring, stepchild, spouse, grandchild, grandparent, parent, sibling, aunt, uncle, niece or nephew of the owner;
 2. If the property is jointly owned, the proposed grantee must qualify as being the

immediate family member of all owners. An immediate family member of one spouse shall be deemed to be an immediate family member of the other spouse for the purposes of a Family Subdivision;

3. The grantee shall be at least eighteen (18) years of age and able to hold title to real estate under Virginia law;
 4. A Family Subdivision shall not be made for the purpose of circumventing the Subdivision Ordinance. In the event the Subdivision Agent or his/her designee determines that a Family Subdivision has been used to circumvent the subdivision Ordinance, they shall initiate the vacation of all or part of the plat or plats of the original lot or parcel to the extent necessary to correct the violation;
 5. There shall be only one (1) such division per immediate family member of a given owner(s);
 6. Lots created through a Family Subdivision shall be titled in the name of the grantee and shall remain in said name for a period of no less than five (5) consecutive years, unless an exception is granted by the Subdivision Agent because such lots become subject to involuntary transfer such as foreclosure, death, divorce, judicial sale, bankruptcy, condemnation, or job relocation. A subsequent transfer to another member of the original grantor's immediate family would not be prohibited by this section, in which case only the remainder of the required holding period shall apply to the subsequent grantee;
 7. The acreage of conveyed property shall comply with the minimum lot area for residential use requirements as set forth within the property's zoning district, except that lots created through a Family Subdivision in the Limited Residential Agricultural District (A-20) shall have a minimum lot area of one (1) acre;
 8. All Family Subdivisions not fronting on a public roadway shall have a "reasonable" right-of-way of twenty (20) feet in width providing ingress and egress to a dedicated recorded public street or thoroughfare. "Reasonable" right-of-way shall not require a right-of-way that is more than that available to the parent tract; and,
 9. A Family Subdivision shall meet all procedure and plat requirements given in Section 7-6 of this Ordinance.
- d. Large Lot Subdivision: A type of subdivision permitted only in the Limited Residential Agricultural District (A-20) in which all lots or parcels are 20 acres or more in size. Large Lot Subdivisions shall be reviewed according to the Minor Subdivision procedure as given in Section 7-7.

- e. Major Subdivision: Any division, excluding a “Commercial Subdivision”, “Family Subdivision” and “Large Lot Subdivision”, of a parcel of land into a total of five (5) or more lots or parcels from a parent tract, including the parent tract, or which creates a new street or an extension of an existing street.

The term “Major Subdivision” shall include any subdivision of a parent tract of more than four (4) lots that is designed and developed as a single unit, regardless of the number of owners and subdividers involved or the number of parcels or tracts of land encompassed by the subdivision.

The term "Major Subdivision" shall also include any subdivision which initially contained a total of four (4) or fewer lots, but which is intended to become a subdivision of more than four lots at some future time through additions. Residue or residual parcels not attached to an adjoining tract shall count towards the total number of divisions of a tract of land.

The term “Major Subdivision” shall also include any proposed subdivision which standing alone would qualify as a minor subdivision, but which will adjoin an existing minor subdivision, and shall meet all the requirements of a major subdivision if the total number of lots in the two subdivisions exceeds four; access to the proposed subdivision is through or adjoining to the existing “Minor Subdivision”; or, the two subdivisions have the same or similar names.

A parcel that became separated parcels through “Family Subdivision” will be treated as a single parcel.

- f. Minor Subdivision: Any division, excluding a “Commercial Subdivision”, “Family Subdivision” and “Large Lot Subdivision”, of a parcel of land or parent tract, into three (3) lots or less of any size without a residue or, the division of four (4) lots or less of any size including the parent tract, without a residue. Multiple minor subdivisions from the same parent tract that increase the total lot count of the combined subdivisions to more than four (4) lots shall not be permitted. Residue or residual parcels not attached to an adjoining tract shall count towards the total number of divisions of a tract of land. All lots in a minor subdivision shall front a public roadway or be served by a private access easement at least fifty (50) feet in width.

7-5 Boundary Line Adjustment Review Procedures

The applicant shall submit five (5) copies of the plat to the Planning Department for review and approval. The Subdivision Agent will complete the review within ten (10) days of receipt of the plat and complete application. Once a determination has been made that the plat meets the standards of the Ordinance, the Subdivision Agent or his/her designee shall approve it and sign the plat. The applicant shall be responsible for recording the plat in the

office of the Clerk of the Circuit Court within six (6) months of approval or the plat and its approval will become invalid.

7-5.1 Boundary Line Adjustment Plat Requirements

In addition to a completed application form and the required fee, an applicant must submit five (5) copies of a plat showing the following:

1. Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor who shall endorse upon each such plat a certificate, as given in Appendix C of this Ordinance, signed by him or her setting forth the source of title of the owner(s) of the land(s) involved in the boundary line adjustment and the place of record of the last instrument(s) in the chain of title;
2. Date of Plat;
3. Scale;
4. North arrow;
5. Adjoining property owners;
6. Bearings and distances of all lines surveyed as part of the boundary line adjustment;
7. The parent tract(s) impacted by the boundary line adjustment (general locations are acceptable);
8. Acreage of involved parcels prior to and after the boundary line adjustment;
9. Name and signature of owner(s) notarized;
10. The acreage and frontage width of the remainder or a statement certifying the surveyor's knowledge that the reconfigured properties meet the minimum acreage and frontage width requirements;
11. Tax map section, block and lot number;
12. Owner(s) consent statement for Boundary Line Adjustment as given in Appendix C of this Ordinance;
13. Plat clearly labeled BOUNDARY LINE ADJUSTMENT by the surveyor;
14. Certificate of Approval for Boundary Line Adjustment as given in **Appendix C** of

this Ordinance; and

15. Applicable Subdivision Plat Notes found in **Appendix E** of this Ordinance.

7-6 Family Subdivision Review Procedures

The applicant shall submit five (5) copies of the plat to the Planning Department for review and approval. Within sixty (60) days of official complete application submission, the plat shall be approved or disapproved by the Subdivision Agent or his/her designee. The applicant shall be responsible for recording the plat in the office of the Clerk of the Circuit Court within six (6) months of approval or the plat and its approval will become invalid.

7-6.1 Family Subdivision Plat Requirements

In addition to a completed application form and the required fee, an applicant must submit five (5) copies of a plat showing the following:

1. Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor who shall endorse upon each such plat a certificate, as given in Appendix C of this Ordinance, signed by him or her setting forth the source of title of the owner(s) of the land(s) involved in the Family Subdivision and the place of record of the last instrument(s) in the chain of title;
2. Date of Plat;
3. Scale;
4. North arrow;
5. Adjoining property owners;
6. Bearings and distances of all lines surveyed as part of the family subdivision;
7. The parent tract(s) impacted by the family subdivision; (general locations are acceptable);
8. Acreage of conveyed property and acreage of parent tract;
9. Name and signature of owner(s) notarized;
10. The acreage and frontage width of the remainder or a statement certifying the surveyor's knowledge that the reconfigured properties meet the minimum acreage and frontage width requirements;

11. Ingress/egress to lots in the family subdivision
12. Tax map section, block and lot number;
13. Plat clearly labeled FAMILY SUBDIVISION by the surveyor;
14. Family Subdivision Owner(s) Consent and Dedication statement as given in **Appendix C** of this Ordinance;
15. Applicable Chesapeake Bay Preservation Act Certificate as given in **Appendix D** of this Ordinance;
16. Certificate of Approval for Family Subdivision as given in **Appendix C** of this Ordinance; and
17. Applicable Subdivision Plat Notes found in **Appendix E** of this Ordinance.

7-7 Minor Subdivision Review Procedures

The following procedures shall be used to review a minor subdivision.

7-7.1 Minor Subdivision Required Submittals and Plat Requirements

In addition to a completed application form and the required fee, an applicant must submit the following:

1. A scale drawing of the entire property being subdivided, such scale to be 100' to 1" or a smaller scale as allowed by Subdivision Agent for parcels over 25 acres.
2. Five (5) copies of a survey of the lots being created showing the following information:
 - a. Every plat which is intended for recordation shall be prepared by a certified professional engineer or land surveyor who shall endorse upon each such plat a certificate, as given in **Appendix C** of this Ordinance, signed by him or her setting forth the source of title of the owner(s) of the land(s) involved in the Minor Subdivision and the place of record of the last instrument(s) in the chain of title;
 - b. Date of plat and name of surveyor preparing it shown on each sheet;
 - c. Scale and north arrow, designated "true" or "magnetic" and oriented to the top of each sheet where practical.

- d. Locations, lengths and bearings of lines of the proposed subdivision, with names of all adjoining property owners and the location of each of their common boundaries including established streets, utilities, waterways and other easements; and adjoining streets with their names;
 - e. All pertinent natural and historic features and landmarks; including watercourses, marshes, lakes, impoundments, areas of significant vegetation and any Chesapeake Bay Preservation Act Resource Management and Resource Protection Areas;
 - f. A map showing the location of the proposed subdivision with respect to any designated flood plain district, including information, but not limited to, the one hundred (100) year flood elevations, boundaries of the flood plain districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;
 - g. The following Virginia Department of Health notations for subdivisions not utilizing central water or sewage facilities:
 - 1. “The approval of this subdivision is not a guarantee that any particular lot will have suitable water and sewer capabilities.”
 - 2. “The Virginia Dept. of Health approved septic tank and drainfield locations are on file at the office of the Charles City County Health Dept. A Sewage Disposal Construction Permit must be issued by the Charles City County Health Dept. for each lot prior to beginning any construction.”
 - 3. “All on-site septic systems serving the parcels depicted on this plat must be maintained according to the criteria found in the Septic Systems Control Ordinance of Charles City County.”;
 - h. Applicable Chesapeake Bay Preservation Act Certificate as given in **Appendix D** of this Ordinance;
 - i. Owner(s) consent statement for Minor Subdivision as given in **Appendix C** of this Ordinance;
 - j. Certificate of Approval for Minor Subdivision as given in **Appendix C** of this Ordinance; and
 - k. Applicable Subdivision Plat Notes found in **Appendix E** of this Ordinance.
3. A restrictive covenant, **Appendix B**, which must be recorded prior to the recordation of the subdivision plat.

4. A road maintenance agreement, **Appendix A**, where necessary, that must be recorded prior to the recordation of the subdivision plat.

7-7.2 Approval/Review by Subdivision Agent

Upon meeting all submittal requirements, the Subdivision Agent shall have sixty (60) days to review and take action on a minor subdivision. During this review, the Subdivision Agent may submit the plat to other County departments or State agencies for assistance with the review. After such a review, the Subdivision Agent may,

1. Approve the subdivision plat as presented;
2. Defer action on the plat until additional information or changes are made; or,
3. Deny the plat if it does not comply with the requirements of the County's ordinances or policies. The reasons for denial shall be communicated to the applicant in writing.

7-7.3 Term of Validity for Minor Subdivision Plat

Once the Subdivision Agent has approved the minor subdivision plat, such approval shall be written on the face of the plat by the Subdivision Agent. The subdivider shall record the plat within six (6) months after final approval, or such period as may be approved by the Subdivision Agent; otherwise, Subdivision Agent shall mark plat "void" and notify the Clerk of the Court.

7-7.4 Appeals

In the event a minor subdivision plat is denied, the subdivider may appeal the decision of the Subdivision Agent to the Board of Supervisors. Any appeals must be made within 45 days of such disapproval. Upon noting in writing an appeal of a denial, the plat and all related information shall be forwarded to the Planning Commission for review and recommendation to the Board of Supervisors. The Planning Commission must act within 45 days of the appeal; the Board of Supervisors will then approve or disapprove the plat.

7-8 Major Subdivision Review Procedures

The following procedures shall be used to review a major subdivision.

7-8.1 Application

Prior to any review, an application form for subdivision shall be completed by the subdivider (or authorized agent) and shall be submitted with the full fee as established by the Board of Supervisors. Where an application is filed by an agent, proof of the agent's authority to make the application must be submitted with the application.

7-8.2 Sketch Plan Review

The subdivider may submit to the Subdivision Agent a preliminary sketch of the proposed subdivision prior to their preparing an engineered preliminary and final plat. The purpose of such preliminary sketch is to permit the Subdivision Agent to advise the subdivider whether his plans are in general accordance with the requirements of this Ordinance. The Subdivision Agent may mark the preliminary sketch indicating necessary changes. The preliminary sketch shall be as follows:

1. It shall be drawn on white paper or a print of a topographic map of the property;
2. It shall be drawn to a scale of not more than two-hundred (200) feet to the inch;
3. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided;
4. It shall show the location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

Whenever part of a tract is proposed for platting, a drawing of the entire tract shall be submitted with the sketch plan. This drawing is merely for informational purposes and is not binding on the subdivider or the Subdivision Agent.

7-8.3 Preliminary Plat Review

The applicant shall submit a preliminary plat for review and approval.

1. The preliminary plat shall be legibly drawn in accordance with the following requirements:
 - a. One (1) or more sheets may be used, each to be numbered as “page (number) of (total number of pages)”; if two (2) or more sheets are used, each sheet shall show the name of the subdivision and match lines shall be provided to indicate where sheets join.
 - b. The scale shall not be less than one (1) inch equals one-hundred (100) feet. The Subdivision Agent may accept a scale which is sufficient to clearly show all required details on the plat.
 - c. Where the complete plat cannot be shown on one (1) sheet, an index map shall be provided on a separate sheet at a reduced scale.

2. The preliminary plat shall include the following information:
 - a. Date of plat and name of surveyor preparing it, shown on each sheet;
 - b. Scale and north arrow, designated “true” or “magnetic” and oriented to the top of each sheet, where practical;
 - c. The name and signature of the owner, shown on the first sheet;
 - d. Sources of data used in preparing the plat, including the deed book and page number of the last instrument in the chain of title;
 - e. Locations, lengths and bearings of lines of the proposed subdivision, with names of all adjoining property owners and the location of each of their common boundaries including established streets, utilities, waterways and other easements; and adjoining streets with their names;
 - f. All pertinent natural and historic features and landmarks; including watercourses, marshes, lakes, impoundments, areas of significant vegetation and any Chesapeake Bay Preservation Act Resource Management and Resource Protection Areas;
 - g. All subdivisions, jurisdiction boundary lines, streets, alleys, or other public ways; and other landmarks, if any, within two thousand (2,000) feet of the proposed subdivision shown on an insert on the first sheet at a scale no smaller than six hundred (600) feet to one inch;
 - h. Total acreage of the proposed subdivision and the acreage remaining in the original tract, if any;
 - i. The location of existing buildings in and within one hundred (100) feet of the subdivision, and the location and description of all existing markers;
 - j. The proposed locations, widths, and names of all streets and alleys;
 - k. Proposed lot lines with proposed dimensions, building lines and easements, and the proposed use of each lot and other areas, to include the total number of proposed dwelling units in the subdivision, including significant natural features, and those areas to be used for parking, open space, recreation, commercial purposes, or public or governmental use, and existing and proposed utility installations;
 - m. The estimated total number of gallons to be treated where a central sewage treatment facility is proposed; or sewage disposal means and suitability where no central sewage treatment facilities are proposed;

- n. Proposed lot numbers and block letters;
- o. If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be shown and identified on the index map;
- p. A map showing the location of the proposed subdivision with respect to any designated flood plain district, including information, but not limited to, the one hundred (100) year flood elevations, boundaries of the flood plain districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;
- q. Indicate current zoning of the parcel of land to be subdivided as provided herein;
- r. The following Virginia Department of Health notations for subdivisions not utilizing central water or sewage facilities:
 - i. “The approval of this subdivision is not a guarantee that any particular lot will have suitable water and sewer capabilities.”
 - ii. “The Virginia Dept. of Health approved septic tank and drainfield locations are on file at the office of the Charles City County Health Dept. A Sewage Disposal Construction Permit must be issued by the Charles City County Health Dept. for each lot prior to beginning any construction.”
 - iii. “All on-site septic systems serving the parcels depicted on this plat must be maintained according to the criteria found in the Septic Systems Control Ordinance of Charles City County.”;
- s. Applicable Chesapeake Bay Preservation Act Certificate as given in **Appendix D** of this Ordinance;
- t. Owner(s) consent statement for Major Subdivision as given in **Appendix C** of this Ordinance;
- u. Certificate of Approval for Major Subdivision as given in **Appendix C** of this Ordinance;
- v. Any proposed deed restrictions, including a road maintenance agreement, **Appendix A**, where necessary;
- w. Applicable Subdivision Plat Notes found in **Appendix E** of this Ordinance; and
- x. Any additional documentation or information requested by the Subdivision Agent.

3. Review Procedure: Upon receipt of a complete preliminary plat, the Subdivision Agent will forward a copy to each of the following; the local office of the Virginia Department of Health, the Virginia Department of Transportation, the County Engineer, the Public Works Department, each of the Planning Commission members and the Board member for the magisterial district in which the subdivision is located. If comments are warranted, each of the above departments, agencies, or county officials shall make comments, in writing, to the Subdivision Agent at least seven working days prior to the Planning Commission meeting at which the plat is scheduled for review.

The Subdivision Agent shall present his/her recommendations to the Planning Commission, with particular regard to compliance with all applicable ordinances and the Comprehensive Plan. The Subdivision Agent may also include recommendations for the preservation and management of environmentally sensitive areas, historic sites, habitats of endangered plant and animal species and other unique or environmentally fragile areas.

The decision on the application for preliminary approval shall be rendered by the Planning Commission within 60 days of the official filing date with the Subdivision Agent, except as set forth below. Outside agencies are allowed 45 days, from the date of receipt, to review plats and the County has an additional 30 days after receipt of these comments, to act on the plat. However, in no case shall the review time exceed 90 days from the particular filing deadline.

In rendering a decision on a preliminary plat, the Planning Commission may:

- (a) Approve the plat;
- (b) Approve the plat conditional upon receipt of additional information, corrections, necessary approvals or other changes;
- (c) Deny the plat if the Commission finds that the plat does not comply with the requirements of this or other appropriate County ordinances or policies.
- (d) If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reasons for disapproval in writing.
- (e) In the event no action of any nature is taken within the noted time limits, such plat shall be deemed approved.

Once a preliminary plat is approved by the Commission, the subdivider shall submit a final plat. If the Commission denies approval of a preliminary plat, the subdivider may appeal the Commission's decision as set forth in Section 7-8.3 (4).

4. Appeal: The applicant has the right to appeal the decision of the Planning Commission to the Board of Supervisors for review and action if he/she is not satisfied with the decision of the Commission.

All appeals of a Planning Commission decision shall be made within 60 days of such denial and must be accompanied by an appeal fee as adopted by resolution of the Board of Supervisors.

5. Preliminary Approval No Guarantee: Approval by the Commission of the preliminary plat does not constitute a guarantee of approval of the final plat, nor does it authorize any commencement of construction or improvements within the subdivision; additionally, any waiver approved at this level does not guarantee approval of that waiver with the final plat.
6. Six Month Limit on Preliminary Plat Approval: The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the Subdivision Agent a final subdivision plat in accordance with this Ordinance. Failure to do so shall make preliminary approval null and void. The Subdivision Agent may, on written request by the subdivider, grant an extension of this time limit not to exceed three additional months.

7-8.4 Final Plat Contents

Only when a preliminary plat has been approved, the applicant shall submit as a final plat the number of copies required by the Subdivision Agent or set of prints. The plat shall include plans and specifications for roads, drainage facilities, water and/or sewage systems and other supplementary material as determined by the Subdivision Agent. The following specific information or documents shall also be provided.

- a. All of the information required of preliminary plats in Section 7-8.3(2);
- b. Bearings, lengths, widths, centerlines, easements and right-of-way streets and alleys within the subdivision; data for all curves and angles in streets and alleys; location of iron pipes marking street corners, angles in streets, and the beginning and end of each curve in streets;
- c. Building setback lines, with distance to street right-of-way and length of the setback line for each lot;
- d. Location, bearings and dimensions of all lot lines with location of markers shown;
- e. Land or water areas to be dedicated or reserved for streets, alleys, parking areas, or other public use, or for common use of future property owners in the subdivision;
- f. Construction plans and profiles for all streets and roads as submitted to VDOT;

- g. Plans and profiles for sanitary and storm sewers and for water distribution systems, as appropriate;
- h. Dimensions of roads, curbs and gutters, sidewalks, water and sewer utility lines and structures within the subdivision;
- i. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities and other utilities as may be required of the applicant by the county; and
- j. Necessary information covering the following:
 - 1. Statement indicating party or parties having an ownership interest in the subject property and who are responsible for construction.
 - 2. A copy of the legal description and/or recorded instrument creating the parcel being subdivided.
 - 3. A statement of the condition of the title to the land comprising the subdivision or development, including all encumbrances and deed restrictions and covenants applicable thereto.
 - 4. Scope and time element of each stage of construction.
 - 5. Beginning and approximate completion dates of all construction.
 - 6. A statement of the present condition of access to the subdivision or development, the availability of sewage disposal facilities, water, electricity, cable, gas, and telephone.
 - 7. Such other information, documents, and certifications as the Subdivision Agent may require as being reasonably necessary or appropriate for the protection of consumers.

7-8.5 Final Plat Review

- 1) In rendering a decision on a final plat, the Subdivision Agent may:
 - a) Approve the plat; or,
 - b) Disapprove the plat, if they find that the plat does not comply with the requirements of this or other appropriate County ordinances or policies.
- 2) The Subdivision Agent shall notify the subdivider of the action taken in writing, and

note any deficiencies if the plat is disapproved.

7-8.6 Endorsement by Subdivision Agent

Once a final plat has been deemed approved by the Subdivision Agent, seven (7) copies of the plat shall be submitted to the Subdivision Agent for endorsement. Two copies shall be returned to the subdivider for recordation; the remainder shall be retained by the County and will be dispersed to applicable agencies and offices. No change, erasure or revision shall be made on any final plat, nor on accompanying data sheets after approval of the Subdivision Agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Subdivision Agent.

7-8.7 Performance Agreement Required

The final plat shall not be approved by the Subdivision Agent until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Ordinance and has met the requirements of Section 8 - PERFORMANCE AND MAINTENANCE GUARANTEES.

7-8.8 Term of Validity for Final Plat

On approval of the final plat by the Subdivision Agent, such approval shall be written on the face of the plat. The subdivider shall record plat within six months after final approval; otherwise, Subdivision Agent shall mark plat "VOID" and notify the Clerk of the Court.

A recorded plat shall be valid for a period of five years from the date of approval, subject to the provisions set forth in Section 15.2-2258 (D) through (H) of the Code of Virginia, as amended.

7-8.9 Plat Vacation

Subdivision plats will be vacated as set forth in Sections 15.2-2271 through 15.2-2276 of the Code of Virginia, as amended.

SECTION 8 - PERFORMANCE AND MAINTENANCE GUARANTEES

8-1 Purpose

The purpose of this section is to insure the appropriate and timely completion of improvements and maintenance made in connection with a subdivision, including streets (whether public or private), curbs, gutters, sidewalks, bicycle trail, drainage systems, sewerage system, water systems, water line as part of a public system or other improvement dedicated for public use, and for the provision of other site-related improvements. Resources shall be provided by the subdivider to complete such improvements if the subdivider fails to provide them, to insure that once completed, the improvements are not defective, and to provide for the maintenance of roads until they are finally accepted into the State Highway System.

8-2 Construction Requirements

Before any plat of a major subdivision can be recorded, the subdivider shall construct all required improvements in accordance with the approved plans and all applicable state and local requirements or file a performance agreement in accordance with Section 8-3 below. For all such construction the subdivider shall certify to the Subdivision Agent that construction costs have been paid to the contractor (Code of Virginia, Section 15.2-2241 through 2246, as amended) and shall provide a certificate from a licensed engineer acceptable to the Subdivision Agent that all such improvements have been constructed in accordance with the approved specifications. Where it is anticipated that any improvement will be taken over by a state or local agency, the subdivider must also provide a maintenance bond in a sum sufficient in the opinion of the Subdivision Agent to maintain adequately the improvement until it is taken into the agency system and, where required by the agency, maintained for a required length of time.

8-3 Performance Agreement

In lieu of construction, a performance agreement or agreements shall be executed between the County and all parties to the subdivision. The agreement(s) shall be on forms supplied by the Subdivision Agent and shall provide that all improvements required and shown on the final plat of the subject subdivision shall be completed within 24 months from the date of approval. All performance agreements shall require approval as to form by the County Attorney.

The performance agreement shall be secured with a certified check or cash escrow in the amount of the estimated costs of construction or a personal, 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 so conditioned; or 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.

The amount of such bond shall be the total of the estimated cost of construction based on unit prices for new public or private sector construction in Charles City County and a reasonable allowance for estimated administrative costs, inflation, potential damage to existing roads or utilities, and maintenance (for public streets) until accepted by VDOT.

8-4 Release Provisions

Any performance agreement(s) shall contain release provisions governing the complete and periodic and partial release of any bond, escrow, letter of credit, or other performance guarantee. The release provisions shall provide for the complete or periodic partial release of the performance guarantee within 30 days after receipt of written notice by the subdivider of completion of part or all of any facility required to be constructed, unless the governing body or its designated administrative agency notifies the subdivider in writing of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the said 30 day period. If no such action is taken by the governing body or its Subdivision Agent within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty day period and there is an additional written request sent by certified mail to the chief administrative officer of such governing body. The governing body or its Subdivision Agent shall act within ten working days of receipt of this request. If no action is taken in this instance, the request shall be deemed approved and a final release of the funds made to the subdivider.

County refusal to make a periodic release of the bond, escrow, letter of credit, or other performance guarantee shall be directly related to the specified defects or deficiencies in construction of the facilities.

Upon written request by the subdivider, periodic partial release may be made in a cumulative amount equal to no more than 80% of the original bond amount taken, based upon the percentage of the facilities completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. For partial releases to occur, at least 30% of the construction must be completed and approved. The governing body or its Subdivision Agent shall not be required to execute more than three periodic partial releases in any twelve month period.

8-5 Maintenance Bond

In the event the highway system is to be maintained by the Virginia Department of Transportation (VDOT), and the governing body 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 secondary system of state highways, then the governing body may require the subdivider to furnish the County with a maintenance agreement and a maintenance and indemnifying bond, escrow, letter of credit, or other guarantee, in an

amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways; such bond to be provided prior to the release of the construction bond.

The maintenance agreement and accompanying surety shall be released to the subdivider upon written notification from the VDOT and/or the Board of Supervisors that the street/streets has/have been accepted for maintenance by the State.

8-6 Terms

For the purposes of final release, the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

For the purposes of this section, a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to Subsection 54-17.1, of the Code of Virginia, or from a department or agency designated by the local government, may be accepted without requiring further inspection. Any such engineer or surveyor must be acceptable to Subdivision Agent.

8-7 Defect Bond

Upon completion of the required improvements, they shall be inspected and approved for acceptance. Prior to the release of any surety posted in connection with a performance agreement or the recordation of a plat where the improvement is constructed prior to the recordation, the subdivider shall post a defect bond or other approved guarantee in the amount of 10% of the cost of the improvements. Said bond to guarantee the correction by subdivider of any defects in materials or workmanship on the installation of required improvements for one year subsequent to approval of the installation and acceptance by the county.

8-8 Extension Permitted

Whenever the improvements required by an approved final subdivision plat and identified in a performance agreement executed under this section have not been completed within the time limits established for such completion, the Subdivision Agent shall move to obtain the funds or property provided as security under such agreement and shall cause such improvements to be completed. If any funds remain after all improvements are completed and accepted with all necessary fees paid, and no defects are found therein which must be repaired, such funds shall be returned to the subdivider. If the funds available from the surety are not sufficient to complete the improvements, the Subdivision Agent shall proceed to secure such funds from the subdivider. In unusual cases where the Subdivision Agent finds that substantial progress has been made towards the completion of the improvements prior to the expiration of the performance agreement

and where the Subdivision Agent finds that factors (other than general economic conditions) beyond the control of the subdivider have contributed substantially to delay, and where the Subdivision Agent finds that the improvements could be completed within an additional 12 month period, the Subdivision Agent may execute a new performance agreement requiring completion of all improvements within a 12 month period. Such agreement shall comply with all provisions of this section and shall be accompanied by the required surety. The amount of the surety shall be adjusted to take into account the actual cost of the work remaining to be done and shall take into account any inflation in such costs. Once the time limit for completion of improvements has been extended through the execution of a new performance agreement, they shall not thereafter again be extended.

SECTION 9 - EFFECTUAL CLAUSES

9-1 Waiver of Requirements

- A. The Planning Commission may waive a provision of this Ordinance if it finds extraordinary hardships or practical difficulties may result from strict adherence to the provisions of this chapter. A waiver of the provision causing the hardship may be granted and still secure the public interest, provided that:
1. The waiver shall not have the effect of nullifying the intent and purpose of this ordinance;
 2. The applicant shall submit a written request for the requested waiver, setting forth the specific hardships that would result from strict adherence to the ordinance;
 3. The Commission shall not grant a waiver of these provisions which would be detrimental to the public health, safety, or welfare, or be injurious to other property;
 4. The condition(s) upon which the waiver is based is unique to the property for which the variance is sought and is not applicable generally to any other property;
 5. Hardship shall be distinguished from mere inconvenience to the applicant, in reference to the division of property, and shall be related to the particular physical surroundings, parcel shape or topographical surroundings of the parcel in question;
 6. Other ordinances which apply to the division of the property shall not be varied as a result of a granted waiver; and
 7. No such waiver variance may be granted by this Ordinance which is opposed in writing by the County or Highway Engineer or Health Official.
- B. The inclusion of an existing minor subdivision within a proposed major subdivision may be waived under the above conditions.

9-1.1 Fee for Waiver Application

Any application for a subdivision coupled with a request for a waiver must be accompanied by an additional fee as set forth by resolution by the Board of Supervisors.

9-1.2 Waiver for Subdivisions Prior to January 1, 1991

Whenever there has been a subdivision of land, whether by deed, contract for deed, deed of trust or otherwise, prior to January 1, 1991, which, in the determination of the Subdivision Agent, met the applicable requirements of the subdivision ordinance at the time of the subdivision (or was prior to the adoption of a subdivision ordinance) but which did not go through the subdivision process or record a deed or plat showing the subdivision, the Subdivision Agent may retroactively approve such subdivision as a waiver pursuant to this section, provided that there is a recordable plat which shows the subdivided property. In the event the Subdivision Agent determines such subdivision cannot meet the requirements of this section, then the subdivision must comply with the other requirements of this ordinance. In the event of any such denial, the Subdivision Agent's actions may be appealed to the Board of Supervisors.

9-2 Conflicting Laws

Whenever the requirements of this Ordinance impose more stringent regulations or requirements than those imposed in any other statute, ordinance or regulation, then the provisions of this Ordinance shall control. Whenever the provision of any other statute, ordinance or regulation are more stringent than the provision of this Ordinance then the provisions of such other statute, ordinance or regulation shall govern.

9-3 Repeal

The previously existing Subdivision Ordinance of this County is hereby repealed.

9-4 Amendments

This Ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the Commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body and the Commission.

The Commission shall not recommend nor the Board of Supervisors adopt any amendment(s) until notice of intention so to do has been published once a week for two successive weeks in some newspaper published or having general circulation in the county; provided that such notice for both the Commission and the Board of Supervisors may be published concurrently. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six days nor more than twenty-one days after the second advertisement shall appear in such newspaper. The Commission and Board of Supervisors may hold a joint public hearing after public notice as set forth herein above. If such joint hearing is held, then public notice as set forth above need be given only by the Board of Supervisors. The term two successive weeks as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and

second publication. Such advertisement shall contain a reference to the place or places with the County where copies of the proposed amendment(s) may be examined.

No amendment shall be adopted by the governing body without receiving a recommendation of the Commission unless 60 days shall have passed after the date of written reference to the Commission.

9-5 Severability

In the event any paragraph, part or section of this ordinance may be declared invalid or void for any reason by a court of competent jurisdiction, than all other parts of this ordinance shall remain in full force and effect and the offending passage, part or section shall be severed here from.

9-6 Effective Date

This Ordinance was duly considered, following a public hearing on February 24, 2015 and was adopted by the Board of Supervisors of Charles City County at its regular meeting on April 28, 2015 to be effective on April 28, 2015.

APPENDIX A: MAINTENANCE AGREEMENTS

Road Maintenance Agreement

This Road Dedication and Maintenance Agreement made this _____ day of _____, 20____, by, _____, the owners of the following parcels of land as shown on a plat of survey dated _____ by _____ and entitled _____ . This agreement shall be binding on present and subsequent owners of these tracts.

WITNESSETH:

WHEREAS said owner recognizes that such private road must be maintained from time to time to keep it in a safe and passable condition.

NOW, THEREFORE, for and in consideration of the covenants contained herein, and the approval of the aforesaid subdivision by Charles City County, owner does agree for himself, his heirs and assigns as follows:

1. The right of way shown on said plat is hereby reserved for and dedicated to its use as a right of way for ingress and egress and for electrical and telephone utilities to serve the aforesaid parcel(s), such use to be in common with others having a similar right.
2. All landowners owning property which abuts said street/drive (including all additions thereto or extensions thereof) will maintain the street/drive in a safe and passable condition and agree to pay their pro-rate cost of maintenance, not to exceed _____ per year per parcel.
3. At the present time, there are _____ parcels of land served by the street/drive. As it is expected that some parcels may be combined, it is the intent of this agreement that a landowner owning more than one parcel be assessed based on the number of dwellings generating traffic rather than the number of parcels. In the event Lot _____ is subdivided (if permitted by County Ordinances), this obligation of maintenance and expenditure up to _____ per year to each new parcel which is served by the street/drive, it being the intention of the parties that the cost hereto shall be pro-rated based on the number of separated parcels or dwellings, not the size of the various parcels or number of owners.
4. This agreement will apply only to those parts of said street/drive subject to the use of individuals other than the owner of the parcel on which said street/drive is located, it being the intention of the parties hereto that individual private drives will be maintained only by their respective owners.
5. In order to insure continuity and continuous maintenance of the street/drive, the owners shall meet once each year in the month of September to determine what maintenance action are necessary, if any, and to assess cost and responsibility.
6. The right to maintain said street/drive (and to require the contributions set out herein) shall be vested in a Road Maintenance Association made up of all such property owners, every lot to have one vote in the conduct of its business.
7. This agreement will apply to and be binding upon all subsequent owners of land served by said street/drive.

Witness the following signatures:

**STATE OF VIRGINIA,
COUNTY OF CHARLES CITY, to-wit:**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____.

My commission expires _____.
SEAL

Notary Public

APPENDIX A: Continued

Joint Entrance Maintenance Agreement

This Joint Entrance Dedication and Maintenance Agreement made this _____ day of _____, 20__ by _____ the owners of the following parcels of land as shown on a plat of survey dated _____ by _____, and entitled _____ . This agreement shall be binding on present and subsequent owners of said tracts.

WITNESSETH:

WHEREAS said owner recognizes that such private joint entrance must be maintained from time to time to keep it in a safe and passable condition.

NOW, THEREFORE, for and in consideration of the covenants contained herein, and the approval of the aforesaid subdivision by Charles City County, owner does agree for himself, his heirs and assigns as follows:

1. The joint entrance right of way shown on said plat is a 25' X 100' shared driveway entrance that is hereby reserved for and dedicated to its use as a right of way for ingress and egress to serve the aforesaid parcels.
2. The owners of Lots _____ and _____ would maintain the shared driveway entrance in a safe and passable condition and agree to pay their pro-rate cost of maintenance, not to exceed _____ per year per parcel.
3. This agreement will apply only to the shared driveway entrance. Beyond the shared driveway entrance the roadway will part to serve the use of individuals owning the parcel on which said drive is located, it being the intention of the parties hereto that individual private drives will be maintained only by their respective owners.
4. In order to insure continuity and continuous maintenance of the joint entrance, the owners may meet once each year to determine what maintenance action are necessary, if any, and to assess cost and responsibility.
5. This agreement will apply to and be binding upon all subsequent owners of land served by said street/drive.

Witness the following signatures:

**STATE OF VIRGINIA,
COUNTY OF CHARLES CITY, to-wit:**

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____.

My commission expires _____.

SEAL

Notary Public

APPENDIX B: RESTRICTIVE COVENANT FOR MINOR/LARGE LOT SUBDIVISIONS

Restrictive Covenant Minor Subdivision

This Restrictive Covenant made this _____ day of _____, 20__, by _____, grantor.

Whereas grantor is the owner of a tract of land containing _____ acres, _____ of which are being subdivided into the minor subdivision named _____; and,

Whereas a major subdivision would be required if there were more than four lots (three lots plus a residue);

Now Therefore, in recognition of the approval of the aforesaid subdivision and the possibility of future subdivision that would result in more than four lots, (or three lots not including the residue), the grantor does hereby declare and make known that the restrictions listed below will apply to the tract (subdivided land and residue), which is briefly described as follows:

1) If the tract is subdivided at any time so that there are a total of more than four lots, then all such lots (including the lots of the current subdivision) must meet all the requirements of the Subdivision Ordinance of Charles City County for major subdivisions.

Witness the following signature and seals.

Owner _____
Address _____

**STATE OF VIRGINIA,
COUNTY OF CHARLES CITY, to-wit:**

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____.

My commission expires _____.

Notary Public _____ SEAL

Restriction Covenant Large Lot Subdivision

This Restrictive Covenants made this ____ day of _____, 2017

By _____, grantor.

Whereas, grantor is the owner of Tax Map Parcel Number _____ containing _____ acres of land, _____ of which are being subdivided into the Large Lot Subdivision named _____ and,

Now Therefore, in recognition of the approval of the aforesaid Large Lot Subdivision the grantor does hereby declare and make known that the restrictions listed below will apply to all lots created and any residue of the aforementioned tax parcel that:

- 1) The aforesaid Large Lot Subdivision is zoned Limited Residential Agricultural (A-20);
- 2) All lots (existing or newly created) **Shall Not** be less than 20 acres in size;
- 3) Any division made for a family member shall be in accordance with the Subdivision Ordinance, and **Shall Not** be less 20 acres in size

Witness the following signature and seals.

Owner _____
Address _____
Name _____

STATE OF VIRGINIA,
COUNTY OF CHARLES CITY, to-wit:

The foregoing instrument was acknowledged before me this __ day of _____, 20__,
By _____. My commission expires: _____
Notary Public _____ SEAL

Amended 6/27/2017

APPENDIX C: CERTIFICATES REQUIRED

Surveyor's Certificate

I hereby certify that to the best of my knowledge and belief, all of the requirements of the Board of Supervisors of Charles City County, Virginia and ordinances of the County of Charles City, Virginia have been complied with. Given under my hand on ____ (Date)

State Certified Engineer (or Land Surveyor)

Owner's Consent for Minor, Major, Commercial Subdivisions

(All Owner Consent statements shall include language for Notary to witness the owners' signatures.)

Owner's Consent and Dedication

Know all persons by these presents, that the subdivision of land as shown on this plat, containing _____ acres, more or less, and designated as _____ Subdivision, situated in _____ District in the County of Charles City, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; and, all lots within the subdivision are subject to certain restrictions, reservations, stipulations and covenants as contained in a writing executed by the undersigned, on ____ (Date)__, and recorded in the office of The Circuit Clerk of Charles City County, Virginia, under Instrument #_____.

Owner's Consent for Family Subdivisions

(All Owner Consent statements shall include language for Notary to witness the owners' signatures.)

Owner's Consent and Dedication

This Family Subdivision and plat are with the free consent and in accordance with the wishes of the undersigned owners. The undersigned owner certifies that this is a bona fide Family Subdivision under the provisions of the Charles City County Subdivision Ordinance and is not submitted for the purpose of circumventing the said ordinance. This Family Subdivision is being made for the purpose of transferring a lot, by sale or gift to the Grantee, (Name), an immediate family member, specifically the Grantor's (Relationship). All lots created by this Family Subdivision shall be held by the Grantee for whom the division is made for a period of no less than five years from date of plat recordation; and, the Grantee has not received land prior hereto from the Grantor under Family Subdivision provisions.

APPENDIX C – Continued

Owner’s Consent for Boundary Line Adjustments

(All Owner Consent statements shall include language for Notary to witness the owners’ signatures.)

Owner’s Consent and Dedication

Know all persons by these presents, that the Boundary Line Adjustment of land as shown on this plat, containing _____ acres, more or less, and designated as Boundary Line Adjustment, situated in _____ District in the County of Charles City, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof.

Certificate of Approval for Family Subdivisions

This Family Subdivision is in accordance with the Subdivision Ordinance. This subdivision has not been reviewed as to soils or setbacks suitable for residential use. Conveyance of this Family Subdivision within five years may invalidate this Family Subdivision, and may be considered an attempt to circumvent the Subdivision Ordinance. Approve for recordation.

Planning Department

Date

Certificate of Approval for Boundary Line Adjustments

This plat is only for description purposes of property to be conveyed to and combined with an adjoining parcel, and is not creating a new parcel or the subdivision of property. Approve for recordation.

Planning Department

Date

Certificate of Approval for Minor, Major, Commercial Subdivisions

This subdivision known as _____ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

_____	Highway Engineer	_____
(Signature)		(Date)
_____	Health Officer	_____
(Signature)		(Date)
_____	Government Body	_____
(Signature)	(Subdivision Agent/Representative)	(Date)

APPENDIX D: CHESAPEAKE BAY PRESERVATION AREA

Certification Chesapeake Bay Preservation Area

- A) The following language shall be included on all plats to certify the presence or absence of the Chesapeake Bay Preservation Area within the division:

Present:

“I certify that the areas demarcated within the boundary coordinates of this subdivision represent an accurate delineation of the Resource Protection Area and a fair and true approximation of the Resource Management Area components of the Chesapeake Bay Preservation Area.”

Date

Signature

Qualification

Absent:

“I certify that there is no Chesapeake Bay Preservation Area located within the boundary coordinates of this subdivision.”

Date

Signature

Qualification

- B) In addition to the Certification Statement, all plats showing parcels within the Chesapeake Bay Preservation Area shall also include the following notations:

- * “An undisturbed and vegetated one-hundred foot wide Resource Protection Area buffer shall be retained on all applicable parcels within this approved subdivision”
- * “All on-site and off-site sewage treatment systems shall be pumped out at least once every five years and/or in accordance with any and all sewage treatment system maintenance agreements, or every five years submit certified documentation that the tank does not need to be pumped out”
- * “All created parcels requiring drainfields shall have one-hundred percent reserve drainfield sites for both on-site and off-site sewage treatment systems”
- * “Any development within the one-hundred foot wide Resource Protection Area buffer is limited to only water dependent facilities, roads or driveways satisfying specific criteria, a flood control or stormwater management facility meeting certain criteria, and/or redevelopment, as defined in the Chesapeake Bay Preservation Ordinance of Charles City County”
- * “An environmental site assessment and Resource Protection Area delineation subject to the requirements of the Chesapeake Bay Preservation Ordinance of Charles City County shall be completed prior to any construction on each of the created parcels”

APPENDIX E: SUBDIVISION PLAT NOTES

Notes to be included on Subdivision Plats.

(Some notes may not be applicable to all Subdivision Plats.)

- 1) Subdivision Classification.
- 2) The foregoing plat is not approved until all signatures have been obtained.
- 3) It is not the responsibility of any public official to enforce private easements, covenants, agreements, or restrictions implied herein.
- 4) No land disturbing activity, or continuance thereof, shall be permitted until such activity is in compliance with the applicable provisions of the Combined Water Protection Ordinance of Charles City County.
- 5) Any building locations shown on this plat are proposals only; their actual location must meet current setback requirements at the time of construction. The approval of this plat is not an approval of any particular building location.
- 6) The streets/roads within this subdivision are “Private”, and will not be maintained by the Department of Transportation or the County of Charles City, and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. A Road Maintenance Agreement pertaining to the maintenance of private road/streets within this subdivision is recorded in the Charles City County Circuit Clerk’s office under Instrument #_____.
- 7) A reserve strip as shown on plat is reserved for any future widening of State Road to a width of 50-feet.
- 8) Direct access to a public road requires an entrance permit issued by the Virginia Department of Transportation. A Land Use Permit is required for all work proposed within Department Right of Way.

