

**PITTSYLVANIA COUNTY CODE**

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## CHAPTER 18

### 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 certification of same and provide for the approval of plats.

Whereas, pursuant to Chapter 22, Article 6 of Title 15.2, Code of Virginia, 1950, as amended, the Board of Supervisors of Pittsylvania County, Virginia, is authorized to adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the county, for the coordination of streets within subdivisions of land with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air, and for distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Therefore, be it ordered by the Board of Supervisors of Pittsylvania County, Virginia, that the following regulations are hereby adopted for the subdivision of land within unincorporated portions of Pittsylvania County, and from and after the effective date of this ordinance, every owner or proprietor of any tract of land to which these regulations apply after the approval of the Board of Supervisors or designated agent, shall cause a plat of such subdivision developed and prepared in accordance with these regulations with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court wherein deeds conveying such land are required by law to be recorded. A copy of said plat shall also be filed in the office of the Commissioner of Revenue.

## CHAPTER 18

### Subdivision Ordinance

#### **PURPOSE:**

The purpose of this ordinance is to establish certain standards for the division of land into subdivided parts in accordance with procedures established by Pittsylvania County, Virginia, within such of its geographical area as may come under jurisdiction of the governing body.

These regulations 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 purpose 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 provisions 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.

## **Article I.**

### **General Considerations**

#### **SEC. 18-1. INCORPORATION OF STATE LAWS.**

This ordinance hereby incorporates by reference Title 15.2, Chapter 22, Article 6 of the Code of Virginia, 1950, as amended; and related laws.

#### **SEC. 18-2. DEFINITIONS.**

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

- (a) **Agent.** The representative of the Board of Supervisors of Pittsylvania County who has been appointed agent of the Board in approving subdivision plats.
- (b) **Alley.** A permanent service way providing a secondary means of access to abutting properties.
- (c) **Building line.** The distance which a building is from the front line or front boundary line.
- (d) **Commission.** The Planning Commission of Pittsylvania County, Virginia.
- (e) **Cul-de-sac.** A street with only one outlet and having an appropriate turn-around for a state and convenient reverse traffic movement.
- (f) **Developer.** An owner of property being subdivided, whether or not represented by an agent.
- (g) **Easement.** A grant by a property owner of the use of land for a specific purpose or purposes.
- (h) **Engineer.** An engineer licensed by the Commonwealth of Virginia.
- (i) **Governing Body.** The Board of Supervisors of Pittsylvania County, Virginia.
- (j) **Health Official.** Either the health director or sanitarian of Pittsylvania County, Virginia.
- (k) **Highway Engineer.** The resident engineer employed by the Virginia Department of Transportation.

- (l) Jurisdiction. The area or territory subject to the legislative control of the governing body.
- (m) Lot. A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.
- (n) Lot, corner. A lot abutting upon two (2) 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.
- (o) Lot, depth of. The mean horizontal distance between the front and rear lot lines.
- (p) Lot, double frontage. An interior lot having frontage on two (2) streets.
- (q) Lot of record. A lot which has been recorded in the office of the Clerk of the Circuit Court.
- (r) Lot, width of. The mean horizontal distance between the side lot lines.
- (s) Planned Residential Communities. Is a planned unit development consisting of varied types of residential land use and density. All Planned Residential Communities (PRC) must comply with this subdivision ordinance and are subject to additional requirements as may be deemed necessary by the Board or its designated agent.
- (t) Plat. Includes the terms map, plan, plot, replat, or replot; 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."
- (u) Property. Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.
- (v) Remnant. There shall be no remnants of land left in a subdivision.
- (w) Re-subdivision. The division of a lot, parcel, or tract in an approved subdivision into two (2) or more lots, parcels, or tracts. All resubdivisions shall comply and be subject to the same policies and procedures as a subdivision.
- (x) Street. A public right-of-way, or publicly dedicated right-of-way which offers a primary means of vehicular ingress and egress, or access, to properties, or abutting properties, or provides for through traffic, whether designated as a highway, street, avenue, boulevard, road, lane, alley or any other public way. **(B.S.M. 07/01/02)**
- (y) Street or alley, public use of. The unrestricted use of a specified area or right of way for ingress and egress to two (2) or more abutting properties.
- (z) Street, major. A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.

- (aa) Street, other. A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
- (bb) Street, service drive. A public right of way generally paralleled 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.
- (cc) Street width. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.
- (dd) Subdivision. A subdivision shall mean the division of any-lot, parcel, or tract of land into four (4) or more parts each for the purpose of transfer of ownership or building development, or if a new street is involved in such division, any division of a parcel of land is required to meet the requirements of this ordinance.

**(B.S.M. 04/06/87), (B.S.M. 07/01/02)**

The term subdivision shall not include a bona fide single division or partition of agricultural land between immediate family members for agricultural purposes or for a building site. The term “immediate family” shall be defined as provided for in Virginia Code Section 15.2-2244 A, as the same may be from time to time amended, which is incorporated herein by reference. Any such division shall be subject to provisions of Virginia Code Section 15.2-2244 A, as the same may from time to time be amended. In addition, no division of land which has been ordered by a Court of competent jurisdiction shall be subject to the provisions of this ordinance. **(B.S.M. 07/07/08)**

*The word “subdivide” and any derivative thereof shall have reference to the term “subdivider” as defined below:*

- (ee) Subdivider. An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or group of (2) two or more persons owning any tract, lot or parcel of land to be subdivided, who has given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- (ff) Surveyor. Certified land surveyor as licensed by the Commonwealth of Virginia.

### **SEC. 18-3. ADMINISTRATION.**

The County Administrator, or his designee hereby is designated the agent appointed by the Board of Supervisors to administer this ordinance. In so acting, the agent shall be considered the agent of the Board of Supervisors, and approval or disapproval by the agent shall constitute approval or disapproval until countermanded by the Board of Supervisors. **(B.S.M. 07/01/02)**

**SEC. 18-4. DUTIES.**

The agent shall perform its duties as regards subdivisions and subdividing in accordance with this ordinance and with Article 7 of the Virginia Planning Act.

**SEC. 18-5. TO CONSULT.**

In the performance of its duties 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.

**Article II.**

**Procedure for Making and Recording Plats**

**SEC. 18-6. PLATTING REQUIRED.**

Any owner or developer of any tract of land situated within Pittsylvania County who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments to be made and recorded in the office of the clerk of the Circuit Court of Pittsylvania, Virginia. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.

**SEC. 18-7. APPEAL OF DISAPPROVAL BY AGENT.**

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

**SEC. 18-8. DRAW AND CERTIFY.**

Every such plat shall be prepared by a surveyor or civil engineer 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 insert block, or by means of a dotted boundary line upon the plat.

**SEC. 18-9. 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 civil 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 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 herein specified shall be filed and recorded in the office of the clerk of the Circuit Court of Pittsylvania County, Virginia, and included under the names of the land owners signing such statement and under the name of the subdivision.

**SEC. 18-10. NO ONE EXEMPT.**

No person shall subdivide any tract of land that is located within Pittsylvania County as defined in Article 7 of the Virginia Planning Act except in conformity with the provisions of this ordinance.

**SEC. 18-11. PRIVATE CONTRACTS.**

This ordinance bears no relation to any private easement, covenant, agreement or restrictions, 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.

**SEC. 18-12. NECESSARY CHANGES.**

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 have been granted in writing by the agent.

**SEC. 18-13. FEES.**

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 final plat in the Administrator's Office, the subdivider may pay in cash or deposit with the agent checks payable to the treasurer in the amount of twenty-five (\$25.00) dollars per plat plus one (\$1.00) dollar per lot. In the event a plat is disapproved there will be a fee of ten (\$10.00) dollars payable on return of the disapproved plat.

**Article III.**

**Requirements of Subdivisions**

**SEC. 18-14. MUTUAL RESPONSIBILITY.**

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

**SEC. 18-15. LAND MUST BE SUITABLE.**

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

### **SEC. 18-16. FLOODING.**

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or 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.

### **SEC. 18-17. BUILDING SITE.**

To insure that residents will have sufficient land upon which to build a house which is flood free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of flood waters.

### **SEC. 18-18. IMPROVEMENT.**

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 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: **(B.S.M. 07/01/02)**

- A. Lot size - public water and sewer. Residential lots served by both public water and public sewer systems shall be seventy-five (75) feet or more in width at the building line and ten thousand (10,000) square feet or more in area.
- B. Lot size - public water or sewer. Residential lots served by either public water or public sewer systems shall be one hundred (100) feet or more in width at the building line and fifteen thousand (15,000)-feet or more in area.
- C. Lot size - neither public water nor sewer. Residential lots served by neither public water nor public sewer systems shall be one hundred (100) feet or more in width and twenty thousand (20,000) square feet or more in area.
- D. Minimum front footage. The minimum allowable front footage on a lot fronting on a public street shall be fifty (50) feet, except that the minimum for lots on a cul-de-sac shall be thirty (30) feet.
- E. Septic tanks. The agent shall not approve any subdivision where sanitary sewers are not provided unless that agent shall receive in writing from the health official, a statement to the effect that the area contained in the subdivision is satisfactory for the installation of septic tanks, and that they will not create hazards to public health on an individual lot by all basis.
- F. Exceptions. Greater lot areas may be required where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The agency may 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.

- G. Flood control and drainage. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property including flood control devices. The subdivider shall also provide plans for all such improvements together with a certified engineer's statement that such improvements, when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.
- H. Easements. The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision when required by the agent.
- I. Public water. Where public water is available the service shall be extended to all lots within a subdivision.
- J. Private water and/or sewer. Nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities, provided, however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulation having authority over such installations.
- K. Fire protection. 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.

#### **SEC. 18-19. BOND.**

1. Before any subdivision plat will be finally approved by the agent, the subdivider shall, in lieu of completed construction of any street, curb, sidewalk, drainage or sewage system, or other improvements to be financed in whole or part by private funds, furnish to the governing body a certified check in the amount of estimated costs of construction, or a performance bond, with surety satisfactory to the governing body in an amount calculated by the agent to be sufficient for and conditioned upon the construction of such facilities or 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 Board of Supervisors.
2. Upon written request by the subdivider or developer, the governing body, or its agent, shall provide periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body, in accordance with the provisions of Title 15.2-2245 of the Code of Virginia, as amended. The governing body shall not provide final complete release of any bond, escrow, letter of credit, or other performance guarantee required for the proper construction of subdivision streets until

these streets are accepted into the secondary road system of the Virginia Department of Transportation. When it shall become necessary to forfeit the bond to cover required improvement, once three (3) houses are completed in subdivision section with four (4) or more lots, the County subdivision agent shall notify the developer by registered or certified mail of the County's intent to forfeit the bond. The developer may establish a schedule to complete the work with the subdivision agent; such schedule shall not exceed six (6) months from the date of the certified notice. A waiver on the six (6) months requirement may be granted by the Board of Supervisors upon written request to the Board of Supervisors at regularly scheduled meeting. (B.S.M. 07/01/02)

### **SEC. 18-20. PLANS AND SPECIFICATIONS.**

Three (3) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by a certified land surveyor or civil engineer and shall be submitted to the agent, who shall approve or disapprove within thirty (30) days, except as Section 18-29 (H.) is applicable. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason of disapproval in writing. In the event no action is taken in thirty (30) days such subdivision shall be deemed approved.

### **SEC. 18-21. PART OF TRACT.**

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.

### **SEC. 18-22. LOTS.**

- A. Shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongation's 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 fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of fifty (50) feet.
- C. Building lines. It is recommended that all structures have a minimum setback of thirty (30) feet from any street right-of-way line.
- D. Corner lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as required by the agent.
- E. Side lines. Side lines of lots shall be approximately at right angles, or radial to the street line.

- F. 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 unusable parcels.

### **SEC. 18-23. BLOCKS.**

- A. Length and width. The maximum length of blocks generally shall be twelve hundred (1,200) feet and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet. 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.
- B. Orientation. Where a subdivision adjoins a major road, the commission may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.
- C. Business or industrial. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

### **SEC. 18-24. STREETS.**

- 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 sixty (60) degrees, unless approved by the highway engineer.
- B. Approach angle. Major streets shall approach the major or collector streets at an angle or not less than eighty (80) degrees, unless the agent upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.
- C. Minimum widths. The minimum widths of proposed streets, measured from the lot line, shall be as shown on the major street plan, or if not shown on such plan shall be:
1. As identified in the VDOT subdivision street standards on 24VAC 30-90-380 Table I as revised by VDOT.

2. Rural rustic roads, as defined by Virginia Department of Transportation, not less than thirty (30) feet. **(B.S.M. 09/19/02)**
  3. Or other minor streets which cannot be extended in the future – no less than forty (40) feet. **(B.S.M. 09/01/02)**
- D. Construction requirements. Unless otherwise specified, all street construction requirements shall be those of the Virginia Department of Transportation for acceptance into the State secondary system, including but not limited to the current edition of: "Subdivision Street Requirements" and "Pavement Design Guide for Subdivision and Secondary Roads in Virginia", as both are amended from time to time. **(B.S.M. 07/01/02)**
- E. Cul-de-sacs. Shall meet the requirements of VDOT 24VAC 30-90-380 subdivision standard as revised by VDOT. **(B.S.M. 03/21/06)**
- F. Alleys. Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the agent.
- G. Private streets. Except as provided in Section 15.2-2267 Code of Virginia, 1950, as the same may from time to time be amended, 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 reserved strips controlling access to streets, except where the control of such strips is definitely placed within the community under conditions approved by the agent. **(B.S.M. 03/21/06)**
- H. Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing street. In no case shall the name of proposed streets duplicate existing street names in Pittsylvania County and adjoining jurisdictions, 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 Board of Supervisors.
- I. Identification signs. Street identification signs of an approved design shall be installed at all intersections.
- J. Grades. Deleted in its entirety. **(B.S.M. 03/21/06)**

#### **SEC. 18-25. MONUMENTS.**

- A. Visible for inspection. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the highway engineer are clearly visible for inspection and use. Such monuments shall be inspected and approved by the engineer before any improvements are accepted by the Board of Supervisors.
- B. Location - permanent. Permanent monuments 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.

- C. Location - iron. All other lot corners shall be marked with solid iron not less than five-eighths (5/8) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, drill a hole four (4) inches deep in the rock and cement a steel or iron rod at least five-eighths (5/8) inch diameter whose top shall be flush with the finished grade line.

**SEC. 18-26. RESERVATION OF LAND FOR PUBLIC PURPOSES.**

The Board of Supervisors or Planning Commission may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, County buildings, and similar public and semipublic uses, subject to the following regulations:

- A. Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. The county shall be required to obtain an option upon the property involved for a period of twelve (12) months following the recording of the plat for such purchase. If the land is not purchased within the said twelve (12) months it may be sold as lots for the same purpose for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.
- B. The commission shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision.

**Article IV.**

**Approval of Plats**

**SEC. 18-27. APPROVAL REQUIRED BEFORE SALE.**

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

**SEC. 18-28. PRELIMINARY SKETCH.**

The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing an engineered preliminary, and final plat. 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 ordinance. 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.

#### **SEC. 18-29. PRELIMINARY PLAT.**

The subdivider shall present to the agent three (3) copies of a preliminary layout at a scale of not less than one hundred (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, magisterial district, adjoining property owners, true north point and scale.
- B. Location of proposed subdivision by an insert map at a scale of not less than two (2) inches equal one (1) 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 twenty-five hundred; 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, number and width; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.
- E. All parcels of land to be dedicated for public use and the conditions of such dedication.
- F. Location of proposed docks or piers on waterfront property is required. Such proposed location must meet the requirements of the Army Corp of Engineers, the Division of Game and Inland Fisheries and the Smith Mountain Lake Policy Advisory Board depending on the jurisdiction. It is the developer's responsibility to find out what jurisdictional authority controls the waterway in question. **(B.S.M. 08/07/89)**
- G. 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. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply. Should alternate means of

sewage disposal and water supply require State Health Department and/or State Water Control Board approval, then the thirty (30) day plat approval period in Section 18-20 is not applicable.

- I. Provision for collecting and discharging surface drainage and preliminary designs of any structures that may be required.

#### **SEC. 18-30. PROCEDURE.**

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 the subdivision ordinance. The subdivider shall then be advised in writing within thirty (30) 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 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. In determining the cost of required improvements and the amount of performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent if the subdivider does not provide a bona fide estimate of the cost of improvements.

#### **SEC. 18-31. NO GUARANTEE.**

Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

#### **SEC. 18-32. SIX MONTHS' LIMIT.**

The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this ordinance. Failure so to do shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

#### **SEC. 18-33. FINAL PLAT.**

The final plat shall meet the standards of quality required under the Virginia Public Records Act as defined in Section 42.1-82 of the Code of Virginia, as amended, 1950.

The subdivision plat submitted for final approval by the governing body, or it's designated Agent, and subsequent recording shall be clearly and legibly drawn in ink upon reproducible Mylar paper at a scale of one hundred (100) feet to the inch on sheets having a size of eighteen by twenty inches (18" x 20"). In addition to the requirements of the preliminary plat the final plat shall include the following: **(B.S.M. 07/01/02)**

- A. A blank oblong space of 3" x 5" shall be reserved for the use of the approving authority.

- B. Certificate 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 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 the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.
- E. The accurate location and dimensions by bearings and distances with 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, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- F. Distances and bearings must balance and close with an accuracy of not less than one in ten thousand.
- 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, and tangent, chord and chord bearings.

#### **SEC. 18-34. CONDITIONS.**

1. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has posted a satisfactory performance bond, cash property, or other bonds to cover the cost of necessary improvements, in lieu of construction, with surety satisfactory to the agent.
2. Approval of final plat shall be written on the face of the plat by the agent, who shall direct the plat to be recorded; otherwise agent shall mark plat "void" and return same to subdivider.

#### **SEC. 18-35. SPECIAL PROVISIONS.**

Special provisions for restriction of any nature affecting the subdivided property shall be properly displayed on the plat.

## Article V.

### Advertising Standards

#### **SEC. 18-36. ADVERTISING STANDARDS**

A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to the type of water and sewage facilities available.

## Article VI.

### Effectual Clauses

#### **SEC. 18-37. EXCEPTIONS.**

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and 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. All exceptions granted to the development of streets in a subdivision will coincide with the approval of the Resident Engineer's office. (B.S.M. 4/6/87)

The exceptions authorized by this section specifically include surface treatment of the streets.

#### **SEC. 18-38. PENALTIES.**

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine or not less than ten dollars (\$10.00) nor more than two hundred and fifty (\$250.00), and each day after the first during which violation shall continue shall constitute a separate violation punishable by a ten dollar (\$10.00) fine.

#### **SEC. 18-39. SEVERABILITY.**

Should any article, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

#### **SEC. 18-40. REPEAL.**

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

#### **SEC. 18-41. ADMENDMENTS.**

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 recommendations; 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 be published once a week for two (2) successive weeks in some newspaper published or having general circulation in Pittsylvania County and the hearing shall be held not less than six (6) days or more than twenty-one (21) days after final publication.

#### **SEC. 18-42. STREET AND HIGHWAY CONSTRUCTION.**

The intent of the Board of Supervisors 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 Virginia Department of Transportation. Before approval of the roads in any final subdivision plat shall be given, the highway engineer for Pittsylvania County shall submit in writing that all requirements and specifications of the Virginia 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 by the Secondary Road System of the Virginia Department of Transportation. All approved subdivisions with a minimum of three dwelling units per mile shall receive top priority for acceptance into the Secondary Road System of Virginia Department of Transportation by the Board of Supervisors. After the effective date of this ordinance, all subdivisions shall incorporate the road design standards developed by the Virginia Department of Transportation for acceptance into the Secondary Road System, including but not limited to the current edition of: "Subdivision Street Requirements" and "Pavement Design Guide for Subdivision and Secondary Roads in Virginia", as both are amended from time to time. **(B.S.M. 7/1/02)**

The provisions of this Ordinance which changes, amends and re-enacts the Pittsylvania County Subdivision Ordinance adopted in 1965 shall take effect immediately upon its adoption by the Board of Supervisors. **Adopted October 20, 1986.**

**This ordinance was amended on April 6, 1987, March 16, 1989, August 7, 1989, July 1, 2002, November 19, 2002, March 21, 2006, and July 7, 2008.**