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Chapter 19
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Article 1. General Provisions.

Sec. 19-1-1. Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare; further the orderly development and use of land; lessen congestion of the county's road system; provide for safe and proper ingress and egress to lots; ensure proper legal description of subdivided land; provide for adequate light and air; facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks, playgrounds, and other public requirements; secure safety from fire, flood, panic, and other dangers; facilitate the further resubdivision of parcels or tracts of land in growth areas designated by the Fluvanna County Comprehensive Plan; preserve outstanding natural or cultural features and historic sites and structures; preserve the rural landscape of the county; and provide other benefits to the health, comfort, safety or welfare of the present and future population of the county in accordance with all elements of the Comprehensive Plan. This chapter shall be interpreted in conjunction with the Comprehensive Plan and Chapter 22 of this Code.²

Sec. 19-1-2. Jurisdiction.

This chapter shall apply to all lands in Fluvanna County, Virginia, including those covered by water; except for the areas within the corporate limits of the Town of Scottsville and the Town of Columbia.

Sec. 19-1-3. Plat required.³

¹ For state law as to subdivision and development of land, see Code of Va., § 15.2-2240, et seq.

Editor's note -- The Subdivision Ordinance of Fluvanna County, Virginia, was adopted 4-22-74, revised 2-3-94, 2-4-04 and generally ratified 5-5-04. Amendments subsequent to 5-5-04 are identified in this chapter by the date of amendment in parentheses following the affected section.

² Chapter 22 of this code sets out the provisions adopted as the Zoning Ordinance of Fluvanna County, Virginia.

³ For similar state law provision, see Code of Va., § 15.2-2254.

No person shall subdivide land without making and recording a plat of such subdivision and fully complying with the provisions of this Chapter.

(A) No such plat shall be recorded unless it is in compliance with this ordinance and has been approved by the Subdivision Agent appointed by the Fluvanna County Board of Supervisors as provided in this Chapter.

(B) No person shall sell or convey any lot or part of a subdivision unless the plat of the subdivision has been approved and recorded.

(C) Any person violating the foregoing provisions of this section 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 penalties or from the remedies provided in this Chapter.

(D) No clerk of any court shall file or record a plat of a subdivision required by this Chapter to be recorded until such plat has been approved as required by this Chapter.

(E) No permit or other approval shall be issued by any official of the county for any improvement relating to any lot or parcel of land subdivided or transferred or sold in violation of this Chapter until such violation shall have been abated.
(Ord. 12-16-15)

Article 2. Definitions.

Sec. 19-2-1. Rules of construction; definitions.

For the purposes of this chapter, the present tense may include the past or future, the singular number may include the plural, the masculine gender may include the feminine or neuter, and the following terms shall have the indicated meaning:

Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Central sewerage system. A sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, or an extension of any existing system which is designed to serve three or more (≥ 3) connections and used for conducting or treating sewage, as that term is defined in Chapter 3.1 (Sec. 62.1-44.2 et

seq.) of Title 62.1 of the Code of Virginia⁴, to serve or to be capable of serving three or more (≥ 3) connections. (Ord. 9-17-08)

Central water system. A water supply consisting of a well, springs, or other source and the necessary pipes, conduits, mains, pumping stations, and other facilities in connection therewith, to serve or to be capable of serving three or more connections. (Ord. 9-17-08)

Code. The Code of Virginia, 1950, as amended.

Commission. The Planning Commission of Fluvanna County, Virginia.

Comprehensive plan. The Fluvanna County Comprehensive Plan.

Cul-de-sac. The turnaround at the end of a dead-end street

Family subdivision. A single division of a lot or parcel for the purpose of a gift or sale to any natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

Floodplain. Any area defined as such in Chapter 22 of this Code.

Lot. A parcel of land, including a residue, described by metes and bounds or otherwise or shown on a plat, and intended as a unit of real estate for the purpose of ownership, conveyance or development.

Lot of record. A parcel of land recorded by the Clerk of the Circuit Court as an individual unit of real estate for the purpose of ownership or conveyance.

Major subdivision. The division of a parcel of land into six or more (≥ 6) lots, and not a family subdivision. A subdivision shall be deemed to be a major subdivision if the parcel from which such subdivision is divided was, within the five (5) years next preceding the application, divided into an aggregate of five or more (≥ 5) lots or divided in such a way as to create a new public or central water or sewer system or one or more (≥ 1) public streets.

Minor subdivision. Any division of a parcel of land creating fewer than six (< 6) lots, and not a family subdivision.

⁴*Editor's note:* The editor of this code has inserted "of the Code of Virginia", which did not appear in the ordinance adopted 9-17-08.

Plat. A schematic representation of a parcel or subdivision.

Plat, preliminary. A plat showing the existing boundaries and certain existing features of a parcel to be subdivided, together with the property lines of proposed lots and certain proposed features and improvements.

Plat, final. A plat showing the new property lines and certain features and improvements installed pursuant to the preliminary plat, showing their location as built, and prepared for recordation. Final plat approval gives the subdivider the right to record such plat with the Clerk of the Circuit Court and to convey the individual lots shown thereon.

Property owners' association. An entity established, pursuant to section 55-508 et seq. of the Code of Virginia, or otherwise, for the purpose of maintaining land or property owned in common by the owners of property in a subdivision.

Public water or sewer system. A water or sewer system owned and operated by a municipality, county, or other political subdivision of the Commonwealth.

Residue. The remainder of a lot after a subdivision has detached one or more (≥ 1) lots, which residue shall be deemed, for purposes of this chapter, to be a new lot.

Right-of-way. A strip or other portion of a parcel of land conveyed to a person, a partnership, a property owners' association, a corporation, or a government agency for the purpose of constructing and maintaining a road or utility facility, or a similar use.

Sketch plan. A conceptual, informal map of a proposed subdivision and the surrounding area, of sufficient accuracy to be used for the purpose of discussion.

Street. A thoroughfare for vehicular traffic, interchangeable with the terms avenue, boulevard, court, drive, highway, lane, road, or any similar term.

Subdivider. Any individual, partnership, corporation or group thereof owning or having an interest in land, or representing the owners of any land and proposing to subdivide such land.

Subdivision. The division of any lot, parcel or tract of record into two or more (≥ 2) lots, parcels or tracts, including residue, for the purpose of recordation, transfer of ownership, lease, or building development any one of which lots, parcels or tracts is less than sixty (60) acres in area or has less than 1,500 feet of frontage on a highway maintained by the Virginia

Department of Transportation. As the context requires, the term “subdivision” may mean the land divided, the process of division, or both.

Subdivision Agent. The individual appointed and authorized by the Fluvanna County board of supervisors to administer and enforce this Chapter.

Article 3. Process.

Sec. 19-3-1. General.

All sketch plans, preliminary plats, and final plats shall be reviewed and approved or disapproved in accordance with the procedures specified in this Article.

Sec. 19-3-2. Sketch plan.

(A) For any minor or major subdivision, the subdivider shall submit a sketch plan that satisfies the requirements of Article 4 of this chapter to the Subdivision Agent, who shall comment in writing and provide such comments to the subdivider within thirty (30) days of submission. The Subdivision Agent shall also provide a determination whether the proposed subdivision, as presented, would be classified as a family subdivision, minor subdivision, or major subdivision under this Chapter.

(B) If the Subdivision Agent determines the proposed subdivision is a major subdivision, the subdivider shall provide twenty (20) copies of the sketch plan and any revisions to the Subdivision Agent. The Subdivision Agent shall then place this item on the agenda of the Planning Commission within sixty (60) days of receiving the sketch plans. The Subdivision Agent shall also forward any staff comments to the Planning Commission.

(C) The Planning Commission shall review and provide comments within forty-five (45) days of the date of the meeting the sketch plan was presented. If no comments are presented to the Subdivision Agent, the sketch plan is deemed reviewed and the subdivider may submit a preliminary plat.

(D) Thereafter, no preliminary or final plat shall be approved by the Subdivision Agent unless the same shall substantially conform to the approved sketch plan, including all required modifications thereto, which may be required as a result of comments by the Planning Commission.

Sec. 19-3-3. Family subdivisions.

Any family subdivision shall comply with the following standards:

(A) All lots created shall comply with Chapter 22 of this Code.

(B) All lots must have a permanent access easement to a public road, not less than twenty (20) feet in width. Where practicable, all lots must use the same easement for access, and shall not have separate driveway entrances on the public road.

(C) Only one (1) lot shall be created and conveyed to each eligible family member, as defined in Section 19-2-1. Prior to approval of the final plat, the subdivider shall provide to the Subdivision Agent an executed deed of conveyance to an eligible family member for each lot created. Included in such deed shall be a restriction preventing sale of such lot after dedication for a period of not less than three (3) years. The lot may be transferred prior to the conclusion of the three (3) year period, if the Subdivision Agent shall determine that there is a compelling need to convey such parcel and that the conveyance of such parcel shall not be for purposes of circumventing the review provisions of this chapter. *Compelling need* shall include, but shall not necessarily be limited to, (1) removal of the residence of the owner of such lot from the county when such lot is the residence of such owner; (2) sale by or at the request of a bona fide creditor pursuant to a deed of trust, action of trustee in bankruptcy or the order of a court of competent jurisdiction; and (3) death or physical or mental disability of the owner.

(D) No lot created under this Section shall be for the purpose of circumventing the minor or major subdivision provisions of this Chapter.

Sec. 19-3-4. Preliminary plat.⁵

For any minor or major subdivision, after receiving the Subdivision Agent's comments on a sketch plan, the subdivider shall submit a preliminary plat that satisfies the requirements of Article 4 of this Chapter to the Subdivision Agent.

(A) For every minor or major subdivision, the subdivider shall submit, to the Subdivision Agent, copies of a preliminary plat in a number sufficient to allow review by all appropriate agencies as applicable and as determined by the Subdivision Agent. Within ten (10) days the Agent shall review the preliminary plat application for completeness, and if it is

⁵ For state law authorizing counties to require a preliminary plat, see Code of Va., § 15.2-2260. For state law regarding preliminary plat approval, see Code of Va., §§ 15.2-2258, 15.2-2259.

incomplete, so notify the subdivider, specifying instructions for its completion. No preliminary plat shall be deemed to be officially submitted for approval unless and until the Subdivision Agent finds it to be complete. Upon his determination that such preliminary plat application is complete, the Subdivision Agent shall retain copies for his review, forward copies to all agencies whose comments are necessary for consideration of the plat.

(B) For any minor subdivision, the Subdivision Agent shall approve or disapprove a complete preliminary plat within thirty (30) days of its submission. In the case of disapproval, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval.

(C) For any major subdivision, the Subdivision Agent shall review the preliminary plat and approve or disapprove the preliminary plat within forty-five (45) days of its submission. In the case of disapproval, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval.

(Ord. 12-16-15)

Sec. 19-3-5. Authority to construct improvements.

The subdivider may install the monuments, roads and other improvements proposed on the plat only after approval of a preliminary plat. Preliminary plat approval shall be effective for five (5) years provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat.

Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following such preliminary subdivision plat approval, and upon ninety (90) days' written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of fact that the subdivider has not diligently pursued approval of the final subdivision plat.

After five (5) years from the date of the last recorded plat, unless the preliminary plat indicates phased implementation consisted with Section 19-7-6 of this Chapter, the preliminary plat shall become null and void. The foregoing notwithstanding, the installation of any improvements after the approval of a preliminary plat shall be at the sole risk of the subdivider and shall not entitle the subdivider to the approval of any final plat which is not otherwise approvable.

(Ord. 12-16-15)

Sec. 19-3-6. Final plat.

All final plats shall be reviewed and acted upon as required by section 15.2-2259 of the Code of Virginia and this Chapter. (Ord. 12-16-15)

Sec. 19-3-6.1. Review for completeness.

Within ten (10) days the Subdivision Agent shall review the final plat for completeness, and if the application is incomplete, so notify the subdivider within ten (10) days, specifying instructions for its completion.

Sec. 19-3-6.2. Administrative review.

The Subdivision Agent shall review the final plat within sixty (60) days of acceptance for conformity to the approved preliminary plat and this chapter, and approval by all appropriate agencies. The Subdivision Agent shall forward any legal documents submitted pursuant to Section 19-6-4 of this Chapter to the county attorney for review and approval, and the county attorney shall review such documents for compliance with applicable law. If the final plat and associated legal documents meet these criteria, the Subdivision Agent shall approve the final plat and return it to the subdivider. If they do not meet these criteria, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval. Any resubmission of the plat shall be reviewed within forty-five (45) days.

Sec. 19-3-6.3. Recordation.

An approved plat shall be filed for recordation within six (6) months after final approval. Such approval shall be withdrawn and the plat marked void and returned to the approving official if the approved plat is not filed for recordation within six (6) months, subject to the exception for facilities to be dedicated to public use in section 15.2-2241.A(8) of the Code of Virginia. (Ord. 12-16-15)

Article 4. Sketch Plans.**Sec. 19-4-1. Purpose.**

The purpose of the sketch plan requirement is to provide the subdivider with the Subdivision Agent's informal comments to assist in subdivision design, before investing in preparation of a preliminary or final plat. It is a tool to help the Subdivision Agent and the subdivider develop a better understanding of the property, and to help establish an overall

design approach that respects the property's special or noteworthy features, and is consistent with the Comprehensive Plan, while providing for the density permitted under Chapter 22 of this Code.

Sec. 19-4-1.1. Standards of review.

The Subdivision Agent shall review the sketch plan in accordance with the design criteria contained in Article 7, Subdivision Design Standards, of this Chapter and with other applicable chapters of this Code. The Agent's review shall informally advise the subdivider of the extent to which the proposed subdivision conforms to the standards of Article 7 and the objectives and policy recommendations of the Comprehensive Plan, and may suggest possible plan modifications that would increase its degree of conformance. The Agent's review shall include but is not limited to:

- (A) Location of all areas proposed for land disturbance with respect to notable features identified on the sketch plan;
- (B) Potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
- (C) Location of proposed access points along the existing road network;
- (D) Consistency with Chapter 22 of this Code.

Sec. 19-4-2. Form.

Sketch plans shall consist of black or blue lines on white paper. Each page shall be no more than forty-two (42) inches wide or thirty (30) inches high. Sketch plans shall be drawn to a scale of one inch equals 50, 100, or 200 feet, whichever is most convenient for the subject parcel.

Sec. 19-4-3. Sketch plan information.

The sketch plan shall clearly show:

- (A) Name, address and telephone number of the owner and the subdivider;
- (B) Name, address and telephone number of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan, if any;

- (C) Graphic scale, date and north arrow;
- (D) Approximate tract boundaries;
- (E) Zoning district;
- (F) Streets on and adjacent to the tract;
- (G) 100-year floodplain limits and approximate location of wetlands, if any; and

(H) Approximate location of topographic and physical features including fields, pastures, meadows, wooded areas, trees of special merit, steep slopes, rock outcrops, ponds, existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, trails, and abandoned roads.

Sec. 19-4-4. Proposed development.

The sketch plan, or accompanying drawings, shall clearly show:

- (A) Schematic layout indicating a general concept for land conservation and development;
- (B) Proposed general street and lot layout;
- (C) Proposed location of buildings, major structures, parking areas, driveways and other improvements; and
- (D) General description of proposed method of water supply, sewage disposal, and stormwater management.

Sec. 19-4-5. Yield plan required for cluster subdivision.

The applicant for approval of any cluster subdivision shall submit a yield plan to determine the number of lots which could be practicably developed on the subject property as a conventional subdivision, in accordance with all applicable law, including, in particular, the density, lot size, setback, frontage and yard requirements of Chapter 22 of this Code; the design requirements of this Chapter; and all other applicable law. Consideration shall be given, among other things, to the area of land which would be occupied by roads and other areas not usable for building or individual sale, including, but not limited to, steep slopes,

flood plain, land usually covered by water and land not suitable for building and/or installation of utilities due to soil type, topography or other physical or legal condition. Such yield plan shall be submitted contemporaneously with the sketch plan required by Article 3 of this Chapter and shall be in similar detail to such sketch plan, together with such additional data as may be necessary to show the information required hereinabove. The yield plan so submitted shall be considered by the planning commission in its review of the sketch plan for the proposed subdivision. In no case shall any cluster subdivision be approved which shows a greater number of lots than could be practicably developed as a conventional subdivision of the subject property.

Article 5. Preliminary Plats.

Sec. 19-5-1. Purpose.

The purpose of the preliminary plat requirement is to provide the subdivider and the county with a conceptual drawing indicating, with a greater degree of specificity than the sketch plan, the subdivider's intentions for subdividing a tract. Subdividers are expected to consider the Subdivision Agent's informal comments on the sketch plan when preparing the preliminary plat. Approval of the preliminary plat by the Subdivision Agent confers upon the subdivider the right to construct improvements and submit a final plat for approval, in accordance with Section 19-3-4 of this Chapter.

Sec. 19-5-1.1. Standards of review.

The Subdivision Agent shall review the preliminary plat for accuracy and conformance with the design criteria contained in Article 7 of this Chapter and with other applicable chapters of this Code, and shall approve or disapprove the preliminary plat. In the case of disapproval, the Subdivision Agent shall notify the subdivider of the modifications necessary to obtain approval.

Sec. 19-5-2. Form.

Preliminary plats shall consist of black or blue lines on white paper. Each page shall be no more than forty-two (42) inches wide or thirty (30) inches high. Plats shall be drawn to a scale of one inch equals 50, 100 or 200 feet, whichever is most convenient for the subject parcel. If the plat is drawn on more than one sheet, match lines shall clearly indicate where the several sheets join. Each sheet shall be numbered and the plat shall provide an adequate legend indicating clearly which features are existing and which are proposed.

Sec. 19-5-3. Preliminary plat information for minor subdivisions.

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The preliminary plat for a minor subdivision shall clearly show:

- (A) Name of proposed subdivision;
- (B) Name, address and telephone number of the owner and the subdivider;
- (C) Name, address and telephone number of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- (D) Graphic scale, title, date and north arrow;
- (E) Scaled vicinity map showing the location of the parcel to be subdivided and its relationship to the surrounding roads;
- (F) Location and identification of any town or county boundary;
- (G) Boundaries of the parcel to be subdivided with all bearings and distances indicated;
- (H) In the case of resubdivision, the existing lot layout;
- (I) Zoning district, tax parcel number, source of title, and location of the last instrument in the chain of title for all parcels to be subdivided, and the owners of record of all adjoining property;
- (J) Location, identification and width of all easements and rights-of-way for streets, railroads, utility facilities or similar uses, on or adjacent to the subject parcel;
- (K) Total acreage of the tract;
- (L) Topographic contours as shown on applicable U.S. Geological Survey quadrangle 7.5 minute series sheets;
- (M) Location and identification of all streams, rivers, ponds, lakes, wetlands, drainage channels, 100-year flood plains, slopes exceeding twenty percent (20%) and similar features;
- (N) Location and size of all existing buildings, water and sewer lines, wells and drainfields on the subject parcel.

Sec. 19-5-4. Preliminary plat information for major subdivisions.

The preliminary plat for a major subdivision shall clearly show, for the subject tract:

- (A) All items in Section 19-5-3;
- (B) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, 100-year flood plains, as defined in Chapter 22, and areas of wetlands as evident from testing, visual inspection, or from the presence of wetland vegetation;
- (C) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, hedgerow, woodland and wetland;
- (D) Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction, and, in areas not served by a public or central sewerage system, for septic suitability;
- (E) Ridge lines and watershed boundaries;
- (F) A viewshed analysis showing the location and extent of views into the property from adjoining public roads;
- (G) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant;
- (H) All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers;
- (I) Locations of all historically significant sites or structures on the tract, including but not limited to cellarholes, stone walls, earthworks, and graves.

Sec. 19-5-5. Proposed improvements.

The preliminary plat, or accompanying drawings, shall clearly show:

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(A) Total number of proposed lots, with minimum, maximum and average area indicated; acreage of any residue; and supporting calculations demonstrating compliance with Article 7 of this Chapter and Chapter 22 of this Code;

(B) Layout of all proposed lots, including approximate area, dimensions, building setback lines, easements, and lot and block numbers;

(C) Approximate locations of proposed driveway connections onto public streets;

(D) General grading plan, showing areas of substantial clearing, cutting or filling, and showing the limits of land disturbance;

(E) If new streets are proposed, approximate location, alignment and width of proposed streets or rights-of-way with proposed names, cross section, type and thickness of each material, and other details sufficient to satisfy the preliminary approval requirements of the Virginia Department of Transportation;

(F) If new streets or significant areas of impervious surface are proposed (>16%), plans of stormwater management system in compliance with Virginia Stormwater Management Regulations, showing dimensions, invert elevations, and other details sufficient to satisfy the preliminary approval requirements;

(G) If septic systems are proposed, locations of proposed areas on each lot for septic drainfields, including reference to supporting data which establishes the suitability of each area and is sufficient to satisfy the preliminary approval requirements of the Virginia Department of Health;

(H) If a public or central water system is proposed, plans of water supply, treatment, distribution and fire protection system, showing pipe dimensions and other details sufficient to satisfy the preliminary approval requirements of the Virginia Department of Health and the agency to be responsible for system maintenance;

(I) If a public or central sewerage system is proposed, plans of sanitary sewer collection and treatment, showing pipe dimensions and other details sufficient to satisfy the preliminary approval requirements of the Virginia Department of Environmental Quality and the agency to be responsible for system maintenance;

(J) Designation of all land to be reserved or dedicated for public or common use, showing location, size, shape, proposed ownership, and proposed responsibility for maintenance;

(K) Conceptual locations of proposed dwelling sites and uses other than single-family detached dwellings; and

(L) Approximate location of proposed shade trees, significant landscaping, and areas of existing vegetation to be retained.

Article 6. Final Plats.

Sec. 19-6-1. General requirements.

The subdivider shall submit to the Subdivision Agent a final plat (at least two (2) copies in the case of minor subdivisions or family subdivisions, or at least five (5) copies in the case of major subdivisions) that meets the standards for plats under section 42.1-82 of the Virginia Public Records Act (Section 42.1-76 et seq.), and conforms to the requirements of the following subsections.

Sec. 19-6-2. Form.

Final plats shall consist of black or blue lines on white paper. Each page shall be no more than forty-two (42) inches wide or thirty (30) inches high. Final plats shall be drawn to a scale of one inch equals 50, 100 or 200 feet, whichever is most convenient for the subject parcel. If the plat is drawn on more than one sheet, match lines shall clearly indicate where the several sheets join. All straight lines shall be described with distance to the nearest hundredth of a foot and bearing to the nearest second. All curves shall be described with central angle to the nearest minute, radius to the nearest foot, and tangent to the nearest hundredth of a foot.

Sec. 19-6-3. Final plat information.

The final plat shall clearly show:

- (A) Name of proposed subdivision;
- (B) Name, address and telephone number of subdivider;
- (C) Name, address, telephone number, and seal of surveyor or engineer;

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- (D) Graphic scale, title, date, and north arrow;
- (E) Scaled vicinity map showing the location of the parcel to be subdivided and its relationship to the surrounding roads;
- (F) Locations of proposed driveway connections onto public streets;
- (G) Boundaries of the parcel to be subdivided with all bearings and distances indicated;
- (H) Tax parcel number, zoning district, source of title, and location of the last instrument in the chain of title for all parcels to be subdivided;
- (I) Sufficient data to readily determine and reproduce on the ground the location, bearing and length of every road centerline, subdivision boundary line and lot line;
- (J) All rights-of-way, easements, or areas to be dedicated, reserved, or used for any purpose other than single-family detached dwellings. Common or shared easements shall be provided for public service corporations and other service providers in accordance with the requirements of section 15.2-2241.A(6) of the Code of Virginia; and
- (K) Sufficient data to demonstrate compliance with the approved preliminary plat.
(Ord. 12-16-15)

Sec. 19-6-4. Improvements.

The final plat shall be accompanied by approved final plans and specifications of all streets, water, sewer and stormwater management systems, drawn to the specifications of the agency or agencies responsible for their approval and/or maintenance, and the location of any public wells required to be installed by this Chapter. If any property shown on the final plat is to be held in common by a property owners' association, the subdivider shall provide a copy of the articles of incorporation of the property owners' association and a copy of the declaration of covenants and restrictions addressing the ownership and maintenance of the property to be held in common. If any property shown on the final plat other than rights-of-way is to be conveyed to the county, including easements, the subdivider shall provide a deed of conveyance or deed of easement.

Sec. 19-6-5. Certificates.

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The following certificates shall appear on the final plat, and shall be executed as appropriate:

I hereby certify that, to the best of my knowledge and belief, all requirements of the Board of Supervisors and ordinances of Fluvanna County, Virginia, regarding the platting of subdivisions within the County, have been complied with. [to be signed, dated and sealed by surveyor or engineer]

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

The subdivision shown hereon has been reviewed and approved by the undersigned in accordance with existing regulations, and may be committed to record. [to be signed and dated by the Subdivision Agent]

Sec. 19-6-6. Bonding.

At the time he submits the final plat, the subdivider shall either demonstrate that the improvements shown on the preliminary plat are complete, or shall provide a bond with surety in an amount and form acceptable to the county, to insure that the improvements are completed at the expense of the subdivider. Such bond shall comply, and shall be administered in accordance with, the provisions of sections 15.2-2241 through 15.2-2246 of the Code of Virginia.

Article 7. Subdivision Design Standards.

Sec. 19-7-1. Generally.

The subdivider and the county shall be mutually responsible for the orderly development of the land. Nothing herein shall be deemed to require the approval of any plat which the Subdivision Agent shall determine to be contrary to sound engineering or surveying practice or which shall constitute a danger to the public health, safety or general welfare. The Subdivision Agent shall review all subdivisions, and may require reasonable changes to the

design of such plats to ensure that the development is in conformity with the Comprehensive Plan, rationally designed, suitably adapted to the topography, efficient for the provision of utilities and services, coordinated with the future provision of capital improvements in the surrounding area, and has minimal negative impact on adjoining property. Their discretion shall be guided by the standards set forth in this article. (Ord. 8-1-12)

Sec. 19-7-2. Rural cluster subdivisions.

All subdividers shall strive to conserve the noteworthy features of the parcel to be subdivided and the rural landscape, in accordance with the Comprehensive Plan and the purpose of this chapter. To achieve these objectives, the subdivider shall follow the process set forth below in developing rural cluster subdivisions for the subdivision of a tract. All major subdivisions in the A-1 Agricultural General Zoning District Classification shall be Rural Cluster subdivisions and subject to this section.

(A) Determine the number of lots desired, not exceeding the number allowed to be subdivided from the tract under the density provisions of Chapter 22;

(B) Delineate areas of the tract to be conserved due to their noteworthy features and value to the continued rural character of the county, including, but not limited to, lands with high value for continued agricultural or forestry production, high scenic value including riparian corridors and wildlife habitat; high environmental sensitivity such as steep slopes, wetlands, floodplains; high recreational value and/or having noteworthy historical, natural, or cultural features;

(C) Locate potential house sites on the area of the tract not delineated as conservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;

(D) Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and

(E) Delineate boundaries of individual residential lots and any residue, in accordance with the lot size, dimension, setback, and yard requirements of Chapter 22. (Ord. 8-1-12)

Sec. 19-7-3. Rational design.

Lot sizes and shapes, block sizes and shapes, and street networks and alignments shall be designed in accordance with accepted planning practices to produce a rational and economical system without undue clearing or grading. (Ord. 8-1-12)

Sec. 19-7-4. Suitability to topography.

If the site contains floodplains, wetlands or slopes steeper than twenty percent (20%), the proposed development shall be designed to protect against such dangers as erosion, sedimentation, flooding, landslide or subsidence. (Ord. 8-1-12)

Sec. 19-7-5. Infrastructure.

All streets, water systems, sewer systems, storm drainage systems, solid waste collection systems, and other utilities and services shall be coordinated with the existing and planned systems in the surrounding area, and shall be designed and constructed so as to minimize the cost of operation and maintenance and so as to maximize the safety, convenience and efficiency thereof. All lots shall be designed to provide for safe and convenient vehicular access to public streets. Driveway locations, which shall conform to good engineering practice and, in particular, to the regulations of the Virginia Department of Transportation, shall be specified on the plat. (Ord. 8-1-12)

Sec. 19-7-5.1. Street layout.

The following requirements and standards of street layout shall apply:

(A) The subdivision street layout shall conform in all essential respects with any adopted small area plan and the transportation element and other aspects of the Comprehensive Plan. Proposed streets shall provide for the continuation of existing, planned or platted streets on adjacent tracts, unless such continuation shall be prevented by topography or other physical condition, or unless such extension is found by the Subdivision Agent to be unnecessary for the coordination of development between the subdivision and such adjacent tract.

(B) Where the subdivision abuts or contains an existing public road, the Subdivision Agent may require that measures be taken to reduce the impact of heavy traffic on the lots abutting or fronting upon such road, and to conserve the capacity of such road to serve through traffic, by one of the following means:

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- 1) By providing vehicular access to such lots by means of a service drive separated from the existing public road by a planting strip and connecting therewith at infrequent intervals.
- 2) By designing reverse frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets, and with vehicular access to such lots from the existing public road prohibited by deed restrictions or other means.
- 3) By increasing setbacks by not less than twenty-five percent (25%) for all structures and requiring the joint use of driveways.

The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Subdivision Agent giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent factors.

(C) Cul-de-sacs shall serve five or fewer (≤ 5) lots, and shall be connected to other streets by pedestrian paths.

(D) Intersections of streets shall be at an angle as nearly ninety (90) degrees as topography and good design will permit.

(E) Alleys may be provided in the rear of lots.

(F) Cross access easements may be provided for any commercial, multi-family, and industrial subdivision and shall meet the surfacing requirements of the proposed off-street parking as required by the type of use and development contemplated, in compliance with Chapter 22 of this Code. Any such easement is subject to the approval of the county attorney. (Ord. 8-1-12)

Sec. 19-7-5.2. Lot layout.

The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development. All lots shall be designed to provide for safe and convenient vehicular access to public streets.

(A) Where lots must have direct access to an existing thoroughfare rather than an internal street, driveway locations shall conform to good engineering practice and, in particular, the regulations of the Virginia Department of Transportation. Joint access driveways shall be provided where practical. All restrictions regarding lot access and driveway location shall be specified on the plat.

If a tract is subdivided into fewer lots than the maximum allowed by its zoning classification, or the Comprehensive Plan designates the tract for a higher density of development than its present zoning classification allows, the Subdivision Agent may require the subdivider to arrange the lots so as to allow the opening of future streets and logical further subdivision.

(B) The dimensions and layout of lots reserved or planned for commercial, multi-family, and industrial purposes shall be adequate to provide for any off-street parking and service facilities required by the type of use and development contemplated, in compliance with Chapter 22 of this code. The Subdivision Agent may require the subdivider to demonstrate compliance by providing a schematic layout of the anticipated development of such lots.

(Ord. 8-1-12)

Sec. 19-7-5.3. Easements.

Where a proposed subdivision is traversed by any stream, water course or drainageway, or a drainageway is proposed, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, water courses, and drainageways. The Subdivision Agent may require permanent easements of appropriate width for poles, wires, conduits, storm and sanitary sewers, gas, water mains, and other public utilities, and temporary easements for the future construction thereof, along all lot lines and in other locations deemed necessary to adequately and efficiently serve all subdivision lots and the surrounding area. Such easements may be required for both existing and planned utilities. (Ord. 8-1-12)

Sec. 19-7-5.4. Lands designated for public or common ownership.

When the subdivider proposes to designate lands for public or common ownership, the following standards shall apply:

Where the proposed subdivision includes lands proposed for use as public parks, school sites, or public water or sewer provision under the Comprehensive Plan, the Subdivision Agent shall request the subdivider to indicate the location of such lands on the

subdivision plat. The Subdivider shall also provide the written agreement for the acquisition of the lands or facilities between the subdivider and the receiving agency. No public agency is compelled by this chapter to accept any proposed land or facilities.
(Ord. 8-1-12)

Sec. 19-7-6. Phasing.

If the subdivider desires to complete the improvements shown on the preliminary plat over a period of more than one year, he may submit a preliminary plat showing the entire development at completion, and delineating two or more (≥ 2) phases to be improved in succession, together with a schedule for completion of each phase. After such plat has been approved, he may construct the improvements in, and submit a final plat for, each phase, consistent with the approved schedule. Pursuant to the requirements of section 15.2-2241.A(5) of the Code of Virginia, if a developer records a final plat which is a section of a subdivision as shown on an approved preliminary plat, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section. (Ord. 8-1-12; Ord. 12-16-15)

Sec. 19-7-7. Noise, glare and pollution.

The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property, and to protect the surrounding lands from the same. (Ord. 8-1-12)

Sec. 19-7-7.1. Riparian protection areas.

To protect local water quality, all major subdivisions shall reserve a riparian protection area in accordance with the following requirements:

(A) The riparian protection area shall be at least fifty (50) feet wide along both sides of all intermittent streams, at least seventy-five (75) feet wide along both sides of all perennial streams, and at least 100 feet wide along both sides of the Hardware River, Rivanna River, and James River.

(B) Indigenous vegetation, including existing ground cover, shall be preserved to the maximum extent practicable, consistent with the use or development proposed. Dead, diseased, or dying vegetation may be pruned or removed as necessary, pursuant to sound horticultural practices. No logging or silvicultural activities may take place within the riparian protection area.

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(C) No portion of any on-site sewerage system, drain field, reserve drain field, or building shall be placed within the riparian protection area. This statement shall be on all plats and site plans of affected lots.

(D) If otherwise authorized by the applicable regulations of this chapter, the following types of development shall be permitted within the riparian protection area, provided that the requirements of this section are met:

- 1) A building or structure which existed on the date of adoption of this article may continue at such location. However, nothing in this section authorizes the replacement, expansion, or enlargement of such building or structure.
- 2) On-site or regional stormwater management facilities and temporary erosion and sediment control measures, provided that:
 - a) To the extent practical, as determined by the agent, the location of such facilities shall be outside of the riparian protection area.
 - b) No more land shall be disturbed as necessary to provide for the construction and maintenance of the facility, as determined by the agent.
 - c) The facilities are designed to minimize impacts to the functional value of the riparian protection area and to protect water quality; and
 - d) Facilities located within a floodplain adhere to the floodplain regulations of the County Code.
- 3) Water-dependent facilities; water wells; passive recreation areas, such as pedestrian trails and bicycle paths; historic preservation; archaeological activities, provided that all applicable federal, state and local permits are obtained. All pedestrian trails and bicycle paths shall be constructed using permeable paving materials.
 - a) Stream crossings of perennial and intermittent streams for roads, streets, or driveways, provided that the stream buffer disturbance shall be the minimum necessary for the lot(s) to be used and developed as permitted within the underlying zoning district. Stream crossings shall not disturb more than thirty (30) linear feet of stream for

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driveways and sixty (60) linear feet for roads or streets, provided that the agent may allow additional length of stream disturbance where fill slopes or special conditions necessitate additional length.

(E) The Subdivision Agent may allow for a modification of the riparian protection area requirements by providing alternative measures for riparian protection, by means of substitution of materials, design, or technique, which the Subdivision Agent determines to provide the same or greater degree of riparian protection compared to such area requirements and is determined by the Subdivision Agent to be reasonably necessary to permit reasonable uses of the property which are otherwise permitted by law. A request for a modification shall be submitted and evaluated as follows:

- 1) At a minimum, a request for any modification shall include the following information:
 - a) A site map that includes the locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by a field survey;
 - b) A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;
 - c) A detailed site plan that shows the locations of all existing and proposed structures and impervious cover and the limits of all existing and proposed land disturbance. The exact area of the riparian protection area to be affected shall be accurately and clearly indicated;
 - d) Documentation of unusual hardship should the requirements be maintained;
 - e) At least one alternative plan, which meets the requirements of this section, or an explanation of why such a plan is not feasible;
 - f) A stormwater management plan, if applicable;
 - g) A calculation of the total area of intrusion into the riparian protection area; and

- h) Proposed mitigation, if any, for an intrusion into the riparian protection area. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- 1) The following factors will be considered by the Subdivision Agent in determining whether to issue a modification:
 - a) The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;
 - b) The locations of all streams and waterways on the property, including along property boundaries;
 - c) Whether alternative designs are possible which require less intrusion or no intrusion into the riparian protection area;
 - d) The long-term and construction water-quality impacts of the proposed modification; and
 - e) Whether allowance of the modification is at least as protective of natural resources and the environment, including local water quality.

(Ord. 8-1-12)

Sec. 19-7-8. Compliance with Chapter 22 of this Code.

No subdivision plat shall be approved unless and until it shall be determined that the same complies with Chapter 22 of this Code. Subdivisions that are prepared consistent with approved Master Plans as provided in Chapter 22 of this Code, shall be subject to the street and lot layout design and improvement standards provided for in that Master Plan. (Ord. 8-1-12)

Article 8. Required Improvements.

Sec. 19-8-1. Streets.⁶

An adequate system of streets shall be constructed to provide access from all lots to the state highway system.

⁶For state law as to streets in subdivisions, see Code of Va., § 15.2-2241.A.

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(A) In any major subdivision, as defined herein, all streets shall be designed and constructed in conformance with the Virginia Department of Transportation's subdivision street requirements. Preliminary plans for all such streets shall have been approved by the Virginia Department of Transportation prior to approval of the preliminary plat.

(B) Proposed street names shall be shown on the preliminary plat, and may be changed by the Subdivision Agent. Names of new streets shall not duplicate names of existing streets, irrespective of suffixes. Any street that is a continuation of an existing street shall bear the name of the existing street. The governing body may institute a fee in order to acquire and install all street identification signs. Where a street is planned for future extension, and a stub street serving three or more (≥ 3) lots is proposed for construction as part of a subdivision, a temporary turnaround shall be provided on such stub street. Such turnaround shall be of adequate location, size and design as determined by the Subdivision Agent. All stub streets shall be marked with a metal sign clearly providing public notice that the street is subject to future extension.

(C) Any private road in a subdivision which will not be constructed to Virginia Department of Transportation standards shall be located in a right-of-way or easement at least fifty (50) feet in width and shall be so designed and built as to provide adequate access by ordinary passenger vehicles in all weather, in accordance with the provisions of this section as set forth hereinafter. All lots that are within a subdivision which is served by any private road shall be prohibited direct vehicular access from an existing public road by deed restriction or other means. Except in the case of lots intended, designed and used (a) for attached single-family, two-family or multi-family dwellings; (b) for rural cluster lots; or (c) for commercial or industrial uses, no lot served by a private road may be less than ten (10) acres in area, and no such private road shall serve more than five (5) lots. The plat, and each deed, shall clearly state that the county and Commonwealth are not responsible for the maintenance of the roads. A road maintenance agreement, approved by the county attorney and the Subdivision Agent, shall be filed with the deeds of all lots to be served by such private road. Such agreement shall require the landowners, jointly and severally, to cooperate in and pay for the maintenance of the road such that emergency vehicles and other necessary traffic can reach all of the lots with reasonable ease. Each plat showing any such private road shall contain a certification from a registered surveyor or engineer in substantially the following form: "The private road shown on this plat will provide reasonable access to all lots served by such road by emergency vehicles and ordinary passenger vehicles as required by Section 19-8-1 of the Fluvanna County Code." Private roads shall conform to the following minimum specific construction standards:

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Number of Lots	Right-of-Way Width	Minimum Width of Travelway	Surface Treatment	Minimum Ditchline	Maximum Grade
1-5	50 feet	14 feet	Gravel (#25 or #26), 3 inches in depth over suitable base	4 feet in width, with a minimum of 4% slope from the travelway and ditches a minimum of 18 inches in depth	9%

(Ord. 11-17-04; Ord. 8-1-12; Ord. 12-16-15)

Sec. 19-8-2. Water supply.

The subdivider shall provide evidence satisfactory to the Subdivision Agent that each lot which is proposed to be created shall have available to it potable water sufficient in quantity and quality to provide for the uses to which such lot may lawfully be put. For any major subdivision, all phases included, one or more sources of water of acceptable quality and quantity shall be approved by the county prior to submittal of the preliminary plat. The water supply shall meet all applicable federal, state and local regulations and the Hydrogeologic Test Requirements. (Ord. 8-1-12)

Sec. 19-8-2.1. Hydrogeologic test requirements.

Prior to the approval of the preliminary plat, the subdivider shall provide evidence that the parcel proposed to be subdivided has sufficient supply of potable water to serve each of the proposed lots. In the case of a subdivision which is proposed to be served by either a public water system, a public service company or a central water supply, the subdivider shall demonstrate that the subdivision has a capacity equal to 1 gallon per minute for each proposed lot after a forty-eight (48) hour continuous constant rate test. (Ord. 3-15-06; Ord. 8-1-12)

Sec. 19-8-2.2. Quality.

Water quality shall comply with the requirements defined in the Virginia Department of Health Waterworks Regulations. (Ord. 8-1-12)

Sec. 19-8-2.3. Quantity.

If the proposed subdivision is to be served by individual groundwater wells, the

sufficiency of the quantity of water shall comply with the requirements of the Virginia Department of Health Private Well Regulations at the time that a certificate of occupancy is sought as to any occupied building on each lot. If any subdivision is to be served by an existing public or central water system, the subdivider shall obtain a certificate of availability from the operator of the water system. If it is to be served by a new public or central water system, the subdivider shall obtain the necessary permits from all applicable reviewing bodies, including, without limitation, the governing body, the State Corporation Commission, the Virginia Department of Health and the Virginia Water Control Board, and approval of the design and written commitment to operate and maintain the system from an agency approved by the county. (Ord. 6-21-06; Ord. 8-1-12)

Sec. 19-8-2.4. Fire protection.

The subdivider shall make reasonable provision for fire protection. For any subdivision with a public or central water system, the subdivider shall provide a fire protection system consisting of fire hydrants at intervals of no more than 1,000 feet served by water lines six inches or larger (≥ 6) in diameter, or a system of comparable effectiveness. Such plans shall be reviewed and approved by the Fluvanna County Fire Department Chief prior to preliminary plat approval. (Ord. 8-1-12)

Sec. 19-8-2.5. Maintenance.

Upon their completion and final approval, all water systems, other than those connected to a public system, shall be dedicated to an agency approved by the county for ownership, operation and maintenance. (Ord. 8-1-12)

Sec. 19-8-3. Wastewater treatment.

A wastewater collection, treatment and disposal system shall be provided to remove wastewater from the proposed development without undue threat of contamination of surface water or groundwater. Such preliminary plans shall have been approved by the Virginia Department of Environmental Quality (DEQ) or appropriate state agency prior to approval of the preliminary plat.

(A) If individual sewerage systems are proposed, the subdivider shall demonstrate that each lot which is proposed to be created complies with Section 22-17-10 of this Code.

(B) If a central sewerage system is proposed, the subdivider shall secure approval of the design, and written commitment to operate and maintain the system, from an agency

approved by the county, including any special use permit which is required pursuant to Chapter 22 of this Code, prior to approval of the preliminary plat.

(C) If a proposed system is subject to regulation by the any state agency, the subdivider shall secure the necessary permits prior to plat approval.
(Ord. 9-17-08; Ord. 8-1-12)

Sec. 19-8-3.1. Maintenance.

Upon their completion, all central sewerage systems, other than those connected to a public system, shall be dedicated to an agency approved by the county for ownership. (Ord. 8-1-12)

Sec. 19-8-4. Storm drainage.⁷

Proper and adequate storm drainage systems shall be installed as required by the Virginia Department of Transportation and/or Chapter 6: Erosion and Sedimentation Control of this Code, such that the proposed development will not result in undue increase in runoff, erosion or sedimentation to any downhill or downstream area. Such plans shall have been reviewed by the Soil and Water Conservation District office, and approved by the county and the Virginia Department of Transportation, as applicable, prior to the approval of the preliminary plat.

(A) Wherever required by the Virginia Department of Transportation, or under an approved Master Plan or Conditional Zoning provisions of Chapter 22, concrete curb and gutter shall be installed along both sides of street serving 200 or more lots, and on at least one side of every street serving fifty or more (≥ 50) lots, and an engineered storm drainage system shall be installed. The use of perforated curbs and cul-de-sacs with landscaped islands is permitted. All such improvements shall comply with Virginia Department of Transportation standards.

(B) Drainage easements of an appropriate width, not less than six (≥ 6) feet, shall be reserved where necessary, and shall be shown on the plat.

(C) All streets and building sites shall be at least one foot above the floodplain elevation.

⁷ For state law as to storm drainage, see Code of Va., § 15.2-2241.A(3), (4).

(D) The use of low-impact development (LID) techniques to control stormwater runoff is encouraged. Examples of LID techniques include, but are not limited to, the use of permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters designed to capture stormwater and facilitate on-site infiltration.
(Ord. 8-1-12; Ord. 12-16-15)

Sec. 19-8-5. Monuments.⁸

Iron rods or pipes shall be set at all lot corners and at all points of curvature or tangent on streets. Rods or pipes shall be at least one-half (1/2) inch in diameter and twenty-four (24) inches long, and shall be set flush with the finished grade. (Ord. 8-1-12; Ord. 12-16-15)

Sec. 19-8-6. Recreation.

For any major subdivision, as defined in this chapter, if the average lot size for that subdivision is five acres or less (≤ 5), except for Rural Cluster Subdivisions, the subdivider shall provide space and facilities for recreation. Such space shall be clearly labeled on the plat, and shall be dedicated to an entity approved by the county for ownership and maintenance.

(A) Space for recreation shall be provided at the rate of 5,000 square feet per lot in the subdivision or fifteen percent (15%) of the total acreage of the subdivision, whichever is more. This area shall not be developed for parking, roadways, refuse collection, or similar use. An area of one-half (1/2) acre or more shall be located within one-half (1/2) mile of each proposed dwelling unit as part of the recreation area, and shall be improved with facilities for sports, picnicking, tot lot equipment, active playground with equipment, or similar uses.

(B) Each area reserved for recreation shall be of a size and shape conducive to the proposed recreational use.
(Ord. 8-1-12)

Sec. 19-8-7. Utilities.⁹

For major and minor subdivisions, all utilities including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electric, telephone, gas, cable

⁸ For state law as to monuments, see Code of Va., § 15.2-2241.A(7).

⁹ For state law as to utilities, see Code of Va., § 15.2-2241.A(6).

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television, or similar services shall be placed underground except, however, the following shall be permitted above ground.

(A) Electric transmission lines and facilities in excess of fifty (50) kilovolts.

(B) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, streetlighting poles or standards, radio antennae, traffic control devices, and associated equipment which is, in conformance with accepted utility practices, normally installed above ground.

(C) Meters, service connections and similar equipment normally attached to the outside wall of a customer's premises.

(D) Temporary above ground facilities required in conjunction with an authorized construction project.

(E) Existing utilities located above ground in proposed subdivisions may be maintained, repaired or upgraded to maintain current levels of service.

(F) Whenever any existing above ground utilities internal to a major subdivision require relocation for any reason they shall be placed underground.
(Ord. 8-1-12; Ord. 12-16-15)

Sec. 19-8-8. Sidewalks.

For all major subdivisions within all zoning districts, sidewalks shall be provided along both sides of all proposed public roads and private roads with a sidewalk compliant with current VDOT standards.

Sidewalks shall also provide connections to active or passive open space, schools, or to adjacent commercial and residential developments.

Sidewalks may be paved using hard-surfaced pervious paving materials, such as porous asphalt, porous concrete, or block pavers, as a method of stormwater management, provided that the use of such materials does not compromise the safety of pedestrians.
(Ord. 5-4-11; Ord. 8-1-12)

Sec. 19-8-8.1. Sidewalk variation.

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A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

(A) The Virginia Department of Transportation prohibits the construction of sidewalks;

(B) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;

(C) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant shall file a written request with the Department of Planning and Community Development stating why application of a sidewalk variation is necessary and how the before mentioned circumstances may apply to the property.

The Planning Commission shall act on the variation request in conjunction with the county's action on the site plan, subdivision plat or special use permit or, if no such action is required, within sixty (60) days of the date the application was submitted and determined to be complete. The Planning Commission may grant the variation if it determines that one or more applicable circumstances exist. In granting a variation, the Planning Commission may impose conditions deemed necessary to protect the public health, safety, or welfare.

The denial of a variation, or the approval of a variation with conditions objectionable to the applicant, may be appealed to the board of supervisors. In considering a variation on appeal, the board of supervisors may grant or deny the variation based upon its determination of whether one or more applicable circumstances exist, amend any condition imposed by the Planning Commission, or impose any conditions deemed necessary to protect the public health, safety, or welfare.

(Ord. 8-1-12)

Sec. 19-8-9. Street trees.

Street trees shall be required along existing or proposed public streets within or adjacent to any major subdivisions within an average lot site of one (1) acre or less. The placement of street trees shall be in accordance with Virginia Department of Transportation (VDOT) standards and shall not be located within any sight triangle. The required plantings

shall be located either within the right-of-way itself or within a ten-foot (10') strip continuous to such right-of-way. Existing trees within a caliper of eight inches (8") or greater located within ten feet (10') of the right-of-way may be used to satisfy the planting requirement, provided the trees are protected in accordance with the standards contained in the Virginia Erosion and Sediment Control Handbook. Appropriate provisions shall be made for the permanent maintenance and preservation of the required street trees, to the reasonable satisfaction of the county attorney. Such provisions may include a landscape easement dedicated to the property owners' association or other entity approved by the county attorney. The street trees shall be planted at the following rate:

(A) One (1) large shade tree shall be required for every fifty (50) feet of road frontage; or

(B) One (1) medium shade tree shall be required for every forty (40) feet of road frontage.

(Ord. 8-1-12)

Sec. 19-8-10. Landscape preservation buffers.

All reverse frontage lots within all zoning districts shall provide a landscape preservation buffer along all interstate, arterial and collector roads and all scenic byways, as designated by the Virginia Department of Transportation (VDOT).

(A) The minimum width of landscape preservation buffers shall be forty feet (40') measured from the edge of the existing or reserved right-of-way. Along all scenic byways, the landscaped buffer shall be no less than one-hundred feet (100') in width.

(B) Appropriate provisions shall be made for the permanent maintenance and preservation of the required landscape preservation buffers, to the reasonable satisfaction of the county attorney. Such provisions may include a landscape preservation easement dedicated to the property owners' association or other entity approved by the county attorney.

(C) The preservation of existing trees and shrubs within the required landscape preservation buffers shall be maximized to provide continuity and improved screening. All trees located within the buffer shall be retained, unless removal is necessary to accommodate utilities that run generally perpendicular to the buffer. Where necessary, the buffer shall be supplemented with a combination of trees and shrubs, both evergreen and deciduous. Berms constructed within the landscape preservation buffer shall be no taller than five feet (5') in height; have a slope no steeper than 2:1; disturb as little existing vegetation as possible; and have a non-linear, undulating form.

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(D) Dead, diseased, or dying vegetation may be pruned or removed as necessary, pursuant to sound horticultural practices. No logging or silvicultural activities may take place within the landscape preservation buffer.

(E) Fences or walls may be constructed within the landscape preservation buffer, provided that such features are no taller than five feet (5') in height and are designed to be compatible with the rural nature of the surrounding area.

(F) Any plantings required by County Code may be located within the landscape preservation buffer.

(G) A modification to the requirements of this section may, at the written request of the applicant, may be granted with the approval of the Subdivision Agent in the following instances:

- 1) The application of the requirements set forth in this section, due to the size, shape, location, or topography of the property or other unusual conditions, would preclude a reasonable use of the lot;
- 2) A subdivision within a designated growth area meets new urban/neo-traditional planning principles and furthers the goals set forth within the Comprehensive Plan; or
- 3) Building elevations visible from public right-of-ways incorporate high-quality materials and architectural elements that complement the positive features of nearby development and/or historic structures in the area. Examples of high-quality materials include, but are not limited to, brick and stone for use on building facades, and cedar shingles, slate shingles, architectural-grade asphalt shingles, and standing-seam metal for roofs. Examples of high-quality architectural elements include, but are not limited to, dormers; masonry chimneys; porches; balconies; divided-light windows; window shutters; decorative trim and hardware.

(Ord. 8-1-12)

Article 9. Administration.

Sec. 19-9-1. Subdivision Agent.

The board of supervisors shall appoint an agent to administer this Chapter. Such agent shall have the power and duty to interpret this Chapter according to its literal terms, to review and approve plats subject to this Chapter, to carry out the ministerial functions prescribed herein, and to investigate alleged violations thereof. Approval or disapproval of a plat by the Subdivision Agent shall constitute approval or disapproval by the board of supervisors. Except as otherwise expressly provided by the board of supervisors, the Director of Planning and Development shall be deemed to be the Subdivision Agent.

Sec. 19-9-2. Exceptions.

Where a subdivider shows that the literal application of a provision of this Chapter to the unique conditions of a parcel of land would cause unnecessary hardship, and a departure from the literal terms hereof would alleviate such hardship while preserving the spirit of the Chapter, the Agent may approve such departure provided he gives written notice thereof, stating the justification for the departure.

Sec. 19-9-3. Appeal to board of supervisors.

Any person, firm or corporation aggrieved by any interpretation, decision or action of the Subdivision Agent may appeal such action to the board of supervisors by filing with the Subdivision Agent within ten (10) days of such action. The board of supervisors shall hear such appeal within sixty (60) days of filing, and may affirm, modify or reverse the Subdivision Agent's action. Any person, firm or corporation aggrieved by any such action by the board of supervisors may appeal to the Circuit Court by filing with the Clerk of the Circuit Court within thirty (30) days of such action.

Sec. 19-9-4. Appeal to Circuit Court.

Any person entitled by law thereto may appeal to the Circuit Court in accordance with the provisions of sections 15.2-2258 through 15.2-2261 of the Code of Virginia. No decision of the Subdivision Agent in the administration of this chapter shall be subject to appeal pursuant to this section unless such decision shall have been reviewed by the board of supervisors in accordance with Section 19-9-3¹⁰ of this Chapter.

Sec. 19-9-5. Vacation of plats.

¹⁰ *Editor's note.* – The ordinance adopted 2-4-04 continues from the previous ordinance the reference to section 19-8-3. That section was amended and renumbered to 19-9-3 in the 2-4-04 ordinance. Accordingly, the editor has made this clerical correction in the text of the code.

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The board of supervisors shall have the authority to vacate any plat subject to section 15.2-2271 et seq. of the Code of Virginia.

Sec. 19-9-6. Fees.

The following schedule of fees shall be applicable for subdivision submittals; provided, however, that, except as otherwise expressly provided by law, none of the fees provided for in this Chapter shall apply to any property owned by the County and used for County purposes.

Subdivisions	
Major	\$1,000.00 plus \$ 50.00 per lot(GIS Fee)
Minor	\$500.00 plus \$ 50.00 per lot(GIS Fee)
Family	\$200.00 plus \$ 50.00 per lot(GIS Fee)
Resubmission of Preliminary or Final Plat	\$100.00
Subdivision Ordinance Exception	\$300.00
Ordinance of Vacation	\$225.00
Road Maintenance Agreement Reviews	\$200.00
Revisions	\$ 50.00
Dedication Common Lands Doc. Reviews	\$200.00
Resubmissions	\$ 50.00
Homeowner Association Document Review	\$200.00
Resubmissions	\$ 50.00
Health Department Subdivision Revisions	\$250.00 plus \$25.00 lot
Existing System Review	\$ 50.00
Boundary Adjustment	\$100.00
Physical Survey	\$ 50.00

(Ord. 6-17-09; Ord. 8-17-16)