

**Chapter 171****SUBDIVISION OF LAND**

**[HISTORY: Adopted by the Town Council of the Town of Appomattox 4-11-1994 as Ch. 58 of the 1994 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Dedication of streets, alleys and walkways — Charter § 14.**      **Streets, sidewalks and other public places — See Ch. 166.**

**Numbering of buildings — See Ch. 67.**

**Water and sewers — See Ch. 190.**

**Erosion and sediment control — See Ch. 96.**

**Zoning — See Ch. 195.**

**STATE LAW REFERENCES**

**Land subdivision and development, Code of Virginia, § 42.1-76 et seq.; Subdivided Land Sales Act of 1978, Code of Virginia, § 55-336 et seq.**



**ARTICLE I**  
**Definitions; Purpose and Applicability; Suitability of Land; Amendments;**  
**Penalties**

**§ 171-1. Definitions.**<sup>157158</sup>

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

**AGENT** — The representative of the Town Council appointed by it to serve as its agent in approving the subdivision plans.

**ALLEY** — A permanent service way providing a secondary means of access to abutting properties.

**APPROVE** — Is considered to be followed by the words "or disapprove."

**BUILDING LINE** — The distance which a building is from the front lot line or front boundary line.

**COMMISSION** — The Planning Commission of the county.

**CUL-DE-SAC** — A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

**DEVELOPER** — An owner of property being subdivided, whether or not represented by an agent.

**DISTANCES AND AREAS** — Refers to measurement in a horizontal plane.

**EASEMENT** — A grant by a property owner of the use of land for a specific purpose or purposes.

**ENGINEER** — An engineer licensed by the state.

**HEALTH OFFICER** — The health director or sanitarian of the county.

**HIGHWAY ENGINEER** — The resident engineer employed by the State Department of Transportation.

**JURISDICTION** — The area or territory subject to the legislative control of the governing body.

**LOT** — A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory buildings. The word "lot" includes the word "parcel."

**LOT, CORNER** — A lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot and the longest side fronting upon a street shall be considered the side of the lot.

**LOT, DEPTH OF** — The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE** — An interior lot having frontage on two streets.

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157. Editor's Note: Definitions generally, see Ch. 1, Art. I.

158. State law references: Definitions pertaining to planning, subdivision of land and zoning, Code of Virginia, § 15.2-2201; County Planning Commission serving as Planning Commission of Town, Code of Virginia, §§ 15.2-2218 and 15.2-2219.

LOT, INTERIOR — A lot other than a corner lot.

LOT OF RECORD — A lot which has been recorded in the office of the clerk of the appropriate court.

LOT, WIDTH OF — The mean horizontal distance between the side lot lines.

PLAT — Includes the term "map," "plan," "plot," "replat" or "replot," and means a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

PROPERTY — Any tract, lot, parcel or several of the same collected together for the purpose for subdividing.

STREET — The principal means of access to abutting properties.

STREET, MAJOR — A heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic exceeding 500 vehicles per day.

STREET OR ALLEY, PUBLIC USE OF — The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

STREET, OTHER — A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day.

STREET, SERVICE DRIVE — A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

STREET WIDTH — The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

SUBDIVIDE —

- A. To divide any tract, parcel or lot of land into two or more parts, either of which is five acres or less; except, that the term "to subdivide" shall not include a bona fide division or partition of agricultural land for agricultural purposes or for the building site for members of the family owning any such agricultural lands.
- B. The agent may, however, permit the separation of one parcel from a tract of land without complying with all requirements of this chapter if (1) it is not in conflict with the general meaning and purpose of this chapter; (2) no new streets are required to serve the parcel; (3) it is at least 25,000 square feet in area; (4) it has not less than 115 feet of road frontage; however, in no instance shall a variance be granted to this chapter which would permit roads to be constructed to less than minimum highway standards.
- C. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in this section.

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

THIS CHAPTER — Includes all ordinances amending or supplementing this chapter.

**§ 171-2. Purpose.<sup>159</sup>**

The purpose of this chapter is to establish certain subdivision standards and procedures for the Town and such of its environs as come under the jurisdiction of the governing body, as provided for by the Code of Virginia, as amended. These are part of long-range plans 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 lands and acreage become urban in character as a result of development for residential, business or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This chapter assists the community in meeting these responsibilities.

**§ 171-3. Compliance with chapter.**

No person shall subdivide any tract of land that is located within the Town, as defined in article 7 of the Virginia Planning Act (Code of Virginia, § 15.2-2240 et seq.), except in conformity with the provisions of this chapter.

**§ 171-4. Applicability of chapter to private contracts and agreements.**

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

**§ 171-5. Mutual responsibility of subdivider and Town.**

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

**§ 171-6. Land must be suitable.**

The agent shall not approve the subdivision of land if, by adequate investigations conducted by the Town Manager, County Health Department and State Department of Transportation, 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.

**§ 171-7. Land subject to flooding or adverse topography not to be platted for residential occupancy.**

Land subject to flooding and land deemed to be topographically unsuitable shall not

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<sup>159</sup>State law references: Purpose of subdivision ordinance, Code of Virginia, § 15.2-2240; police jurisdiction over lands, buildings and structures, Code of Virginia, § 15.2-1124.

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

#### **§ 171-8. Advertising standards.<sup>160</sup>**

A subdivider when advertising a subdivided tract of land for sale shall be specific as to whether officially approved water and sewer facilities are available or not.

#### **§ 171-9. Exceptions.<sup>161</sup>**

Where the subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to or where, because of topographical or other conditions peculiar to the site, in the opinion of the agent, a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the agent with the reasoning on which the departure was justified set forth. No such variance may be granted by this chapter which is opposed in writing by the county or highway engineer or health officer.

#### **§ 171-10. Amendments to chapter; public hearing required.<sup>162<sup>163</sup></sup>**

This chapter 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. Notice of the time and place of the hearing shall have been given at least once a week for two weeks and the last notice not less than five nor more than 21 days prior to the hearing.

#### **§ 171-11. Violations and penalties.<sup>164</sup>**

Any person violating the provisions of this chapter 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 description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies provided in this chapter.

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160. Editor's Note: Advertising, see Ch. 42.

161. State law reference: Authority for exceptions to subdivision ordinance, Code of Virginia, §§ 15.2-2241 et seq.

162. State law references: Advertisements relating to planning ordinances and amendments, Code of Virginia, § 15.2-2204; preparation and adoption of amendments to subdivision ordinance, Code of Virginia, § 15.2-2253.

163. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

164. State law reference: Similar provisions, Code of Virginia, § 15.2-2254.

**ARTICLE II**  
**Administration<sup>165</sup>**

**DIVISION 1. Generally**

**(Reserved)**

**DIVISION 2. Administrator**

**§ 171-12. Authority; provision for appeal.**

The agent appointed by the Council is hereby delegated to administer this chapter. In so doing, the agent shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent shall also consult with the commission on matters contained in this chapter. If a plan for subdivision is disapproved by the agent, the subdivider may appeal to the governing body, which may then override the recommendation of the agent and approve such plat.

**§ 171-13. Duties generally.**

The agent shall perform its duties as regards subdivisions and subdividing in accordance with this chapter and the land subdivision and development act (Code of Virginia, § 15.2-2240 et seq.).

**§ 171-14. Consultation with other departments.**

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

**§ 171-15. Establishment of administrative procedures.**

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

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<sup>165</sup>Editor's Note: Administration, see Ch. 5.



ARTICLE III  
**Plats<sup>166</sup>**

**DIVISION 1. Generally**

**§ 171-16. Required.<sup>167</sup>**

Any owner or developer of any tract of land situated within the Town who subdivides such tract of land shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this chapter.

**§ 171-17. Preparation by licensed surveyor or engineer.**

Every plat shall be prepared by a surveyor or engineer, duly licensed by the state, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired 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.

**§ 171-18. Owner's statement.**

Every plat, or the deed of dedication to which a 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 signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds, and when thus executed and approved as specified in this section shall be filed and recorded in the office of the clerk of the appropriate court, and indexed under the names of the landowners signing each statement and under the name of the subdivision.

**§ 171-19. Changes on approved plats.**

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

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**166.**State law references: **Plats of subdivisions**, Code of Virginia, §§ 15.2-2241, 15.2-2242, 15.2-2243, 15.2-2244, 15.2-2245 and 15.2-2246; 15.2-2258; 15.2-2259, 15.2-2260 and 15.2-2261; state regulations pertaining to public records, Code of Virginia, § 42.1-82.

**167.**State law reference: **Sale of land in subdivision before recording of plat**, Code of Virginia, § 15.2-2254.

**§ 171-20. Fees.<sup>168</sup>**

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat, the subdivider shall deposit with the agent checks payable to the treasurer in the amount of \$50 per plat and \$25 for each lot.

**§ 171-21. Performance bond.**

Before any subdivision plat will be finally approved by the agent, the subdivider shall, in lieu of construction, furnish bond in an amount calculated by the agent to secure the required improvements in a workmanlike manner and in accordance with specifications and construction schedules established or approved by the appropriate engineer, which bond shall be payable to and held by the governing body.

**§ 171-22. Plat approval required prior to sale of lots.<sup>169</sup>**

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

**§ 171-23. Preliminary sketch.**

- A. The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The commission, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the commission with the preliminary plat. The preliminary sketch shall be drawn as follows: It shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to a scale of 100 feet to the inch. 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. 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.
- B. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the governing body.

**DIVISION 2. Preliminary Plat**

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168. State law reference: Fees and charges in subdivision ordinance, Code of Virginia, § 15.2-2241 et seq.

169. State law reference: Similar provisions, Code of Virginia, § 15.2-2254.

**§ 171-24. Required information.**

The subdivider shall present to the commission three prints of a preliminary layout at a scale of 100 feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

- A. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.
- B. Location of proposed subdivision by an inset map at a scale of not less than two inches equals one mile, showing adjoining roads, their names and numbers, Towns, subdivisions and other landmarks.
- C. The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in 2,500; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- D. All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data.
- E. The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage.
- F. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- G. A profile or contour map may be required showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith.
- H. A location map tying the subdivision into the Town's present road system, either by aerial photographs or topographic maps of the U.S. Department of Interior, or other acceptable maps.
- I. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- J. All parcels of land to be dedicated for public use and the conditions of such dedication.

**§ 171-25. Review procedure.**

- A. The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter. The subdivider shall then be advised in writing within 60 days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be

required, the character and extent of the public improvements that will have to be made, and an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat.<sup>170</sup>

- B. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent or, preferably, may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.
- C. Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

**§ 171-26. Time limit.**<sup>171</sup>

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

**DIVISION 3. Final Plat**

**§ 171-27. Required information.**<sup>172</sup>

The subdivision plats submitted for final approval by the governing body and subsequent recording shall be clearly and legibly drawn upon a medium acceptable to the zoning administrator and at a scale of 100 feet to the inch on sheets having a size of 15 inches by 18 inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

- A. A blank space three inches by five inches shall be reserved for the use of the approving authority and a blank space two inches by five inches reserved for the recording clerk's certification.
- B. Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- C. A statement to the effect that "the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any," which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.
- D. When the subdivision consists of land acquired from more than one source of title, the outlines of various tracts shall be indicated by dashlines and identification of the respective tracts shall be placed on the plat.

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170. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

171. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

172. State law reference: Requisites of plat, Code of Virginia, § 15.2-2262.

- E. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.
- F. Distances and bearings must balance and close with an accuracy of not less than one in 10,000.
- G. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

**§ 171-28. Conditions for approval.<sup>173</sup>**

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements in lieu of construction, to the satisfaction of the agent. Approval of the final plat shall be written on the face of the plat by the agent. The subdivider shall record the plat within six months after final approval; otherwise the agent shall mark the plat "void" and return the plat to the subdivider.

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<sup>173</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).



## ARTICLE IV Design Standards

### § 171-29. Lots; minimum size requirements; exceptions.

The minimum lot size in any area shall be in accordance with the following:

- A. Public water and sewer. Residential lots served by both public water and public sewer systems shall be 80 feet or more in width and 12,000 square feet or more in area.
- B. Public water or sewer. Residential lots served by only one of public water or public sewer systems shall be 100 feet or more in width and 20,000 square feet or more in area.
- C. No public water or sewer. Residential lots served by neither public water nor public sewer systems shall be 100 feet or more in width and 25,000 square feet or more in area.
- D. Exceptions. Greater lot areas may be required where individual septic tanks or individual wells are used if the health officer determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The agent shall require that data from percolation tests are submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.

### § 171-30. Additional lot requirements.

In addition to the lot area and width requirements specified in § 171-29, lots shall be arranged in order that the following considerations are satisfied:

- A. Shape. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to the requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- B. Location. Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not 50 feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of 50 feet.
- C. Corner lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as determined by the agent.
- D. Side lines. Side lines of lots shall be approximately at right angles or radial to the street line.
- E. Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

- F. Separate ownership. Where the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Such deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and they both shall be recorded together.
- G. Business or industrial uses. Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

### **§ 171-31. Blocks.**

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

- A. 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.
- B. Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
- C. Orientation. Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

## ARTICLE V

### Required Improvements

#### DIVISION 1. Generally

##### § 171-32. Generally.<sup>174</sup>

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the State Department of Transportation for streets, curbs, etc., or by 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 requirements of this chapter.

##### § 171-33. Streets.<sup>175</sup>

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. The streets shall meet the minimum requirements of the State Department of Transportation's policy, unless they are less restrictive than this chapter.

- A. Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60°, unless approved by the agent upon recommendation of the highway engineer.
- B. Service drives. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
- C. Approach angle. Major streets shall approach major or minor streets at an angle of not less than 80°, unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

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174. State law reference: Release of performance guarantee, Code of Virginia, § 15.2-2241 et seq.

175. State law reference: Grading streets, Code of Virginia, Title 15.2, Ch. 20.

- D. Minimum widths. The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan, shall be a minimum of 50 feet. Local service drives or other minor streets which cannot be extended in the future shall be not less than 50 feet in width; alleys, if permitted, shall not be less than 20 feet nor more than 28 feet in width.
- E. Construction requirements. In cases where State Department of Transportation specifications are lacking or less restrictive than the requirements of this chapter, this chapter shall prevail. The grades of streets submitted on subdivision plats shall be approved by the agent upon recommendation of the highway engineer prior to final action by the agent. Wherever feasible, street grades shall not exceed 10%
- F. Culs-de-sac. Generally, minor terminal streets (culs-de-sac) designed to have one end permanently closed shall be no longer than 400 feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter.
- G. Alleys. Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.
- H. Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.
- I. 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 suffix (street, avenue, boulevard, drive, way, place, lane or court). Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.
- J. Identification signs. Street identification signs of a design approved by the agent shall be installed at all intersections.

#### **§ 171-34. Water facilities generally.**

Where public water is available, the service shall be extended to all lots within a subdivision, including fire hydrants, by the subdivider in accordance with the design standards and specifications for water, construction and improvements in the Town and meeting the approval of the agent. Every subdivision containing 25 or more lots to which public water cannot or will not be provided shall be supplied by the subdivider with a complete central water supply and distribution system to serve each and every lot containing less than 20,000 square feet per lot.

#### **§ 171-35. Sewerage facilities generally.**

Where public sewerage facilities are available, the service shall be extended to all lots within a subdivision and septic tanks will not be permitted. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for

sewerage construction and improvements, in accordance with State Health Department specifications and meeting the approval of the agent, provided the average prevailing lot size is less than 20,000 square feet. In the case of a subdivision in which the size of lots are 20,000 square feet or more in area, an individual sewage disposal system for each lot may be provided by the subdivider, subject to the approval by the health officer.

#### **§ 171-36. Private water and/or sewerage facilities.<sup>176</sup>**

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

#### **§ 171-37. Storm drainage.<sup>177</sup>**

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

#### **§ 171-38. Fire protection.<sup>178</sup>**

The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary public water is available. The agent shall consult with the proper authority before approving such location.

#### **§ 171-39. Easements.**

The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than 10 feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision when required by the agent.

#### **§ 171-40. Submission of plans.**

Two blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer and shall be submitted to the agent for approval or disapproval within 45 days. 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 reason for disapproval in writing. If no action is taken in 45 days, such subdivision shall be deemed approved.

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176.State law reference: State Water Control Board, Code of Virginia, § 62.1-44.7 et seq.

177.State law reference: Local stormwater management program, Code of Virginia, §§ 10.1-603.3, 15.2-2114.

178.Editor's Note: Fire prevention, see Ch. 106.

**DIVISION 2. Monuments****§ 171-41. Generally.**

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

**§ 171-42. Concrete.**

Concrete monuments four inches in diameter or square and three feet long, with a flat top, shall be placed at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at appropriate points as determined by the subdivision administrator along the rear lot lines, but in no instance shall there be less than three monuments in any given site distance. The top of the monument shall have an appropriate mark to properly identify the location and shall be set flush with finished grade.

**§ 171-43. Iron pipe.**

All lot corners other than those specified in § 171-42 shall be marked with iron pipe less than three-fourths-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 one-half-inch in diameter, the top of which shall be flush with the finished grade line.

## ARTICLE VI

### Road Specifications

#### **§ 171-44. Compliance with state requirements; additional standards and specifications required.**

The intent of the Town Council is to require the necessary street and highway construction requirements needed to make all subdivision roads eligible for acceptance into the secondary road system of the State Department of Transportation. Before approval of the roads in any final subdivision plat shall be given, the highway resident engineer for the county shall submit in writing that all requirements and specifications of the State Department of Transportation for acceptance into the secondary road system have been met. This approval does not indicate, however, that such roads will be immediately accepted into the secondary road system of the State Department of Transportation. The roads must render a public service, that is, from a standpoint of occupied dwellings and continuing traffic service to the same. After the effective date of the ordinance from which this chapter derives, all subdivisions shall incorporate the following requirements, standards and specifications:

- A. Right-of-way width shall be not less than 50 feet.
- B. Roadway graded to 30 feet exclusive of side ditches.
- C. The following requirements concerning drainage shall apply:
  - (1) Drainage structures including culverts approved by the State Department of Transportation shall be provided.
  - (2) Drainage easements within subdivisions and easements for drainage outlets leaving subdivisions are to be shown on recorded plat of subdivision.
- D. Aggregate base for pavement shall be a minimum of 20 feet in width and five inches in depth and shall be of satisfactory stabilizing material meeting the requirements of the current State Department of Transportation specifications.
- E. Pavement shall be a minimum width of 20 feet consisting of a prime and double seal treatment of bituminous material and aggregate. The rates of application and the material shall meet the requirements of the current State Department of Transportation specifications.
- F. Side ditches and outlet ditches shall be paved in accordance with the State Department of Transportation's current specifications, if deemed necessary by the highway resident engineer for the county.
- G. All drainage structures under driveways shall be a minimum of 12 inches in diameter.
- H. The inclusion of new subdivision roads into the secondary road system of the State Department of Transportation at any time other than July 1 will require the developer to pay a maintenance fee based on the following rates:

<b>Total Length of Subdivision Roads</b>	<b>Yearly Fee</b>
0.00 to 0.25 mile	\$150
0.25 to 0.50 mile	\$300
0.50 to 1.00 mile	\$600

As an example, a subdivision road 0.35 mile in length added to the secondary system effective September 1 would require the following maintenance fee:

$$\$300 \times 10/12 = \$250$$

- I. The developer shall contact the highway resident engineer for the county to determine the requirements necessary to be met to comply with the State Department of Transportation design standards and specifications.