

**Description of Amendments to the Subdivision Ordinance**

(Beginning 7/17/2013)

<u>Date</u>	<u>Section(s)</u>	<u>Description</u>
6/23/2021	17-56	Amending and reenacting Section 17-56
12/12/2018	17-56	Relating to Resource Protection Area (RPA) Designation for Line Modification Plats
10/26/2016	17-24, 17-56, 17-62, 17-71	Relating to Bikeways
6/22/2016	17-9, 17-51, 17-72, 17-83, 17-85 (amended); 17-84 (repealed)	Relating to Onsite Sewage Disposal Systems & Private Wells
4/27/2016	17-9, 17-48, 17-51, 17-85	Relating to Fees for Deferral from Public Hearing/Meeting, Final Plat Print Submittal & Definitions of Major & Minor Changes
6/24/2015	17-6, 17-26, 17-56, 17-61, 17-62, 17-63, 17-70, 17-76, 17-81, 17-82, 17-83, 17-85	Relating to the Repeal of Chapter 19 and the Adoption of Chapter 19.1, the Zoning Ordinance
4/15/2015	17-9, 17-85	Relating to Subdivision Construction Plan “Table Review” and Fees
4/15/2015	17-9, 17-21, 17-22, 17-24, 17-40, 17-42, 17-43, 17-46, 17-47, 17-48, 17-49, 17-50, 17-61, 17-62, 17-68, 17-76, 17-82, 17-85	Relating to Lot Subdivisions that are not Subject to the Preliminary Plat Subdivision Process
8/27/2014	17-9	Relating to Fees
3/12/2014	17-72, 17-84	Relating to Mandatory Utility Connections (Note: §§ 18-1, 18-53, 18-60, & 18-61 were amended and §§ 18-62, 18-63, & 18-64 were repealed in conjunction with these amendments)

CHAPTER 17  
SUBDIVISION OF LAND

**Article I. General Provisions**

- Sec. 17-1. Purpose of chapter.
- Sec. 17-2. Interpretation of chapter.
- Sec. 17-3. Administration of chapter.
- Sec. 17-4. Approval required for all plats.
- Sec. 17-5. Enforcement and Penalties.
- Sec. 17-6. Building permit restrictions.
- Sec. 17-7. Compliance of recorded plats.
- Sec. 17-8. Exceptions.
- Sec. 17-9. Fees.
- Secs. 17-10.--17-19. Reserved.

**Article II. Plats and Platting**

**Division 1. General Process**

- Sec. 17-20. Subdivision review.
- Sec. 17-21. Procedure for subdivision approval.
- Sec. 17-22. Preliminary conference and concurrent review.
- Sec. 17-23. Application required.
- Sec. 17-24. Posting of public notice.
- Sec. 17-25. Procedure for appeals.
- Sec. 17-26. Alterations or changes to subdivision applications.
- Secs. 17-27.--Sec. 17-39 Reserved.

**Division 2. Preliminary Plat**

- Sec. 17-40. Preliminary plat review and approval process.
- Sec. 17-41. Preliminary plat required Information.
- Sec. 17-42. Overall conceptual plan.
- Sec. 17-43. Overall conceptual plan process and required information.
- Secs. 17-44--17-45 Reserved.

**Division 3. Final Plat**

- Sec. 17-46. Final plat purpose and types.
- Sec. 17-47. Construction plan process.
- Sec. 17-48. Lot subdivision final plat process.
- Sec. 17-49. Application and plat.
- Sec. 17-50. Reserved.
- Sec. 17-51. Residential parcel subdivision final plat.
- Sec. 17-52. Family subdivision final plat.
- Secs. 17-53—17-55. Reserved
- Sec. 17-56. Plan and plat requirements.

Sec. 17-57.--17-59. Reserved

#### **Division 4. Validation Plat**

Sec. 17-60. Validation plat

### **Article III. Minimum Standards and Improvements Required**

#### **Division 1. Standards**

- Sec. 17-61. Conformity to applicable requirements.
- Sec. 17-62. Standard conditions.
- Sec. 17-63. Floodplains.
- Sec. 17-64. Preservation of natural features and historic resources.
- Sec. 17-65. Property markers/geodetic monuments.
- Sec. 17-66. Stormwater drainage.
- Sec. 17-67. Streetlighting.
- Sec. 17-68. Easements.
- Sec. 17-69. Street and subdivision names and street signs.
- Sec. 17-70. Buffers and special setbacks.
- Sec. 17-71. Designation of land for public use.
- Sec. 17-72. Improvements--Required.
- Sec. 17-73. Installation of improvements and bonding.
- Sec. 17-74. Maintenance and bonding.

#### **Division 2. Street Standards**

- Sec. 17-75. General.
- Sec. 17-76. Arrangement and Design.
- Sec. 17-77. Access to arterial or collector streets.
- Sec. 17-78. Street right-of-way width.
- Sec. 17-79. Cul-de-sac streets and temporary turnarounds.
- Sec. 17-80. Street intersections.
- Sec. 17-81. Alleys and private pavement
- Sec. 17-82. Sidewalks.

#### **Division 3. Lot and Parcel Standards**

- Sec. 17-83. Minimum requirements.
- Sec. 17-84. Reserved.
- Sec. 17-85. Definitions.
- Secs. 17-86-17.91. Reserved

## **ARTICLE I. GENERAL PROVISIONS**

### **Sec. 17-1. Purpose of chapter.**

This chapter is adopted for the following purposes:

1. To promote the public health, safety, convenience and general welfare.

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

These regulations are established with reasonable consideration of the character of the county and with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the comprehensive plan, applicable chapters of this Code and other applicable laws and regulations.

#### **Sec. 17-2. Interpretation of chapter.**

- A.** The provisions of this chapter are the minimum requirements for the promotion of the public health, safety, convenience and general welfare.
- B.** Where the conditions imposed by this chapter are different from the comparable conditions imposed by any other provisions of this chapter or of any other applicable regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C.** This chapter is not intended to invalidate any easement, covenant, or other private agreement; provided that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of this chapter shall govern.
- D.** An applicant with an unexpired pending lot or parcel subdivision application received prior to July 17, 2013 shall be reviewed in accordance with the provisions of this chapter in effect at the time of the initial application unless the applicant submits a written request for review under the provisions of the current ordinance.

#### **Sec. 17-3. Administration of chapter.**

- A.** The director of planning is hereby delegated the authority to administer this chapter.
- B.** The director of planning shall perform all duties regarding subdivision and subdividing in accordance with this chapter and applicable state law.

- C. The director of planning may call on opinions or decisions, either oral or written, from county officials in considering details of any submitted plat.
- D. The director of planning may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this chapter.
- E. The director of planning and personnel in other reviewing departments may impose such conditions in approving subdivisions as are necessary to meet the requirements of this chapter.
- F. Notwithstanding the above, the directors of environmental engineering and utilities shall administer the improvements required by Secs.17-72--17-74, and the director of transportation and Fire Marshal shall assist in administering Sec. 17-72.
- G. The director of planning shall maintain a copy of this chapter and any amendments thereto, in compliance with Code of Virginia § 15.2-2252.

#### **Sec. 17-4. Approval required for all plats.**

- A. **Residential Use.** Prior to any subdivision of land, a plat of the subdivision which is fully in compliance with this chapter of the Code shall be recorded. Any plat of a subdivision shall not be recorded unless it complies with all provisions of this chapter and until it has been submitted to and approved by the planning commission or director of planning. The transfer of the ownership of any lot or parcel of an unrecorded subdivision shall not be permitted until a plat has been duly approved and recorded in the circuit court clerk's office.
- B. **Nonresidential Use.** Prior to recordation of a plat for property that is intended for nonresidential use, the plat shall be prominently labeled by the subdivider "Not For Residential Use" and include the following statement: "I, (INSERT NAME) affirm that I am the owner of the property depicted on this plat and do hereby affirm that the sale/transfer of this property is not for purposes of creating a parcel for residential use. This property is zoned (INSERT ZONING DISTRICT). With respect to Agricultural (A) and Residential (R) zoning districts, the Chesterfield County Planning Department has verified with the property owner that this parcel creation is for nonresidential uses." (PROVIDE DATE AND SIGNATURE LINES FOR OWNER AND PLANNING DEPARTMENT REPRESENTATIVE). For property zoned Agricultural (A) and Residential (R), such plat shall be submitted to the planning department for signature. The plat will not be subject to further review in accordance with subdivision review provisions of this chapter. Any residential building permit shall not be approved on plats so labeled. Any parcel or lot modified or created by this plat process, including a residual parcel or lot, may not be used for residential purposes, until it is approved through a subsequent subdivision process in accordance with this chapter. Any plat which does not meet these requirements or does not comply with the provisions subsection A shall not be recorded.
- C. If any right-of-way or improvements therein are taken or acquired by the county or any other entity with the power of eminent domain, such taking or acquisition shall not, by itself, render the remaining lot or parcel non-conforming to this chapter.

#### **Sec. 17-5. Enforcement and Penalties.**

- A. **General enforcement duties of director of planning.** The director of planning shall enforce this chapter and enforce conditions attached to any approval granted pursuant to this chapter

and he shall have the full cooperation of all other county officials in the enforcement of this chapter.

**B. Enforcement of conditions.** The director of planning may take appropriate actions to remedy and prevent violation or attempted violation of this chapter or conditions of approval and shall have the authority to : issue a written order to remedy any noncompliance; bring legal action, including injunction, abatement or other appropriate action, to insure compliance; and require a guarantee, in a form satisfactory to the county attorney, and in an amount sufficient for and conditioned upon the construction of any physical improvements required, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the county, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. In addition, the failure to comply with the provisions of this chapter and all applicable conditions shall constitute cause to deny the issuance of any of the required occupancy or building permits.

**C. Penalties.**

1. The director of planning may invoke any lawful process, such as injunction or abatement, as may be necessary to prevent, restrain, correct or abate any violation of this chapter or applicable conditions.
2. In addition, any person violating the following provisions of this chapter shall be subject to a judicially imposed fine in the appropriate court of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold:
  - a. Subdividing land without making and recording a plat of the subdivision or without fully complying with the provisions of the subdivision ordinance and all applicable conditions;
  - b. Recording a subdivision that has not been submitted to or approved by the local planning commission, the governing body or its duly authorized agent; or
  - c. Selling or transferring any land of a subdivision before a plat has been duly approved and recorded as provided in this chapter unless the subdivision was lawfully created prior to the adoption of the subdivision ordinance.

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 herein provided.

**Sec. 17-6. Building permit restrictions.**

- A.** A building permit for any building or structure may not be issued for the following lots or parcels:
1. Any lot or parcel created or established in violation of the provisions of this chapter.

2. Any lot in a recorded subdivision for which improvement plans have not been approved or for which surety has not been provided in accordance with this chapter.
3. Any proposed lot in an unrecorded subdivision.
4. Any lot or parcel which is not in compliance with chapter 8 and chapter 16 of the Code.
5. Any parcel recorded after February 27, 2001 that has not been reviewed and approved in accordance with this chapter and chapter 16.
6. Any lot or parcel until such time the county has assigned all necessary coding and addressing.
7. Any lot or parcel that does not have frontage on a public street as defined in chapter 19.1 of the Code unless a variance has been granted in accordance with the provisions of that chapter.

**B.** No building permit for any building or structure may be issued for a lot or parcel created prior to February 28, 2001, unless it was recorded in accordance with the standards provided in Table 17-6.B. or is validated per the provisions of Sec. 17-60.

<b>Table 17-6.B. Lot and Parcel Standards as of February 27, 2001. <sup>[1]</sup></b>			
Recordation Date	Area	Road Frontage (feet)	Width (feet)
Prior to 1/1/1980	Per zoning district	Per zoning district	Per zoning district
1/1/1980 to 8/24/1988	Per zoning district	50	Per zoning District
	30,000 square feet	125	150
8/25/1988 to 6/22/1993	5 acres	200	150
6/23/1993 to 6/30/1999	5 acres	300 or 250 <sup>[2]</sup>	150
7/1/1999 to 2/27/2001	5 acres	300 or 250 <sup>[2][3]</sup>	Width of required frontage maintained to depth to achieve 5 acres
<p>[1] Lots or parcels recorded as a family subdivision shall comply with requirements of zoning district at time of creation or received applicable variance(s).</p> <p>[2] Road frontage may be 250 feet if there is a shared access for parcels.</p> <p>[3] Access to parcel must be from where the required frontage is obtained.</p>			

(Ord. of 6-24-15)

**Sec. 17-7. Compliance of recorded plats.**

Plats recorded prior to February 28, 2001 that created or modified parcels or lots in violation of the subdivision ordinance in effect at the time of recordation are hereby deemed to be in compliance with the requirements of the subdivision ordinance. However, prior to the issuance of a building permit on any of these lots or parcels, the owner must comply with the validation plat provisions of Sec.17-60.

## **Sec. 17-8. Exceptions.**

- A.** Unless otherwise mandated by state code or provided by this chapter, the director of planning may approve exceptions to the provisions of this chapter in cases of unusual situations or where strict adherence to these regulations would result in substantial hardship. The director of planning may refer any request to the planning commission. Exceptions shall substantially comply with the provisions of this chapter. Exceptions shall not be approved unless the subdivider demonstrates that:
1. The granting of the exception will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
  2. Because of the particular physical surroundings, the topography of the property, size or shape of the land, the proposed land use or other special considerations, a particular hardship to the subdivider would result, as distinguished from a mere inconvenience, if the strict letter of the provisions of this chapter were carried out.
- B.** Application for an exception shall be made in writing to the director of planning and shall include the following minimum information:
1. Location of property and physical extent of area for which the exception is being sought;
  2. Specific ordinance sections from which relief is needed;
  3. Request for desired degree of exception;
  4. Statement of need for exception, addressing items in subsection A; and
  5. Method(s) to mitigate impacts caused by the exception, if granted.
- C.** Upon receipt of a request for an exception in accordance with this section the director of planning shall post notice as provided in Sec. 17-24.
- D.** The director of planning shall review the application for compliance with the required findings of this section, and shall, within 30 days receipt of a complete application:
1. Approve, approve with condition(s), or deny the application, in writing to the subdivider; or
  2. Refer the application to the planning commission.
- E.** Planning commission review of an exception application, if applicable, shall occur at the first available regularly scheduled planning commission meeting following the director of planning's determination to refer such application to the planning commission.
- F.** In approving exceptions, the director of planning or planning commission may impose such conditions related to the impact of the proposed exception as may be deemed necessary to substantially secure the objectives of the standards and requirements of this Code.

**Sec. 17-9. Fees.** In addition to any other required fees, including those fees imposed by state agencies, the fees provided in this section shall be submitted to the planning department in conjunction with the specified application or request.

Application Type		Fee (in dollars)
<b>Preliminary Subdivision Plat</b>	Initial Submittal plus 2 Revision Submittals	1000 plus 50 per lot
	Fourth and Subsequent Submittals	900
<b>Overall Conceptual Plan (submitted for review separate from Preliminary Subdivision Plat)</b>	Initial Submittal plus 2 Revision Submittals	1100
	Fourth and Subsequent Submittals	900
<b>Construction Plan Review</b>	Initial Submittal plus 2 Revision Submittals	1400 plus 70 per lot or parcel
	Fourth and Subsequent Submittals	1000
	Table Review	350
<b>Construction Plan Adjustment</b>		500 per submittal
<b>Lot Subdivision Final Plat</b>		1600 plus 30 per lot
<b>Amended or Line Modification Final Plat</b>		85 per lot or parcel
<b>Residential Parcel and Family Subdivision Final Plat</b>		100 per lot or parcel
<b>Onsite Sewage System Soils Analysis Review</b>		155 per lot or parcel
<b>Major Change to Approved Plat</b>		1000 per submittal
<b>Technical Correction Letter per Requested Change</b>		100
<b>Exceptions to Subdivision Requirements Sec. 17-8</b>		1000 per ordinance section <sup>[1]</sup>
<b>Deferral Request by Applicant from Planning Commission Public Hearing/Meeting</b>		1000 for first deferral plus 2000 for each deferral thereafter
<b>Written Verification of Subdivision or Subdivision Interpretation</b>		150
[1] This fee is in addition to fees applicable to a subdivision plat review.		

(Ord. of 8-27-14; Ord. of 4-15-15; Ord. of 4-27-16; Ord. of 6-22-16)

**Secs. 17-10.--17-19. Reserved**

## ARTICLE II. PLATS AND PLATTING

### DIVISION 1. GENERAL PROCESS

#### 17- 20. Subdivision review.

The director of planning or the planning commission, in the examination of subdivision plats or plans, shall take into consideration applicable laws and regulations, zoning, proffers, approval conditions of zoning and board of zoning appeals, schematic plan approval, the land being subdivided and provisions of this chapter. Attention shall be given to items, including, but not limited to, rights-of-way width, location of streets, private pavement, water and wastewater sanitary utilities, stormwater management and environmental protection, lot arrangement, and public facility requirements such as parks, schools, and other facilities.

#### Sec. 17-21. Procedure for subdivision approval.

A. Following is a summary of the approval procedure for subdivisions:

1. **Overall Conceptual Plan.** An overall conceptual plan shall be submitted for certain proposed subdivisions as required in Sec. 17-42.
2. **Preliminary Plat.** All proposed lot subdivisions involving more than 50 lots must submit a preliminary plat for approval. When a preliminary plat is not required, such plat for a lot subdivision may be submitted voluntarily at the discretion of the subdivider. If an overall conceptual plan is required it shall be submitted in conjunction with the preliminary plat.
3. **Construction Plan.** Construction plans, where required, shall be the first step in the final plat process. For residential lot subdivisions requiring preliminary plat or an overall conceptual plan, construction plans shall not be submitted until after applicable approvals. For subdivisions which are not being reviewed through the preliminary plat or overall conceptual plan processes, construction plans may be submitted in conjunction with the initial final plat review.
4. **Final Plat.** Final plats are required for all previously unrecorded lot subdivision plats, parcel plats, amended plats and line modification plats.
5. **Recordation.** After the director of planning or planning commission has provided comments on the final plat, the subdivider may submit the final plat for recordation. Once the final plat has been recorded, lots or parcels in the subdivision may be sold.
6. **Changes.** Changes to subdivision applications shall be as provided in Sec. 17-26.

B. **Review.** Any plat submitted in accordance with this chapter shall be subject to the administrative review process unless a planning commission review is required by condition of zoning or as provided in this chapter.

1. **Administrative review.** The director of planning shall determine whether the plat or plan is in conformity with the provisions of this chapter and obtain recommendations from applicable departments and state agencies. After receipt of such recommendations, the director of planning shall:

- a. Approve such graphically correct plat or plan submission with or without conditions; or
  - b. Disapprove the plat or plan, providing written findings giving specific reasons for disapproval to the subdivider. The reasons for the disapproval shall identify deficiencies in the plat that cause disapproval by reference to adopted ordinances, regulations, or policies, and identify modifications or corrections that would permit plat or plan approval.
2. **Planning Commission review.** The director of planning shall obtain recommendations from applicable departments and state agencies and submit a report to the planning commission outlining these recommendations. After consideration of such report, the planning commission shall make one of the following two decisions:
- a. Approve such graphically correct plat with or without conditions including a referral of the final approval to staff to ensure that any required graphical changes are made; or
  - b. Disapprove the plat, providing written findings giving specific reasons for disapproval reported to the subdivider. The reasons for the disapproval shall identify deficiencies in the plat that cause disapproval by reference to adopted ordinances, regulations, or policies, and identify modifications or corrections that would permit plat approval.
3. Unless otherwise provided in this chapter or required by state or federal law, written review comments for any unapproved plan or plat shall be valid for a period of one year after the last reviewing department or agency has provided comment(s). If comments are not addressed through a subsequent submittal within this time frame, a new application and fee shall be required.
- C. **Review Times.** For complete applications, review of a subdivision plat or plan shall be performed within the days provided per applicable state laws and regulations. Deferral of review of the plat or plan at the subdivider's request shall be deemed to extend the permitted days to act upon plat.

(Ord. of 4-15-15)

### **Sec. 17-22. Preliminary conference and concurrent review.**

- A. A subdivider may request a voluntary preliminary conference with the plans review team prior to submitting preliminary plat, construction plan or final plat applications. The purpose of the preliminary conference is to expedite application review by identifying and resolving project-specific major development issues prior to initial application. The preliminary conference shall address, at a minimum, the following areas:
- 1. Environmental
  - 2. Fire and Life Safety
  - 3. Transportation
  - 4. Utility capacity/connection
  - 5. Zoning/conditions of zoning

- B. The subdivider and the subdivider's design professional shall attend the preliminary conference and must submit, at least one week before the conference, at least five full-sized copies of a draft plat or plan incorporating sufficient detail to depict the subdivision proposal and to evaluate the major areas listed above.
- C. Plats or plans submitted within six months after a preliminary conference in accordance with this section shall be provided a concurrent review between county and state agencies.

(Ord. of 4-15-15)

### **Sec. 17-23. Application required.**

- A. An application, including one for any resubmittal, omitting any item required under this article or applicable fees pursuant to Sec. 17-9 shall not be deemed complete and acceptable for review until the subdivider provides all missing information or fees. With the exception of construction plans, the director of planning shall determine application completeness within six business days of application receipt. For construction plans, the plans review team shall determine application completeness within 15 calendar days of application receipt.
- B. An application resubmittal shall also include a transmittal sheet or letter which, at a minimum, includes the following:
  - 1. Project name and county project number,
  - 2. Copy of the most recent project written review comments with a written response to each item requiring correction or change from the previous submittal. The response should state how the submittal addresses and graphically depicts each written review comment.
  - 3. Changes that were done which were not a result of review comments,
  - 4. A clear statement of any disagreement about interpretation or application of ordinance requirements, and
  - 5. A written response to review comments for construction plans and final plats shall be submitted by the firm preparing the plans or plats.
- C. If approval of a feature of a plat or construction plans by a state agency or public authority authorized by state law is necessary, the director of planning shall forward the plat or plans to the appropriate state agency or agencies for review within ten business days of receipt of a complete application.
- D. Submission of a subdivision application shall grant the county, its agents, and other reviewing authorities (including VDOT and other state agencies) the right to enter the property at all reasonable times for the purpose of inspecting the property in conjunction with the review of the proposed subdivision.

### **Sec. 17-24. Posting of public notice.**

- A. Upon receipt of a complete application the director of planning shall post a sign on the subject property to inform the public of such application when submitted for:
  - preliminary plat,
  - preliminary plat incorporating Major Changes as defined in Sec. 17-85,

- construction plan, or final plat if no construction plan is required, for a lot subdivision of 50 lots or fewer when the developer has chosen not to submit a preliminary plat; and
- exception in accordance with Sec. 17-8.

The notice provided for by this section shall be posted upon the subject property and at reasonable intervals along streets abutting the subject property, or, if there is no abutting street, then at the proposed street access(es) to the property. The notice shall be posted in locations reasonably visible from abutting street(s).

- B.** The validity of any action on an application, or transfer request as provided for in this section, shall not be affected by the unauthorized removal of a notice which has been duly posted in accordance with this section. Such posting shall occur for at least 21 days before the planning commission hearing or date of administrative action. No action on the applicable plat application may occur until after the notice period.
1. Subdivision Application. If the director of planning receives a transfer request from an aggrieved person within 15 days of the posting of the sign for a plat under administrative review, the director shall refer the plat to the planning commission for review pursuant to Sec. 17-21B. The transfer request shall state reasons for concerns which shall be limited to conditions relating to streets, access, water, wastewater, stormwater conveyance systems, stormwater facilities, bikeways as provided in Sec. 19.1-208 or to the implementation of conditions of zoning required to be complied with and implemented at the time of plat approval.
  2. Exception request. If the director of planning receives a transfer request from an aggrieved person, within 15 days of the posting of the sign for a proposed exception under administrative review, the director shall refer the exception request to the planning commission for review pursuant to Sec. 17-8. The transfer request pursuant to this subsection shall specify reasons for concern with the granting of the exception.
- C.** A person is considered aggrieved for the purpose of requesting a transfer of review to the planning commission as provided in this section if:
1. They are an owner, lessee or contract purchaser of property adjacent to the subject property; or
  2. They are an owner or lessee of property who will be adversely affected by the approval of the subdivision application or exception in an immediate and substantial manner not shared by the public generally. A person shall not be considered adversely affected for purposes of this section by any personal financial hardship anticipated as a result of business competition associated with the proposed use.

(Ord. of 4-15-15; Ord. of 10-26-16)

### **Sec. 17-25. Procedure for appeals.**

- A.** The subdivider, after ten days written notice to the planning commission or director of planning, may petition the circuit court to decide whether a preliminary or final plat should or should not be approved in accordance with state law if:
1. The director of planning does not act upon the proposed preliminary plat within 90 days from the date the completed application has been submitted, or the planning commission

does not act upon the proposed preliminary plat within 60 days from its first meeting to consider the preliminary plat; or

2. The director of planning or the planning commission does not act upon a proposed final plat within 60 days, or within 45 days after it has been officially resubmitted after a previous disapproval, or within 35 days of receipt of any state agency response, whichever occurs later. For the planning commission the applicable time period begins from the date of its first meeting to consider the proposed plat.

Deferral of review of the preliminary or final plat at the subdivider's request to enable the subdivider to make changes shall be deemed to extend the decision deadline date.

- B.** If the director of planning or the planning commission takes action on a preliminary or final plat and the subdivider contends that such action was not consistent with this chapter, or was arbitrary or capricious, an appeal may be filed with the circuit court in accordance with state law.

### **Sec. 17-26. Alterations or Changes to subdivision applications.**

- A. Preliminary Plat.** Upon written request of the subdivider, alterations or changes to approved preliminary subdivision plat applications may be processed subject to the following provisions:
  1. Major Change. Major Changes, as defined in Sec. 17-85, to approved preliminary subdivision applications shall require submittal of a new preliminary plat application and payment of applicable fees.
  2. Minor Change. Minor Changes, as defined in Sec. 17-85, to approved preliminary subdivision applications may be accepted without a new preliminary plat application provided that:
    - a. Such changes may be administratively approvable by a Technical Correction Letter as determined by the director of planning,
    - b. The Technical Correction Letter may include conditions , and
    - c. When required by the Technical Correction Letter, Minor Changes approved therein shall be graphically depicted on construction plans, or reflected on updated preliminary plat sheets, as applicable, should subsequent submittals of the preliminary plat be required for a Major Change.
  3. Major or Minor Changes as provided in this subsection shall not extend the approval period for the preliminary plat and shall expire on the same date as the initial preliminary plat.
- B. Construction Plans.** Changes to approved construction plans shall require plan resubmittal and payment of applicable resubmittal fees, unless such changes are determined to be administratively approvable without plan resubmittal by the directors of planning and environmental engineering.

C. **Final plat.** Any alteration to a recorded final plat shall be submitted for review and approval prior to recordation in accordance with this chapter and shall be subject to the following provisions:

1. If the director of planning determines that the proposed alteration results in a Major Change to the preliminary plat, the final plat shall not be approved and a new preliminary plat must be submitted and approved in accordance with this chapter.
2. A recorded final plat may only be altered through an Amended or Line modification plat as defined in Sec. 17-85. Plats which involve changes to a lot subdivision shall be reviewed as provided in Sec. 17-48, as applicable. Plats which involve changes to a parcel subdivision shall be reviewed as provided in Sec. 17-51 or Sec. 17-52, as applicable.

Any final plats incorporating alterations shall also be subject to the following provisions:

- a. The lot(s) or parcel(s) being altered shall meet all applicable standards of this chapter and chapter 19.1 after the alteration is accomplished, based upon applicable requirements in effect at the time of original recordation, with exception that all lots or parcels must meet the current road frontage requirements of chapter 19.1 or other road frontage requirement of applicable zoning or board of zoning appeals conditions.
- b. Resulting lot(s) or parcel(s) shall not become peculiarly shaped due to the alteration.
- c. Plat shall show the original and proposed lot or parcel boundaries.
- d. For a parcel plat, the original recordation date, with the deed, will, or plat book and page shall be provided in general notes.
- e. No new lots or parcels may be created.

(Ord. of 6-24-15)

**Secs. 17-27--17-39. Reserved**

## **DIVISION 2. PRELIMINARY PLAT**

**Sec. 17-40. Preliminary plat review and approval process.**

A. **Preliminary Required.** Preliminary plats shall be required for any lot subdivision involving more than 50 lots or as required by a condition of zoning. Preliminary plats for subdivisions involving 50 or fewer lots shall be submitted where required by zoning approval or at the discretion of the subdivider. Preliminary plats whether required or voluntary shall be submitted to the director of planning and shall be subject to the provisions of this chapter. If required by section 17-42, an overall conceptual plan in accordance with this chapter shall accompany a preliminary plat application.

Prior to submission of a final plat or construction plans the applicable preliminary plat shall be approved.

B. **Purpose.** The preliminary plat is intended to show graphically facts needed for the director of planning or the planning commission and state agencies to determine whether the proposed subdivision layout is in compliance with applicable regulations, state law, the Code, and conditions of zoning or schematic approval.

**C. Procedure.**

1. Unless otherwise specified, preliminary plats shall be reviewed and approved under the administrative review and approval procedure set forth in this chapter. Preliminary plats may be reviewed by the planning commission as follows:
  - a. At the request of the subdivider;
  - b. At the direction of the director of planning;
  - c. Upon receipt by the director of planning of a transfer request as provided in Sec. 17-24;
  - d. Revocation by the planning commission of a preliminary plat as provided in subsection D; or
  - e. If the application is a Major Change to a preliminary plat previously approved by the planning commission.

**D. Approval Terms.** An approved preliminary plat shall be valid in accordance with the provisions of the Code of Virginia and as follows:

1. An approved preliminary subdivision plat shall be valid for a period of five years, provided the subdivider (i) submits a final plat for all or a portion of the property within three years of such approval, and (ii) thereafter diligently pursues approval of the final plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final plat or modifications thereto;
2. No sooner than three years following preliminary plat approval, and upon 90 days' written notice by certified mail to the subdivider, the planning commission may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of a final plat; and
3. Once an approved final plat for all or a portion of the property is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded final plat of subdivision for the property.

(Ord. of 4-15-15)

**Sec. 17-41. Preliminary plat required information.**

- A.** In addition to any application required by the director of planning, a preliminary plat submittal shall provide the following, as applicable:
1. Special limited power of attorney, for non-owner application submissions.
  2. Flow test which meets the requirements of the Chesterfield County Water and Sewer Procedures and Specifications Manual (Appendix 14) and the Chesterfield County Fire Prevention Code, for any initial preliminary plat submittal creating fifty (50) or more lots,
  3. Preliminary CBPA plan and calculations for the purpose of showing that compliance can be met.
  4. Regional planning district commission letter(s) indicating approval of all street names.

5. A completed VDOT checklist.
6. Subdivisions that contain easements for petroleum or natural gas-based products shall provide the easement holder with a copy of the preliminary plat and evidence of that submission shall be provided to the director of planning.
7. A reduced copy of each preliminary plat sheet, 8.5 inches by 11 inches in size.
8. Proffers and/or conditions of zoning and schematic plan conditions.
9. Other information deemed necessary by the director of planning to achieve the purposes and standards of this chapter.

**B. Preliminary plats shall contain the following:**

1. Sufficient information for the county to determine the potential impacts of mapped dam break inundation zones in accordance with provisions of state code.
2. A plat drawn at a scale no greater than one inch equals 50 feet for residential townhouse subdivisions or at a scale of one inch equals 100 feet for other subdivisions.. Upon request, the director of planning may permit variations in scale. Each plan sheet shall be a maximum of 24 inches by 36 inches, unless otherwise approved by the director of planning.
3. Name for file identification. This shall include the name of the subdivision if the property is within an existing subdivision, or the proposed name.
4. Index sheet for multiple page plat submittals. The index sheet shall incorporate the entire tentative plat reduced to a scale that will fit on one 24 inches by 36 inches plat sheet.
5. The plat shall provide the information specified for preliminary plat in Sec. 17-56 and other information deemed necessary by the director of planning to achieve the purposes and standards of this chapter.

**Sec. 17-42. Overall conceptual plan.**

An overall conceptual plan shall be submitted when:

1. required by zoning,
2. proposed subdivision of land includes phases for future development to include residential, nonresidential or a mixture of both; or
3. proposed subdivision is located within the bounds of a zoning approval, that involves phases for development to include, residential, nonresidential or a mixture of both which have not received schematic plan approval and the full area within such zoning approval is not encompassed by submitted preliminary or final plat.

If an overall conceptual plan is not required by this chapter, a subdivider may submit such plan separate from other review applications. Approval of an overall conceptual plan shall be required prior to the approval of preliminary plat, application for construction plan or submission of final plat for any subdivision for which an overall conceptual plan is required or submitted.

(Ord. of 4-15-15)

## **Sec. 17-43. Overall conceptual plan process and required information.**

### **A. Overall conceptual plan.** The overall conceptual plan shall:

1. Indicate the portion of the plan covered by any pending preliminary plat, construction plan or final plat application;
2. Incorporate all area up to the limits of the parcel(s) controlled by conditions of zoning for the development;
3. Incorporate valid preliminary and recorded final plats located within its boundaries; and
4. Be updated and submitted with each required preliminary plat resubmittal. For the final phase of development, the overall conceptual plan may not be required to be updated if agreed upon by the plans review team during a discussion of the final phase at a preliminary conference.
5. The overall conceptual plan shall be drawn at a scale that will fit on a single 24 inches by 36 inches plan sheet, and provide the following information:
  - a. Pods with approximate acreage, proposed use, and density.
  - b. Phasing lines.
  - c. Information specified for overall conceptual plan in Sec. 17-56

(Ord. of 4-15-15)

## **Secs. 17-44--17-45. Reserved**

## **DIVISION 3. FINAL PLAT**

### **Sec. 17-46. Final plat purpose and types.**

The final plat, once approved and recorded with the circuit court, serves to modify, create or transfer property as provided by the individual plat and in accordance with this chapter. To accomplish this there are several processes available for a potential subdivider based upon applicable criteria. A final plat shall be required for any unrecorded lot or residential parcel subdivision.

1. Construction plans: Construction plan review and approval shall be the first step of the final plat process. Construction plans are intended to show graphically improvements and facts needed for the director of planning and state agencies to determine whether the development of the proposed subdivision is in compliance with the approved preliminary plat, state law, the Code and provisions of this chapter. Construction plans shall be required for subdivisions that include engineered improvements, at the determination of the directors of environmental engineering, planning, or utilities.
2. Lot subdivision final plat: A lot subdivision final plat shall be required for any unrecorded lot subdivision plat in accordance with Secs. 17-48.--17-50.
3. Residential parcel subdivision final plat: A residential parcel subdivision final plat involves the subdivision of land for which a preliminary plat is not required, into two or more parcels each being five acres or more in accordance with the provisions of Sec. 17-

51 and Sec. 17-85. If construction plans are required, this plat shall serve as the last step in the final plat process.

4. Family subdivision final plat: A family subdivision final plat provides for the subdivision of land for eligible family members through the parcel plat process in accordance with Sec. 17-52 and Sec. 17-85. If construction plans are required, this plat shall serve as the last step in the final plat process.
5. Amended final plat: An amended final plat is an alteration of a recorded plat which does not involve property line changes as provided in Sec. 17-85. Such plats shall be reviewed under the lot subdivision plat process or parcel plat process, as applicable.
6. Line modification final plat. A line modification final plat involves the adjustment of one or more lots or parcels within a recorded subdivision plat, provided that such changes do not create any additional lot(s) or parcel(s) in accordance with Sec. 17-26 and Sec. 17-85.

(Ord. of 4-15-15)

### **Sec. 17-47. Construction plan process.**

**A. Construction plan required.** Construction plans are required for subdivisions that include engineered improvements, at the determination of the directors of environmental engineering, planning, or utilities.

**B. Procedure.**

1. Prior to submittal of construction plans for residential lot subdivisions, overall conceptual plan or preliminary plat approval shall be obtained as applicable.
2. For parcel plats which require construction plans, such review may be concurrent with final plat review.
3. The following shall be provided for construction plan review:
  - a. An application form containing basic subdivider and project information, pursuant to the administrative procedure of the director of planning. In addition, for lot subdivisions for which a preliminary plat has not been approved, any applicable items required for preliminary plat as provided in Sec.17-41 and Sec. 17-56 shall be provided on the construction plan.
  - b. Sets of construction plans consistent with administrative procedures.
  - c. Applicable stormwater management and water quality fees as required by Sec. 8-15 and Sec. 8-30 of the Code.

**C. Approval.** Approved construction plans shall be valid for five years from the date of approval.

(Ord. of 4-15-15)

### **Sec. 17-48. Lot subdivision final plat process.**

**A. Eligibility and Procedure.**

1. For lot subdivisions involving a preliminary plat or overall conceptual plan review, prior to submitting a final plat application and plat, the subdivider shall obtain required approvals.
2. If construction plans are required, such plans shall have been deemed substantially approvable for all areas depicted on the final plat prior to submittal. However, such construction plans must be approved prior to any plat recordation.
3. Preliminary plat and construction plan approval must be unexpired prior to final plat application submittal. However, preliminary plat approval may expire after final plat application submittal without affecting the validity of the final plat application.
4. Unless otherwise specified, subdivision final plats shall be reviewed and approved under the administrative review and approval procedure set forth in this chapter. A final plat may be reviewed by the planning commission at the direction of the director of planning if the subdivider and the director of planning differ as to the plat's compliance with the Code or conditions of zoning.

**B. Plat required.** The subdivider shall prepare a subdivision final plat which is in accordance with the provisions of this chapter and provides, at a minimum, the information required in Sec. 17-49.

Final plats may depict all or an approved phase or section of an approved preliminary plat and construction plans, provided that for any final plat:

1. Public improvements to be constructed in the area covered by the final plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and convenience of the proposed residents, and for adequate access; and
2. The section limits of the final plat shall have a continuous boundary that encompasses the entire section in one contiguous parcel.

**C. Plat approval.**

1. Final plat approval shall be valid concurrent with the approval term of the underlying construction plan(s) and shall be effective for one year from final approval. If approved final plats are not recorded prior to construction plan expiration or within one year of final approval, the subdivider may be required to submit a new final plat application, including full application fees, for review and approval prior to plat recordation, as determined by the plans review team. If ownership of the property to be subdivided changes prior to final plat recordation, the subdivider shall submit a new final plat application reflecting the change.
2. After the final plat has been reviewed to an approvable format, the subdivider may submit two final plat prints suitable for recordation that incorporate and address final plat written review comments and conditions. The prints shall conform to the Virginia State Library and Archives Standards for plats.
3. Once the submitted plat is determined to be in compliance with the planning department's final plat written review comments, the plat shall be signed by an authorized member of the planning department and forwarded to applicable departments and agencies for review.

4. After the plat has been approved by all applicable departments and agencies, the directors of environmental engineering and planning shall sign the final plat. The signed print shall be submitted to be recorded with the circuit court clerk.
5. Any alterations to a recorded plat may be approved through the applicable final plat process in accordance with Sec. 17-26.

(Ord. of 4-15-15; Ord. of 4-27-16)

### **Sec. 17-49. Application and plat.**

- A. In accordance with Sec. 17-23, a complete application by the subdivider shall accompany final plat submittal. Such application shall include the following, as applicable:
  1. Any existing or proposed covenants and homeowner association documents required by the Code, condition of zoning, or preliminary plat condition.
  2. Name, mailing address, street address, telephone number, fax number and e-mail address, if available, of the owner, subdivider, and the licensed professional engineer or surveyor, as applicable, who prepared the plat.
  3. Water feature information, as follows:
    - a. Whenever any private pond, lake, or similar body of water is proposed to be located within lots, the subdivider shall present a plan to the director of environmental engineering and the county attorney's office for review and approval outlining any construction to occur and a proposed plan for indemnification and perpetual maintenance of any such body of water.
    - b. Whenever any private pond, lake, or similar body of water is proposed to be located within open space or right-of-way, the subdivider shall present the recorded articles of incorporation for a homeowners association and proposed restrictive covenants to the director of environmental engineering, right of way, and the county attorney's office for review and approval. These documents shall outline any construction to occur and shall contain a proposed plan for indemnification and the homeowners association's responsibilities for perpetual maintenance of any such body of water.
  4. A copy of a valid snow removal contract.
  5. Documentation of current road name approval by the applicable regional planning district commission.
  6. Other required items that may, at the option of the subdivider, be submitted after initial application and prior to approval of the final plat include:
    - a. Payment in the appropriate amount for new street signs, streetlights, and program administration fees.
    - b. Bonding for improvements, as required by Sec. 17-73.
    - c. Documentation that all erosion control ordinance requirements have been fulfilled, including satisfactory implementation and/or maintenance of erosion control measures in the field.

### **B. Plat requirements.**

1. The final plat sheet(s) shall be 16 inches by 24 inches, or as otherwise provided by state law. Plats shall be drawn at a scale no greater than one inch equals 50 feet for residential townhouse subdivisions or one inch equals 100 feet for other subdivisions. Upon request, the director of planning may approve variations in scale.
2. The final plat sheet(s) shall be prepared, signed and sealed by an engineer or surveyor. Final plat shall be based upon field survey and not a compiled plat.
3. The final plat shall conform to requirements of the approved preliminary plat and construction plans.
4. The final plat shall contain the following certificates:
  - a. Surveyor's certification stating "To the best of my knowledge and belief this plat is in compliance with all of the requirements as set forth in the ordinance for approving plats of subdivisions in Chesterfield County, Virginia. Monuments will be set by (insert date)."
  - b. Subdivision certificate stating "The platting or dedication of the following described land (here insert a correct description of the land to be subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any. All easements, streets and strips are of the width and extent shown and are dedicated to the county free and unrestricted by any previous agreements or easements except as noted on this plat as of the time of recordation. The dedication of easements to the county includes granting the right to make reasonable use of adjoining land for construction and maintenance of public facilities within the boundaries of easements shown thereon. All easements are for surface and underground drainage and underground utilities except as otherwise stated on this plat." If there is an easement granted for street light installation, it shall be included in this statement and read as follows "An additional easement of five feet on all lots adjacent to rights-of-way is dedicated to the County of Chesterfield for future street light installation." This statement shall be signed by such person(s) and duly notarized.
  - c. Source of title signed by the preparer of the plat setting forth the source of the title of the owner(s) of the land subdivided, stating the date, deed book and page, 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 parcels shall be indicated upon such plat.
5. A signature block shall be provided on the first sheet of the plat for the director of planning, director of environmental engineering, and planning department. Each additional sheet shall provide a signature block for the director of planning.
6. The final plat shall provide information specified in Sec. 17-56 and other information deemed necessary by the director of planning to achieve the purposes and standards of this chapter.

(Ord. of 4-15-15)

## Sec. 17-50. RESERVED.

(Ord. of 4-15-15)

## Sec. 17-51. Residential parcel subdivision final plat.

**A. Eligibility.** Residential parcel subdivisions shall be subject to the following additional criteria:

1. Each parcel included in the division must be a minimum of five acres. Where right-of-way dedication is provided, the combined area of the proposed parcel and right-of-way dedication along the parcel frontage shall be a minimum of five acres.
2. All resulting parcels shall have frontage of not less than 250 feet on an existing street.
3. The required minimum frontage, per (2) above, is maintained for a depth required to create a five acre parcel or in an arrangement approved by the director of planning who shall consider whether the arrangement is based upon limitations imposed by the parcel shape and environmental features on the parcel and not for the purpose of circumventing this subsection.
4. Right-of-way shall be dedicated along all existing streets as determined by the director of transportation.
5. Except as provided in 6 of this subsection, plats must be based upon a current field survey and compiled plats are not acceptable.
6. When a proposed residential subdivision final plat does not contain all of the area of a parent parcel, a sketch of the residual portion of the parent tract shall be included on the plat. Within this sketch, the boundaries of the residual parcel may be provided based upon compiled survey and shall contain sufficient information for review staff to determine compliance of the parent parcel with this chapter. Any right-of-way dedication or other information affecting the boundary of the parcel shall be depicted in the full plat map

**B. Procedure.**

1. Unless otherwise specified, a residential parcel subdivision final plat shall be reviewed and approved under the administrative review and approval procedure set forth in this chapter. A residential parcel subdivision final plat may be reviewed by the planning commission at the direction of the director of planning if the subdivider and the director of planning differ as to the plat's compliance with the Code or conditions of zoning.
2. For residential parcel subdivisions requiring construction plans, such plans may be submitted in conjunction with the plat application. Construction plan approval is required and shall not have expired prior to recordation of the final plat.
3. Residential parcel subdivisions shall be reviewed by the director of planning and the following personnel, as applicable:
  - a. The director of transportation, if any proposed lot or parcel abuts an existing street. Right-of-way shall be dedicated along existing streets adjacent to all proposed lots or parcels, as required by the director of transportation.

- b. The director of environmental engineering, for review of storm drainage and environmental features authorized by the Code.
  - c. The health department, if any proposed lot or parcel would be served by private wells or onsite sewage systems.
  - d. The director of utilities, if any proposed lot or parcel would be served by public water or sewer.
  - e. The utilities right-of-way office for street right-of-way dedication and utility easement review.
  - f. The fire marshal, to verify compliance with Chapter 10, Fire Protection Code and Sec. 17-76 for street access requirements.
- C. Application and plat information required.** Any application or plat submitted for a residential parcel subdivision final plat shall be in accordance with Sec. 17-49, as applicable.

**D. Plat Approval.**

1. If construction plans are required, written review comments shall be valid concurrent with the approval term of the underlying construction plan(s), and shall be effective for one year from final approval. If approved plats are not recorded prior to construction plan expiration or within one year of final approval, the subdivider may be required, as determined by the plans review team, to submit a new final plat application, including full application fees, for review and approval prior to plat recordation.
2. If ownership of the property to be subdivided changes prior to final plat recordation, the subdivider shall submit a new final plat application reflecting such change.
3. After the final plat has been reviewed to an approvable format, the subdivider may submit two final plat prints suitable for recordation that incorporate and address final plat written review comments and conditions. The prints shall conform to the Virginia State Library and Archives Standards for plats.
4. Once the submitted plat is determined to be in compliance with the planning department's final plat written review comments, the plat shall be signed by an authorized member of the planning department and forwarded to applicable departments and agencies for review.
5. After the plat has been approved by all applicable departments and agencies, the directors of environmental engineering and planning shall sign the final plat. The signed print shall be submitted to be recorded with the circuit court clerk.
6. Any alterations to a recorded plat may be approved through the applicable final plat process in accordance with Sec. 17-26.

(Ord. of 4-27-16; Ord. of 6-22-16)

**Sec. 17-52. Family subdivision final plat.**

- A. Process.** The family subdivision final plat process involves review of subdivisions that divide land between eligible family members in conformance with state law, Sec. 17-85, and this section. Such divisions are subject to the residential parcel subdivision plat review process and the criteria provided in this section.

**B. Eligibility.** Any family subdivision as provided in Sec. 17-85 shall be subject to the following additional criteria:

1. The property owner requesting approval of a family subdivision shall have owned the property for a continuous period of not less than two (2) years immediately preceding application filing. This subsection shall not apply in the case of the death of the owner, when the estate executor or administrator shall be permitted to transfer the property to any eligible family member(s) of the decedent. Moreover, upon request, the director of planning may grant relief to the two (2) year retention period in cases of unique circumstances.
2. Lots or parcels created through a family subdivision shall be titled in the name of the original recipient for whom the subdivision is made for a period of not less than five (5) years. The parent parcel shall remain titled in the name of the grantor for a period of not less than five years. Upon application, the director of planning may grant relief to the five (5) year retention period in cases of severe hardship including foreclosure, death, judicial sale, condemnation, bankruptcy, or permanent relocation of the owner beyond a reasonable commuting distance as verified by the employer. Any relief granted by the director of planning shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the circuit court.
3. Family subdivisions that do not comply with these requirements shall be deemed to be in violation of Sec. 17-6. They shall be denied a building permit, if applicable, and, the director of planning may take any reasonable actions necessary to ameliorate the effect of the violation, including asking the Board of Supervisors to adopt an ordinance vacating the subdivision, in whole or in part.
4. Only one such division shall be allowed per family member and the division shall not be for the purpose of circumventing this Code.
5. Lots or parcels, including the parent parcel, created through a family subdivision shall comply with the lot or parcel standards of the underlying zoning district. Where such lot or parcel is designed as a flag lot, the flagpole portion of the flag shall not be considered buildable. The lot or parcel area requirements shall be met in the buildable portion of the lot or parcel.

**C. Procedure.** A family subdivision final plat shall be reviewed under the parcel plat procedure provided in Sec. 17-51.

**D. Application and plat information required.** Any application or plat submitted for a family subdivision final plat shall be in accordance with Sec. 17-49, as applicable, and, in addition, the final plat shall contain the following:

1. A statement from the proposed grantor, given under oath and penalty of perjury, that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and the relationship to the grantor.
2. A note containing the following language:  
  
“The Chesterfield County Subdivision Ordinance requires the grantee of a parcel or lot created by a family subdivision to retain ownership of the property for a period of not less than five (5) years, and the grantor of such division retain ownership of the parent parcel

for a period of not less than five (5) years, unless granted written relief by the director of planning. Any violation of this requirement shall be presumed to constitute a circumvention of the subdivision ordinance and may result in corrective action taken by the county including, without limitation, imposition of applicable penalties, denial of building permits, and/or vacation of the subdivision. Any individual who is the recipient of any parcel created or modified through a family subdivision is ineligible for any other family subdivisions in Chesterfield County.”

**E. Plat Approval.** Approval of final plat shall be as provided in Sec. 17-51.

**Secs. 17-53--17-55 Reserved.**

**Sec. 17-56. Plan and plat requirements.**

In addition to any requirements for a specific application, the following items shall be provided as specified for each plat or plan type when the applicable column is marked with an “X”.	Application Type			
	Preliminary Plat	Overall Conceptual Plan	Lot Final Plat	Parcel Final Plat
<b>A. The following shall be provided as general notes:</b>				
1. Name of subdivision (to include phase or section, as applicable)	X	X	X	X
2. Land use and zoning classification	X	X	X	X
3. Applicable zoning, schematic, variance, exception or preliminary case numbers	X	X	X	X
4. Names of property owner(s) <sup>[1]</sup>	X	X	X	X
5. GPIN(s) of property within subdivision	X	X	X	X
6. Magisterial District	X	X	X	X
7. Total subdivision acreage	X	X	X	X
8. Type of water and wastewater service	X	X	X	X
9. Plat date and revision dates	X	X	X	X
10. Method of CBPA compliance	X		X	X
11. Total number of lots	X		X	X
12. Stormwater drainage method for public roads and private pavement (i.e. curb and gutter, roadside ditch)	X		X	X

In addition to any requirements for a specific application, the following items shall be provided as specified for each plat or plan type when the applicable column is marked with an “X”.	Application Type			
	Preliminary Plat	Overall Conceptual Plan	Lot Final Plat	Parcel Final Plat
13. List of acreage as follows: area in lots/parcels, roads, open space, common area, and land to be conveyed per Sec. 17-71 [2]	X		X	X
14. Lot density of subdivision, and the minimum, maximum, and average size of lots	X		X	X
15. Construction-related building proffers, zoning, schematic and/or preliminary plat conditions related to construction, required improvements or restrictions on lots	X		X	X
16. Original recordation date, with the deed, will, or plat book and page (Parcel Line Modification Plat only)				X
<b>B. The following shall be provided and/or depicted, as applicable:</b>				
1. Vicinity map with scale	X	X	X	X
2. Sequentially numbered lots	X		X	X
3. Individual lot area in square footage <sup>[3]</sup> and the square footage of each lot reduced in size based upon the provisions of Chapter 19.1 regarding buffers and bikeways			X	X
4. County boundary line	X	X	X	X
5. Location of any cemetery, grave, object, or structure marking place of burial and related access easement	X		X	X
6. Location, dimensions and setbacks for any existing building or structure which shall remain:				
a. Within the proposed subdivision	X		X	X
b. Adjacent to the proposed subdivision <sup>[3]</sup>	X		X	X
7. Location, labeling, and area of open space and common area <sup>[4]</sup>	X		X	X
8. Areas to be dedicated for public use in accordance with Sec. 17-71 <sup>[5]</sup>	X	X	X	X
9. Location, labeling, and width of buffers, special setbacks, landscape strips, and tree preservation areas, along with the applicable restrictions	X		X	X

<p><b>In addition to any requirements for a specific application, the following items shall be provided as specified for each plat or plan type when the applicable column is marked with an “X”.</b></p>	Application Type			
	Preliminary Plat	Overall Conceptual Plan	Lot Final Plat	Parcel Final Plat
10. Existing zoning boundaries within subdivision	X	X	X	X
11. Building setback lines required to be depicted by Sec. 17-62	X		X	X
12. Graphic scale	X	X	X	X
13. North arrow and Virginia state plane system coordinate points per North America Datum (NAD)83	X	X	X	X
14. Location of existing USGS or county monuments within subdivision			X	X
15. If required by the director of environmental engineering, label existing contours at vertical intervals of five feet or other appropriate intervals. Source of topography and mean sea level datum shall be stated on the plat <sup>[6]</sup>	X	X		
16. Minimum finished floor (MFF) and minimum crawl space (MCS) elevations for lots, and lots shown as no building permit (NBP), as appropriate			X	X
17. Layout of lots and parcels along with line dimensions <sup>[7]</sup>	X		X	X
18. Building envelope on lots or parcels, if required by planning or environmental engineering	X		X	X
19. The length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet to the nearest one hundredth	X		X	X
20. Length and bearing of each lot or parcel line along with the cumulative total of each perimeter tangent dimension. Provide curve table to depict the following for each curve: chord bearing, chord distance radius, delta, tangent and arc length			X	X
21. Adjacent information:				
a. Adjacent subdivision name(s)	X			
b. Adjacent parcel owner name(s) and GPIN(s)	X			
c. Side boundary lines of adjoining lots and parcels	X	X		
d. Existing zoning classifications and boundaries on adjacent property	X	X		

In addition to any requirements for a specific application, the following items shall be provided as specified for each plat or plan type when the applicable column is marked with an “X”.	Application Type			
	Preliminary Plat	Overall Conceptual Plan	Lot Final Plat	Parcel Final Plat
22. Street, rights-of-way, and easement information:				
a. Location, right of way width, state route number, and name of any existing street within or adjacent to the subdivision	X	X	X	X
b. Location, right-of-way width, and name of any proposed street, bikeway and pedestrian network <sup>[8]</sup>	X	X	X	X
c. Right-of-way dedication from the centerline of existing street	X		X	X
d. All existing and proposed residential collector and local streets shall be labeled with design traffic volumes	X			
e. All arterial, collector, and limited access streets for which a design is required shall be labeled with classification, geometric design standard, design speed, and design traffic volumes	X			
f. Proposed streets with centerline curve data and any sidewalks, pedestrian and bikeway facilities	X			
g. Private pavement and fire access lanes	X		X	X
h. The location, width, and purpose of all existing and anticipated onsite easements, including any pedestrian, bikeway and utility easements serving the subdivision <sup>[9]</sup>	X		X	X
i. The location, width, and purpose of all existing and proposed offsite easements, including any pedestrian, bikeway and utility easements serving the subdivision	X			
23. Utility information:				
a. The layout and size of the existing and proposed wastewater, water mains, fire hydrants, and existing storm sewers/culverts, and other underground structures within the tract or immediately adjacent thereto <sup>[10][11]</sup>	X	X		
b. Water and wastewater connections to existing line(s) shall be graphically shown where feasible, otherwise a note indicating the approximate distance and contract number of the existing water/wastewater line(s) <sup>[12]</sup>	X			

<p><b>In addition to any requirements for a specific application, the following items shall be provided as specified for each plat or plan type when the applicable column is marked with an “X”.</b></p>	Application Type			
	Preliminary Plat	Overall Conceptual Plan	Lot Final Plat	Parcel Final Plat
24. Environmental features:				
a. The limits of established watercourses, manmade drainage conveyance systems, mapped dam break inundation zones, preliminary wetland boundaries and their anticipated impacts, floodplains, conservation areas, RPAs and approximate location and surface area of BMPs <sup>[13]</sup>	X	X		
b. CBPA areas as described in chapter 19.1 <sup>[13][14]</sup>	X	X	X	X
c. Location and labeling of conservation areas, wetlands, RPAs, floodplains, backwater(s), and elevations with survey tielines and /or tiedowns <sup>[14]</sup>			X	X
d. CBPA preservation areas described in chapter 19.1, with a note indicating the method of CBPA compliance, the type of facility utilized, as well as recordation information			X	X
25. A note with corresponding reference symbol for wetlands stating "Jurisdictional wetlands shall not be disturbed without written permission from the appropriate state and/or federal agencies"			X	X
26. A note with an asterisk on each lot between RPA limits and water feature(s) stating "Resource protection area (RPA) to remain in its natural state; no structure to be located within the RPA"			X	X
27. A note with corresponding reference symbol for any lot or parcel which is located, in whole or in part, on a FEMA floodplain stating “Prior to the issuance of a Certificate of Occupancy for any dwelling, a FEMA National Flood Insurance Program Elevation Certificate, completed by a licensed professional, shall be filed with the director of environmental engineering”			X	X

- [1] For preliminary plats, the contact information of the owner, subdivider, and, if known, the proposed owner. This contact information shall include mailing address, street address, phone number, fax number and electronic mail address.
- [2] Calculations for open space and areas to be conveyed in accordance with Sec. 17-71 shall include the area for noncontiguous sections and the total area.
- [3] If required by the director of planning or director of environmental engineering.
- [4] Final plat should reference ownership and maintenance responsibilities.
- [5] Provide a note on plat that contains the conditions proposed for such disposal and use as specified in Sec. 17-71.
- [6] USGS quadrangle sheets are not an accepted source for the required information. The director of environmental engineering may require contour labeling at other appropriate intervals depending upon plan and topography.
- [7] All lots and parcels shall be buildable.
- [8] For an overall conceptual plan, there shall be depicted a general pedestrian circulation layout and general location of any proposed arterial, collector or residential collector street.
- [9] Where any easement bisects a property, provide tie-downs to property corners on final plat.
- [10] The utility layout must be consistent with the county's water and sewerage specifications and procedures. Any deviation must be requested in writing and is subject to approval by the director of utilities.
- [11] For an overall conceptual plan, large onsite and offsite water mains and trunk wastewater lines along with the corresponding tie in points shall be depicted.
- [12] If approved by the director of utilities, where such a depiction is not feasible, a note may be provided indicating the approximate distance and contract number of the existing water or wastewater line.
- [13] For an overall conceptual plan, the general limits of such features shall be provided.
- [14] A Resource Protection Area designation may be deferred at time of plan review for a lot or parcel within a line modification plat where the director of environmental engineering determines that there is sufficient evidence to suggest environmental features do not exist on a resulting parcel or the proposed modification is unlikely to affect the buildability of the resulting lot or parcel. For any plat deferred under this footnote an advisory certificate shall be provided on the plat which states "The mapping information is not intended to represent all topographic and environmental features on the lots or parcels which could limit or preclude the ability to construct a residential dwelling and/or other structures. A Resource Protection Area designation and/or other additional engineering research on such items as, but not limited to: soil type, wetlands, floodplains, adequate culverts for driveway crossings of streams or floodplains, etc. will be required based upon individual lot/parcel requirements at time of building permit or plan review." In addition, a deed restriction shall be recorded on each property which states "This lot/parcel was modified without mapping and research of topographic and environmental features that may limit or preclude the ability to construct a residential dwelling and/or other structures. A Resource Protection Area designation and/or other additional engineering research on such items as, but not limited to: soil type, wetlands, floodplains, adequate culverts for driveway crossings of streams or floodplains, etc. will be required based upon individual parcel/lot requirements at time of building permit or plan review." For a family subdivision plat resulting in one new parcel created from a larger underdeveloped parcel, a Resource Protection Area designation may be deferred on the parent parcel where the director of environmental engineering determines that there is sufficient evidence to suggest environmental features do not exist on

the parent parcel or the proposed subdivision is unlikely to affect the buildability of the parent parcel. For any such plat an advisory certificate, as referenced in this section, shall be provided on the plat. Further subdivision of the parent parcel under this provision will require a Resource Protection Area designation.

(Ord. of 6-24-15; Ord. of 10-26-16; Ord. of 12-12-18; Ord. of 6-23-21)

**Secs. 17-57--17-59. Reserved.**

## **Division 4. VALIDATION PLAT**

### **Sec. 17-60. Validation plat.**

- A. Purpose.** The validation plat process provides property owners the opportunity, consistent with Sec.17-6(b), to validate property created or modified in violation of the subdivision ordinance in effect prior to February 28, 2001.
- B. Eligibility.** The lot or parcel must contain no additional divisions or alterations done on or after February 28, 2001, and
1. It must meet all requirements of the applicable zoning district at the time it was created, such as, but not limited to, lot area, lot width, lot coverage, setbacks, building height, and frontage; or
  2. The property owner must secure relief, through the variance and/or the zoning process, as applicable, from the requirements of the zoning district in place at the time it was created.
- C. Procedure.** The following procedure shall be followed for preparation and recordation of validation plats:
1. The property owner shall submit a current copy of the mortgage or survey plat, signed and sealed by a licensed engineer or surveyor for the property, depicting the limits of the property and any improvements thereon.
  2. Within ten days after submittal, an authorized member of the planning department shall scan the plat and prepare the validation plat consistent with Sec. 17-60.D.3. and advise the property owner that the plat is ready for signature. The property owner's signature shall serve as authorization to record the plat.
  3. After the property owner signs the plat, the director of planning shall sign the plat and have one plat recorded with the circuit court clerk.
  4. After recordation, any applicable building permit approvals being withheld by the planning department solely based upon platting issues shall be released.
- D. Application and plat requirements.**
1. In addition to any application required by the director planning, the property owner shall submit a current copy of the mortgage or survey plat for the property depicting the limits of the property and any improvements thereon. If there is no existing plat, the owner shall have a plat prepared depicting the overall boundary of the parcel or lot and any improvements thereon.

2. The property owner shall be responsible for recordation fees. A fee for the recordation with the circuit court shall be submitted by the property owner in conjunction with the application or at the time of the property owner signing the plat as per Sec. 17-60.C.3.
3. The planning department shall prepare a validation plat sheet that is 16 inches by 24 inches or in another form or size acceptable to the court clerk. The validation plat shall include the following:
  - a. Complete names of all property owners.
  - b. Property GPIN(s).
  - c. A scanned image of any available signed and sealed plat previously prepared by a licensed professional engineer or surveyor.
  - d. A notarized subdivision certificate stating: "The recordation of this plat depicting property described below is with the free consent and in accordance with the desire of the undersigned owner(s). This plat may have been prepared without a full title search and may not depict all existing easements and encumbrances." (Insert deed or plat book and page reference)
  - e. Zoning classification(s), and applicable variance and/or zoning case number(s).
  - f. Type of wastewater and water service.
  - g. Total subdivision acreage.
  - h. Depiction of the lot or parcel from current county maps.
  - i. One of the following notes, as applicable, indicating the purpose and action taken by the recordation of the plat:
    - 1) This plat depicts a (lot/parcel) that was created in violation of the provisions of the subdivision ordinance in place at the time of recordation; or
    - 2) This plat depicts a lot that was modified in violation of the provisions of the subdivision ordinance in place at the time of recordation.
  - j. Advisory certificate. "The mapping information is not intended to represent all topographic and environmental features on the lot or parcel which could limit or preclude buildability. Additional engineering research on such items as, but not limited to: soil type, wetlands, floodplains, adequate culverts for driveway crossings of streams or floodplains, etc. may be required based upon individual parcel requirements at time of building permit review."

## **Article III. MINIMUM STANDARDS AND IMPROVEMENTS REQUIRED**

### **DIVISION 1. STANDARDS**

#### **Sec. 17-61. Conformity to applicable requirements.**

All subdivision plats and plans shall comply with this chapter and the following, as applicable:

1. The provisions of the Code of Virginia §§ 15.2-2240--15.2-2279.
2. Chapter 8 of the Code, stormwater management and water quality ordinance.
3. Chapter 10 of the Code, fire protection ordinance.
4. Chapter 18 of the Code, water and sewer ordinance.
5. Chapter 19.1 of the Code, zoning ordinance.
6. Chapter 16 of the Code, streets, sidewalks and public places ordinance.
7. Code of Virginia, title 32.1 (Health), Chapter 12 of the Code and the requirements of the state health department relating to any subdivision that is not served by or not proposed to be served by a public water or public wastewater system.
8. The requirements of VDOT and the county transportation department, including, but not limited to, access control, rights of way dedication, and construction of mitigating street improvements.
9. Other applicable laws, ordinances, policies, and requirements.

(Ord. of 4-15-15; Ord. of 6-24-15)

### **Sec. 17-62. Standard conditions.**

The applicability of the following requirements will be determined at the time of subdivision plat approval. These requirements will be referred to as standard conditions without citing this subsection.

1. The requirements of the Environmental Engineering Reference Manual.
2. The requirements associated with obtaining a land disturbance permit from the environmental engineering department by:
  - a. Providing satisfactory documentation that all applicable federal and state wetlands permits have been obtained.
  - b. Obtaining a land use permit from VDOT allowing access onto and construction within state maintained right-of-way.
3. The subdivider shall provide access easement(s) to the SWM/BMP(s) acceptable to the environmental engineering department prior to or in conjunction with recordation.
4. The following setbacks shall be required and depicted on the final plat:
  - a. Setback from the 100-year floodplain/backwater, wetlands, and RPAs for the primary structure as required in Secs. 19.1-503.A.6, 19.1-525.13 and 19.1-525.14 of the Code.
  - b. The required setback for structures from any petroleum product transmission pipeline easement or from the pipeline as provided in Sec. 19.1-208.I.
  - c. The setback line, where adjacent to a temporary turnaround easement as provided in Secs. 19.1-208.H.
  - d. Front setback, when the minimum setback has been increased to obtain the required lot width at the front building line as provided in chapter 19.1.

5. All building envelopes shall have sufficient area to contain the planned structures, but in no case shall any of the four sides of the building envelope for single family detached units have a minimum perpendicular interior dimension less than 25 feet, or as required to meet conditions of zoning. Building envelopes shall not include easements unless otherwise approved by the applicable authority.
6. Tree save and buffer areas shall remain undisturbed, including during all sections of subdivision construction. Such areas shall be designated on construction plans and fenced or clearly flagged for protection during land disturbance activities.
7. The subdivider shall provide field-located horizontal control for the final plat tied into the Virginia Coordinate System, south zone. Boundary tiedown will be accomplished by field located X and Y coordinate values being designated for at least two points.
8. Copies of any restrictive covenants required as a condition of zoning or schematic plan approval shall be filed with the director of planning and county attorney's office for review to determine consistency with the conditions of zoning. The required restrictive covenants shall be recorded in conjunction with the final plat. Subsequent changes to restrictive covenants are not subject to review or approval by the county.
9. Required homeowners association documents, as applicable, pursuant to Sec. 19.1-303.
10. Final plats shall indicate the existing and proposed right-of-way dedications for all streets and bikeways within or adjacent to the proposed subdivision.
11. Every lot, except where approved for certain lots in a subdivision for townhouses, shall front on a local street, except as may be provided for in Sec. 17-77.
12. Prior to plat recordation of any subdivision that includes streets, private pavement, sidewalks, wastewater, water, stormwater improvements and/or other improvements, the subdivider shall provide the county with a surety bond in the amount equal to the construction cost of all unimplemented improvements and ten percent of the construction costs of all satisfactorily implemented improvements, with a minimum bond amount of not less than ten percent of the total project costs. Prior to submittal of the bond for approval, an itemized cost estimate for all improvements establishing the required bond amount shall be submitted to, reviewed, and approved by the director of environmental engineering. Any bond or surety submitted shall be subject to approval by the county attorney's office.
13. Prior to board of supervisor's adoption of a resolution to request VDOT to accept the streets into the state system, the construction of all improvements shall be acceptable to VDOT and the directors of environmental engineering and utilities.
14. The subdivider shall place the following note on the final plats and enforce the restriction through covenants: "No structure embellishments will be allowed on right-of-way without the commitment of, or issuance of, a VDOT land use permit. Within the ten-foot clear zone (measured from the edge of the street pavement out ten feet), no structural embellishment will be permitted that is closer than three feet from the edge of pavement of the street or higher than six inches above the surface of the drive." Prior to approval of the preliminary plat or final plat for lot subdivisions not being reviewed through the preliminary plat process, the subdivider will submit an acknowledgement of the condition regarding masonry embellishments within the VDOT clear zone, on a form available from the department of environmental engineering. This acknowledgment is the responsibility of the subdivider as

the subdivider is ultimately responsible for the removal of clear zone encroachments in all new subdivisions.

15. Per Sec. 8-4 of the Code, prior to the issuance of a land disturbance permit, the director of environmental engineering shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received.
16. Any timbering that is to occur during the initial section of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and the proper installation of erosion control measures.
17. USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat.
18. Lots or parcels, which shall require at time of occupancy a FEMA National Flood Insurance Program Elevation Certificate in accordance with Sec. 19.1-503.A.27, shall be designated on the construction plan and final plat.
19. The approved erosion and sediment control plan for the subdivision shall, as determined by the director of environmental engineering, require the placement of polyethylene fence or its equivalent as required in the Virginia Erosion and Sediment Control Handbook along the RPA limits prior to the issuance of a land disturbance permit.
20. Building envelopes as shown on the preliminary plat, along with any other directed by the plans review team, shall be placed on the construction plans and final plat.
21. The floodplain as shown on the approved construction plans and the final plat shall be the result of hydrologic and hydraulic engineering methods and assumptions which are approved by the director of environmental engineering.
22. The achievement of adequate surface drainage on lots is the responsibility of the subdivider. The transfer of ownership of lots does not absolve the subdivider from this responsibility prior to state acceptance of the streets and for a period of one year after the streets are taken into the state system, when access is allowed by the lot owner or when access is within public easements.
23. Prior to recordation, the director of environmental engineering may require notification from VDOT that improvements have been satisfactorily completed to streets into which the subdivision intersects and which have been authorized by an issued land use permit.
24. Unanticipated problems in the existing adjacent downstream developments which, in the opinion of the director of environmental engineering, are caused by storm water runoff from the subdivision shall be the responsibility of the subdivider prior to state acceptance of the streets and for a period of one year after the streets are taken into the state system, when access is allowed by the lot owner or when access is within public easements.
25. Approval of the construction plans by a private utility company in relation to its easement and facilities therein is a prerequisite to construction plan approval by the director of environmental engineering. A quitclaim or a satisfactory commitment thereof by the private utility for the location where rights of way will cross the private utility easement shall be a prerequisite to final plat approval.

26. Any areas within a plat shall not be set aside for future use or otherwise carry the designation “reserved”.

(Ord. of 4-15-15; Ord. of 6-24-15; Ord. of 10-26-16)

### **Sec. 17-63. Floodplains.**

- A. Land shall not be subdivided unless it complies with article V, division 1 of chapter 19.1 and the Environmental Engineering Reference Manual, as determined by the director of environmental engineering.
- B. Land shall not be subdivided within the boundaries of a mapped dam break inundation zone unless such division complies with the provisions of state law. If the State Department of Conservation and Recreation determines that the plan of development would change the spillway design flood standards of the impounding structure, and the proposed subdivision would allow development of three or more residential dwelling units, the county shall not permit the subdivision unless:
1. The subdivider agrees to alter the plan of development so that it does not alter the spillway design flood standard required of the impounding structure; or
  2. The subdivider submits an approved engineering study, in conformance with the Virginia Soil and Water Conservation Board’s standards under the Virginia Dam Safety Act and the Virginia Impounding Structure Regulations, and makes the appropriate payment under state law related to the necessary upgrades to the affected impounding structure and administrative fees.

(Ord. of 6-24-15)

### **Sec. 17-64. Preservation of natural features and historic resources.**

Environmental features shall be protected, to the maximum extent practicable, in the design of the subdivision. Historic sites, features, and similar amenities and assets shall be identified on all plats and be protected. No filling within the natural features shall be permitted to circumvent any applicable part of the Code.

### **Sec. 17-65. Property markers/geodetic monuments.**

Property markers shall be noted on the final plat and installed in all subdivisions at all lot corners, angle points, radial points of curves in streets, and at all intermediate points along streets or property lines where property markers cannot readily be seen one from the other.

The subdivider shall replace any county geodetic control monuments removed or destroyed during the development of the subdivision.

### **Sec. 17-66. Stormwater drainage.**

- A. All proposed stormwater drainage systems shall be separate and independent from any wastewater system. Stormwater facilities, including, but not limited to, underground pipes, culverts, inlets, catchbasins, open ditches, stormwater management basin/ponds, and BMPs, as determined by the director of environmental engineering, shall provide for the discharge of surface water via gravity flow into adequate drainage conveyance systems and shall be

installed according to construction plans approved by the director of environmental engineering.

- B. All stormwater drainage facilities installed in the subdivision shall be sized and installed to accommodate the runoff from the contributing watershed based on ultimate development as indicated by the comprehensive plan.
- C. All facilities shall conform to the design requirements of the Environmental Engineering Reference Manual or as otherwise required by the director of environmental engineering.

#### **Sec. 17-67. Streetlighting.**

- A. Streetlighting shall be provided and installed in residential developments in accordance with the street light policy approved by the board of supervisors and administered by the environmental engineering department through the construction plan/final plat review process.
- B. All installation costs of streetlighting shall be the responsibility of the subdivider. The subdivider shall provide full payment to the county of all installation charges estimated by the utility company as well as administrative and ancillary charges included and enumerated in the street light policy.

#### **Sec. 17-68. Easements.**

Easements for public use shall be provided, including, but not limited to:

1. Easements 16 feet in width for proposed or possible water, wastewater, and drainage improvements. Easements of greater width may be required by the director of environmental engineering for drainage purposes or by the director of utilities for utility purposes.
2. Easements eight feet in width shall be provided along the rear of the lot.
3. Easements eight feet in width along the side lot lines where the side property line is the rear of another lot.
4. Easements of variable width as required by VDOT for slope, drainage, and sight distance identified on construction plans.
5. Easements to address conditions of zoning or plan review approval.

(Ord. of 4-15-15)

#### **Sec. 17-69. Street and subdivision names and street signs.**

1. Street and subdivision names shall not duplicate the name of an existing or preliminary approved street, site, or subdivision. The naming of streets within a subdivision may, to a limited extent, duplicate the subdivision name. Streets that are continuations of other streets shall bear the name of the existing street. The naming of proposed streets shall comply with chapter 16 of the Code, and shall be approved by the director of environmental engineering and the appropriate regional planning district commission.
2. The subdivider shall fund the fabrication and installation of street signs showing the names of streets at intersections in the subdivision, in accordance with Sec. 16-14 of the Code.

3. If the subdivider elects to install custom street signs, they shall conform to design specifications approved by the director of environmental engineering at the time of construction plan approval. Installation of custom street signs by the subdivider does not relieve the financial responsibilities of funding in (b) above.
4. All street signs shall be both located and made of a material clearly visible by day and by night.

### **Sec. 17-70. Buffers and special setbacks.**

#### **A. General.**

1. Buffers and special setbacks shall comply with the standards provided in chapter 19.1 of the Code or conditions of zoning or board of zoning appeals approval.
2. Prior to recordation of a final plat which contains a buffer, a site evaluation shall be required to determine if sufficient vegetation remains. If the director of planning determines that the remaining vegetation is insufficient, the subdivider shall submit for review a landscape plan in a form acceptable to the director of planning. Once the landscape plan is approved by the director planning, no recordation of the final plat shall occur prior to the following:
  - a. Required landscaping is completed in accordance with the approved landscape plan and, if required, any maintenance surety is provided; or
  - b. A form of surety, satisfactory to the planning department and in a form as required in Sec. 19.1-248 has been submitted in an amount equal to the cost of completing the required landscaping.
3. Prior to recordation of a final plat which contains a sound setback, a site evaluation shall be required to determine if vegetation has been removed or disturbed other than such disturbance approved in accordance with chapter 19.1. If it is determined that vegetation removal or disturbance has occurred without plan approval, the final plat shall not be recorded until such time as required replanting or other steps to ensure adequacy of the setback as required by the director of transportation have occurred.
4. Any buffer and sound setback areas shall be flagged along both sides at intervals no greater than 50 feet or other interval sufficient to determine location as required by the director of planning.

(Ord. of 6-24-15)

### **Sec. 17-71. Designation of land for public use.**

- A.** All subdivisions shall comply with the conditions of zoning and Chapter 19.1 requiring dedication or reservation of land for possible acquisition for public uses including but not limited to: parks, schools, libraries, and fire stations.
- B.** Subdivisions shall accommodate public uses as required by conditions of zoning and Chapter 19.1. Whenever a tract includes a proposed public use, it shall be suitably incorporated by the subdivider into the plat after a determination is made by the county whether such property is needed.

C. The planning commission or director of planning, based upon conditions of zoning and Chapter 19.1 shall verify whether the land is to be:

1. Dedicated to the county by the subdivider, or
2. Made available for acquisition by the county.

D. The planning commission or director of planning shall verify that the land is:

1. Required for the proposed public use, and
2. Suitable for the proposed public use.

If it is determined that the land is not required, the director shall advise the subdivider of said determination and, if allowed by conditions of zoning and Chapter 19.1, shall advise the subdivider as to the ability to rearrange lots in the proposed subdivision to incorporate the land.

If it is determined that the land is not suitable for the proposed use, the planning commission or director may refuse to approve such dedication or configuration and require the rearrangement of lots in the proposed subdivision.

E. After it is verified that the land is:

1. Required to be dedicated and appropriate for the proposed public use, the subdivider shall be informed of this finding, and shall proceed with the preliminary plat approval process. When the plat is recorded, such recordation shall constitute acceptance of the land for the designated public purpose.
2. Required to be made available for acquisition, and appropriate for the proposed public use, the subdivider shall be informed of this finding. The director of planning may also propose alternate areas on the subject parcel for acquisition. The director of planning and the appropriate county officer or other public entity involved in the acquisition or use of each such site shall seek a commitment to purchase such site by the board of supervisors and shall include an estimate of the time required to complete the acquisition. The planning commission or director of planning shall not approve the plat for a minimum of 30 days to allow the board of supervisors to act.
  - a. If the board of supervisors approves the request, the subdivider shall designate on the plats that area proposed to be acquired by the board of supervisors.
  - b. If the board of supervisors denies the request, the subdivider shall be advised to incorporate the area as otherwise permitted by this chapter on the plat.

(Ord. of 10-26-16)

### **Sec. 17-72. Improvements--Required.**

A. Unless the director of transportation can determine required mitigating street improvements, a traffic impact analysis based upon transportation department standards shall be submitted to, and approved by, the director of transportation if:

1. The proposed development is expected to generate 10,000 average daily trips (ADT) or more, based on trip generation rates as defined by the Institute of Transportation Engineers' publication, "Trip Generation," as amended.

2. The director of transportation requests the analysis because the proposed development is expected to significantly impact the transportation network.
- B.** The director of transportation shall determine the transportation improvements necessary to accommodate a proposed subdivision and to provide a safe and efficient access.
  - C.** All subdivisions shall be designed and constructed in accordance with the Thoroughfare Plan, as determined by the director of transportation.
  - D.** The subdivider shall be responsible for provision of transportation improvements, the need for which is generated by the development, as determined by the director of transportation.
  - E.** The director of transportation shall be responsible for determining the functional classification of streets.
  - F.** The director of transportation may require development restrictions to achieve acceptable levels of service.
  - G.** The subdivider shall at his expense satisfactorily construct or provide any street, curb, gutter, sidewalk, surface drainage, stormwater facility, wastewater system, waterline, as part of a public system and other improvements dedicated to the public use, and maintained by the county or other public agency, and for the provision of other improvements for access, including traffic signalization and control, streets, structures necessary to ensure stability of critical slopes, stormwater management facilities, and items associated with the construction of said improvements as indicated on the approved construction plans and as determined to be necessary in the field by the county based upon site conditions. The transfer of ownership of the lot(s) does not absolve the subdivider from this responsibility prior to state acceptance of streets, and for a period of one year after the streets are taken into the state system. Whenever improvements are within a lot, the subdivider shall request approval from the lot owner for access on to the lot, or notify the property owner prior to accessing improvements within public easements existing on the lot.
  - H.** As indicated on the approved construction plans and as determined to be necessary in the field by the county based on site conditions, the subdivider shall at his expense satisfactorily construct or provide for:
    1. Any private pavement, curb, gutter, sidewalk, surface drainage, stormwater facility, water and wastewater systems, as part of a private system and other improvements dedicated for the use primarily by home owners of the subdivision, which shall be privately owned and maintained;
    2. All other site related improvements for access, including traffic signalization, traffic control signs, markings and turn lanes;
    3. Structures necessary to ensure stability of critical slopes; and
    4. Stormwater management facilities and items associated with the construction of said elements. The transfer of ownership of the lot(s) does not absolve the subdivider from this responsibility for a period of one year from the date when the associated streets are taken into the state system.
    5. All county permitted private improvements (including, but not limited to, private pavement, sidewalks, and storm drainage systems) shall be clearly noted as "Private"

on the preliminary plat, construction plans, and final plat. Specifically, the note on the plans and plat shall read: “The county or any state agencies shall not have any responsibility for the maintenance or service life of private improvements. The Fire Marshal’s office may conduct annual inspections of fire access lanes to determine adequate maintenance is performed. Others, such as the subdivider and/or a homeowners association, shall be responsible for maintaining fire access lanes and all other private improvements.”

- I.** The subdivider of land shall pay or provide for the payment of his pro rata share of the cost of providing reasonable and necessary wastewater, water and stormwater facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of the subdivision; however, no such payment shall be required until such time as the board of supervisors establishes a general wastewater; water, and drainage improvement program for an area having related and common wastewater, water; and drainage conditions and within which the land owned or controlled by the subdivider is located or the board of supervisors has committed itself by ordinance to the establishment of such a program. Said pro rata share shall be limited to the proportionate share of total estimated cost of ultimate wastewater, water and stormwater facilities based upon demand or projected flows required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow or increased volume of stormwater runoff to be actually caused by the subdivision bears to total estimated volume and of such sewage or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the county shall take into account the effect of all onsite stormwater facilities (SWMs) or BMPs constructed or required to be constructed by the subdivider and give appropriate credit therefore.
- J.** Each such payment received shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the established wastewater, water and stormwater program; however, in lieu of such payment the board of supervisors may accept the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to the board conditioned on payment at commencement of such studies or construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All bonds, payments, cash escrows or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and stormwater programs is not commenced within 12 years from the date of the posting of the bond, payment, cash escrow or other performance guarantee.
- K.** Any funds collected for pro rata programs under this section prior to July 1, 1990, shall continue to be held in separate, interest-bearing accounts for the project(s) for which the funds were collected and any interest from such accounts shall continue to accrue to the benefit of the subdivider until such time as the project(s) are completed or until such time as a general water, wastewater and stormwater improvement program is established to replace a prior wastewater and drainage improvement program. If such a general improvement program is established, the board of supervisors may abolish any remaining separate

accounts and require the transfer of the assets therein into a separate fund for the support of each of the established wastewater, water, and stormwater programs. Upon the transfer of such assets, subdividers who had met the terms of any existing agreements made under a previous pro rata program shall receive any outstanding interest which has accrued up to the date of transfer; and such subdividers shall be released from any further obligation under those existing agreements. All bonds, payments, cash escrows or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, wastewater and stormwater programs is not commenced within 12 years from the date of the posting of the bond, payment, cash escrow or other performance guarantee.

(Ord. of 3-12-14; Ord. of 6-22-16)

### **Sec. 17-73. Installation of improvements and bonding.**

- A.** Prior to final plat approval, after all other required approvals are obtained, including from VDOT, all improvements shown on the approved construction plans shall be completed to the satisfaction of the directors of environmental engineering, utilities, planning and the fire marshal, at the expense of the subdivider. In lieu of actual completion of the required improvements, the subdivider may record a plat by furnishing the director of environmental engineering surety in the form approved by the county attorney consisting of a certified check, cash escrow, a surety bond, or a bank's letter of credit. The amount of the surety shall be sufficient to cover the costs and guarantee the installation and completion of all required improvements. The surety amount shall be approved by the director of environmental engineering based upon unit prices for new construction in the county. The surety may also include a reasonable allowance for estimated administrative costs, inflation and potential damage to existing streets or utilities, which shall not exceed 25 percent of the estimated construction costs. If the subdivider proceeds by this option, the subdivider shall install and complete the required improvements to the satisfaction of the directors of environmental engineering, utilities, planning and the fire marshal, subject to the following conditions:
1. The streets shall be accepted into the state system not more than two years after the date of plat recordation.
  2. No more than 60 percent of the building permits in any recorded section of a subdivision shall be issued until the first layer of asphalt concrete on all streets in that section has been completed.
  3. Except as provided in subparagraph (4) below, no more than 90 percent of the building permits in any section of a subdivision shall be issued until the streets have been constructed to state standards and accepted into the state system.
  4. An extension may be approved by the director of environmental engineering to conditions one and three. The subdivider requesting an extension may appeal the director's decision to the planning commission which shall render a decision upon the appeal within two months after the date of the commission's first hearing on the matter unless the subdivider consents to action beyond such time or withdraws his appeal.
- B.** Upon written request by the subdivider, the director of environmental engineering may approve surety reductions in a cumulative amount of not more than 90 percent of the total

cost of satisfactorily completed improvements and may approve further surety reductions, as appropriate, based upon the percentage of satisfactorily completed improvements. Surety reductions may not occur before the completion of at least 30 percent of the improvements.

- C. The director of environmental engineering shall not execute more than three surety reductions in any 12-month period per subdivision section.
- D. Upon final completion and acceptance of said improvements in residential or residential townhouse subdivisions with streets, the release of any remaining surety shall be subject to the requirements of Sec. 17-74. For the purpose of final release, the term "acceptance" shall be defined as the date of the board of supervisors meeting at which the board adopts the resolution requesting street acceptance into the VDOT state system for street maintenance.

#### **Sec. 17-74. Maintenance and bonding.**

- A. The subdivider shall be required to maintain and assume liability for the construction and maintenance of all required improvements per Sec. 17-73. This includes, but is not limited to, snow removal on streets and sidewalks until acceptance of said improvements by the county, state or other approving agencies.
- B. The subdivider shall be required to provide surety in an amount of ten percent of the cost of the required improvements as approved by the director of environmental engineering, in a form as outlined in Sec.17-73 to assure the satisfactory maintenance of the required improvements for a period of one year after the date of their acceptance in accordance with Sec. 17-73 or as provided by state law.

### **DIVISION 2. STREET STANDARDS**

#### **Sec. 17-75. General.**

The purpose and intent of this section is to regulate residential development in order to minimize the impact on the level of service of streets; to control the number of accesses to streets; to promote the ability of travel between subdivisions; to determine if existing and proposed transportation facilities are adequate to accommodate the traffic generated by the proposed development; to determine if appropriate traffic mitigation measures are provided; to provide appropriate pedestrian circulation networks among residential, residential townhouse, commercial, recreational areas, and public facilities; and to promote safety and convenience for the public.

Loop, residential collector, cul-de-sacs, and local streets within a subdivision shall, at a minimum, comply with applicable VDOT road standards and the VDOT Pavement Design Guidelines for Secondary Roads as applicable unless otherwise specified herein. All limited access, arterial and collector streets shall comply with the VDOT Road Design Manual.

#### **Sec. 17-76. Arrangement and Design.**

- A. Streets shall be designed to ensure proper integration and coordination with other existing, recorded or planned streets within and contiguous to the subdivision. Subdivisions shall be designed to maintain proper relationship to topographical conditions and natural terrain features such as streams and existing vegetation. Streets and private pavement shall be designed to facilitate public convenience and safety, consistent with Chesterfield County Fire

Prevention Code standards for emergency vehicle access and as may be required by VDOT. Only if required by VDOT shall local streets within residential and residential townhouse developments serve as access to commercial or industrial uses as indicated in chapter 19.1.

- B.** All streets shall be designed and constructed in accordance with this chapter, the current standards and specifications of VDOT, or county standards, whichever are more stringent.
- C.** Residential collector streets shall be designed to:
  - 1. Conform to the planning commission stub road policy;
  - 2. Facilitate traffic circulation from one subdivision to another on local and residential collector streets, where appropriate; and
  - 3. Require the minimum number of street intersections with arterial and collector streets necessary to provide convenient and safe access.
- D.** Local streets shall be arranged to:
  - 1. Conform to the planning commission stub road;
  - 2. Discourage speeding and cut through traffic;
  - 3. Permit effective stormwater drainage and efficient utility systems;
  - 4. Require the minimum number of street intersections with arterial and collector streets; and
  - 5. Minimize impacts to topographic and environmental features.
- E.** To facilitate orderly development, the necessary rights-of-way and easements for stub streets to provide adequate access to adjacent property shall be dedicated to the boundary lines of the tract to be subdivided, in locations that are compatible with future development of the adjacent tract. This requirement may be waived if, in the opinion of the directors of transportation and planning or the planning commission, such stub streets are not necessary or desirable for the coordination of the layout of the subdivision with the existing streets or the most advantageous future development of adjacent tracts. When the adjacent property is developed, the subdivider of such property shall extend the streets and utility service to connect with the adjacent existing subdivision unless such connections are waived by the planning commission or director of planning, after review by the director of transportation and the fire marshal, or are in violation of zoning conditions, schematic plan approval, or requirements of this chapter.
- F.** The necessary rights-of-way and easements for stub streets to provide adequate access to the adjacent property shall be dedicated at the time a subdivision is recorded.
- G.** Subdivisions shall adequately accommodate continuity of streets and shall provide for proper extension to subsequent phases, sections, and development of adjacent property, as determined by the reviewing departments as follows:
  - 1. A local street shall provide sole access to a cumulative total of no more than 50 lots.
  - 2. The first street into the subdivision shall be designed and constructed as a residential collector, collector, or arterial street if:

- a. The number of lots shown on the preliminary plat, accessible by only one street, connected to a suitable street with two street connections, is in excess of 50 lots but no more than 100 lots, or
  - b. The connection to an adjacent undeveloped parcel as required by this subsection, or an existing stub is anticipated to generate traffic volumes in excess of the planning commission stub road policy on any subdivision street.
3. A second street connection providing access to all lots shall be constructed prior to, or in conjunction with, the recordation of more than a cumulative total of 50 lots, unless a residential collector, collector, or arterial street with one way in and out is provided and such street complies with the following:
- a. Access is provided to no more than a cumulative total of 100 lots;
  - b. Such street is shown traversing the area encompassed by the preliminary plat from an existing residential collector, collector, or arterial street to the boundary of the subdivision;
  - c. Proposed water and/or sewer lines within and adjacent to such street shall, at a minimum, be constructed with each phase, or extended as required by preliminary plat approval; and
  - d. Recordation and construction of such street is in accordance with an approved phasing plan as determined at the time of preliminary plat review. Modifications to the proposed phasing plan shall be addressed through a Technical Correction Letter unless such modification involves a Major Change.
4. Relief to access requirements of Sec. 17-76.G.
- a. Relief to the requirements of this subsection may be granted at the time of zoning for cases filed prior to November 26, 2002. The requirement for access to any proposed subdivision shall be governed by the conditions of that case.
  - b. Relief to the requirements of this subsection may be granted at the time of zoning for cases filed after November 26, 2002 with a preliminary plat consisting of an approximate lot and street layout with sufficient documentation that clearly demonstrates:
    - 1) The amount of relief does not exceed the allowable number of lots by more than 25 percent; and
    - 2) Existing severe topographic, physical or extenuating circumstances, or environmental features exist so that there is no other practical means of providing another access; or
    - 3) Without granting relief to these requirements, traffic on an existing local street will exceed the planning commission's stub road policy as determined by the director of transportation.
  - c. After November 26, 2002, relief to these requirements may be granted by the planning commission or director of planning if:

- 1) Existing severe topographic, physical or extenuating circumstances, or environmental features exist so that there is no other practical means of providing another access; or
  - 2) The planning commission may grant relief to these requirements if the resultant traffic on an existing local street will exceed the planning commission's stub road policy as determined by the director of transportation, unless otherwise required by VDOT.
- H.** Subdividers of all parcels or lots located at existing or proposed crossovers along collector and arterial streets, and any break in the median of an existing or planned divided street, shall submit and receive approval of a plan from the director of transportation which addresses access for the surrounding area. Such plan must be approved prior to preliminary plat approval or for a subdivision not submitting a preliminary plat, prior to any construction plan approval. The director of transportation may require the subdivider to provide access to adjacent properties.
- I.** Curb and gutter shall be required on all local streets in all subdivisions where the average lot has less than 90 feet of street frontage. On local streets in subdivisions outside of the Upper Swift Creek Watershed, either curb and gutter or roadside ditch may be used where the average lot has frontage of 90 feet or more. In the Upper Swift Creek Watershed, roadside ditches shall be required on all local streets in all subdivisions where the average lot frontage is 90 feet or more, provided, however, that the director of environmental engineering may approve the use of curb and gutter where the average lot frontage exceeds 90 feet if low impact development (LID) measures are used to address stormwater runoff from street surfaces. These calculations exclude those lots fronting on a cul-de-sac. Curb and gutter installation may be waived, in whole or in part, by the director of planning or by the planning commission, to preserve the existing neighborhood local street drainage method.
- J.** The minimum pavement requirement for all local streets shall be a pavement design system meeting VDOT standards, which at a minimum utilizes VDOT approved base materials and two layers of asphalt concrete, as verified by the director of environmental engineering.
- K.** Design standards for limited access, arterial, and collector streets shall be approved by the director of transportation, except no street shall have a design less than VDOT standards.

(Ord. of 4-15-15; Ord. of 6-24-15)

### **Sec. 17-77. Access to arterial or collector streets.**

- A.** The director of transportation shall review and, if appropriate, approve direct access to arterial and collector streets from subdivisions that border on or contain an existing or proposed arterial or collector street. Each subdivision shall be limited to one direct access unless an access plan is submitted to and approved by the director of transportation for more than one access as needed for subdivisions with more than 50 lots accessed through a local road or 100 lots accessed through a collector road. Access provided by an existing or planned street network on an adjacent property to an arterial or a collector street shall be considered a direct access.
- B.** No lot shall have direct access on an existing or proposed arterial, collector street or residential collector unless approved by the director of transportation.

### **Sec. 17-78. Street right-of-way width.**

Right-of-way widths of all streets shall be determined by the director of transportation; except that no street shall have a street right-of-way width less than VDOT standards.

### **Sec. 17-79. Cul-de-sac streets and temporary turnarounds.**

- A.** Cul-de-sac streets shall not provide access to more than 50 lots. Cul-de-sac streets with less than 25 lots shall provide a minimum cul-de-sac pavement radius of 35 feet. Cul-de-sac streets with more than 25 lots shall provide a minimum cul-de-sac pavement radius of 45 feet.
- B.** Temporary turnarounds on local streets shall comply with the previously stated pavement radius standards. Temporary turnarounds within the limits of the preliminary plat may, at the direction of the director of environmental engineering, be constructed on easements beyond the limits of the final plat.

### **Sec. 17-80. Street intersections.**

- A.** Street intersections along one side of an existing or proposed collector or arterial street shall align with existing or proposed intersections on the opposite side of such street unless otherwise approved by the director of transportation and VDOT.
- B.** Alley intersections with streets shall be constructed to VDOT standards.
- C.** At any street or alley intersection sight distance easements shall adhere to VDOT standards.
- D.** In subdivision design, the minimum pavement for a corner radius shall be 35 feet for local streets and 50 feet for other streets. In residential townhouse and cluster subdivisions, the minimum pavement for turning radii shall be reviewed by the fire marshal for compliance with the Chesterfield County Fire Prevention Code based upon a demonstrated ability to provide for adequate emergency vehicle access.
- E.** Local street intersections shall not be located within the vehicle stacking area of the street that intersects an arterial or collector street.

### **Sec. 17-81. Alleys and private pavement.**

- A.** Generally.
  - 1. Dead-end alleys or drives are prohibited unless adequate turnaround facilities are provided at the terminus.
  - 2. Alleys are typically not required by the county and therefore shall not be dedicated as right-of-way unless they will be maintained by VDOT.
  - 3. Where alleys or drives are provided which are not maintained by VDOT, they shall be shown as open space or, if approved by the directors of environmental engineering, planning and transportation, in an easement controlled and maintained by a homeowners' association as specified in Sec. 19.1-303.
  - 4. When private pavement areas are required fire access lanes, they shall meet the standards of the Chesterfield County Fire Prevention Code. The subdivider shall submit to the fire marshal a statement and a geotechnical report signed by an engineer, certifying that said

pavement design and construction is in accordance with the Chesterfield County Fire Prevention Code.

**B. Design and Specifications.**

1. Unless the approved plan specifies stricter requirements, any private pavement shall be designed in accordance with the pavement design standards and specifications of VDOT.
2. The use of private pavement shall require the implementation of a county approved inspection program by the subdivider to ensure compliance with VDOT standards and specifications. Services to inspect and verify compliance of the private pavement construction with the plans and specifications shall be provided by a third party geotechnical engineer approved by the county.
3. The engineer inspecting the construction, shall provide the county certification that each phase of construction meets requirements, and that all private pavement areas have been constructed in strict accordance with the plans and specifications. This certification, including related documentation and testing results, shall be provided to the county for any subdivision section that includes private pavement, prior to the acceptance of any of the section's public roads into the state maintenance system. The county may establish a program by which the documentation and testing results provided are evaluated, which may include independent review by geotechnical engineers contracted by the county and paid for by the subdivider.
4. Surety shall be provided in accordance with Sec.17-74 covering the maintenance cost of any private pavement.
5. In addition to any signage required by Chapter 16 of the Code, private pavement shall be posted with signage at any entrance from a public road which shall state, "Privately maintained pavement", or similar language as approved at time of construction plan review.

**C. Maintenance and Ownership.**

1. Any subdivision and residence served by the private pavement shall be subject to a recorded covenant expressly requiring maintenance of such pavement by a homeowner's association.
2. The final plat and covenants for such development shall expressly state that the County and VDOT do not have responsibility for the service life, maintenance, repair, or replacement of private pavement.

(Ord. of 6-24-15)

**Sec. 17-82. Sidewalks.**

Subdividers shall provide sidewalks in accordance with the planning commission residential sidewalk policy on all streets where they qualify for VDOT or county maintenance, and any additional or other locations if required as a condition of zoning or schematic plan approval, or as a requirement of VDOT. Exceptions to the planning commission residential sidewalk policy

shall be at the discretion of the planning commission or directors of transportation, planning and environmental engineering.

Sidewalk requirements shall be determined through the plan review process as determined by the county. The sidewalks shall be shown on the preliminary plat, construction plan and if required on the overall conceptual plan. Construction may be phased as approved by the county, but as a minimum, shall be bonded and constructed with each section recorded where the sidewalk is located.

The subdivider shall construct all sidewalks required by the planning commission residential sidewalk policy per the design standards contained herein. Where sidewalks qualify for maintenance by VDOT or the county, they shall be designed and installed in accordance with VDOT standards. For all private sidewalks, the subdivider shall demonstrate long term maintenance responsibility in accordance with Sec. 19.1-303.

(Ord. of 4-15-15; Ord. of 6-24-15)

### **DIVISION 3. LOT AND PARCEL STANDARDS**

#### **Sec. 17-83. Minimum requirements.**

- A.** The size, shape orientation, and soils of lots and parcels shall be appropriate for the location of the subdivision and for the type of development. Lot dimensions shall conform to the requirements of chapter 19.1 or conditions of zoning approval.
- B.** Lots or parcels to be served by onsite sewage systems or private wells shall comply with the regulations of the state health department and Chapter 12 of the Code. For subdivisions utilizing onsite disposal sewage systems, the final plat shall contain the following language:  
  
Conventional and alternative onsite sewage systems shall be maintained (including pump-out or inspection requirements) in accordance with county code and state regulations.
- C.** Lots and parcels shall be laid out so as to enable positive drainage to be provided away from all buildings. Individual lot and parcel drainage shall be coordinated with the general stormwater drainage pattern for the area. Drainage shall be designed to avoid concentration of stormwater discharging into inappropriate receiving areas within lots. The director of environmental engineering may require the subdivider to depict the building envelope as established by an engineer or surveyor on the final plats.
- D.** Lots and parcels shall comply with the following standards:
  - 1. Each lot or parcel shall be buildable with at least one building envelope.
  - 2. Lots or parcels shall not contain elongated appendages solely to provide necessary square footage of area which would be unusable for normal purposes.
  - 3. Lots or parcels shall not contain isolated remnants separated from the major portion of the lot by a creek or drainageway which would be unusable for normal purposes unless located on the perimeter of the tract.
  - 4. Corner lots or parcels shall be of sufficient width to provide the applicable front/corner yard setbacks.

5. Side lot or parcel lines shall be approximately at right angles to street lines or radial to the cul-de-sac.
  6. The building envelope for any lot or parcel shall be within county boundary lines.
  7. Access to each lot or parcel shall be provided within the area of the required road frontage.
- E.** Flag lots shall be designated during the review of the preliminary plat. In addition to the requirements of this section, flag lots must meet these additional requirements:
1. Lot design requirements.
    - a. For any flag lot the flagpole portion of the lot shall never be less than 30 feet in width. This portion of the lot is not considered buildable.
    - b. The lot area requirements shall be met in the buildable portion of the lot.
    - c. The flagpole portion for any flag lot shall not extend more than 150 feet from the right of way of the public road.
    - d. Each flag lot shall have its own driveway from a public street.
    - e. Under no circumstances shall lots be arranged so that one is behind another.
  2. Flag lots may only be used in the following circumstances:
    - a. When there is no other reasonable method to protect or limit direct impacts to environmental features, historic resources (historic districts, landmarks, and landmark sites identified consistent with chapter 19.1), or required drainfields; or
    - b. When due to topographic constraints or shape, undeveloped areas within a preliminary plat are not feasible to provide a public street with lots; or
    - c. When used within the overall design of a lot subdivision to provide common area corridors around or between groups of lots as part of an overall common area system for the development. Such common area shall include, but not be limited to, minimum four foot wide paved trails that connect to a pedestrian network within the development that provides access to one or more available destinations internal or external to the development, such as but not limited to, recreational, shopping or public facilities, as approved by the planning department. Where sidewalks in the public road system provide appropriate connections within the development, common area between lots without paved trails shall protect forest vegetation with a minimum of 1 tree for every 100 square feet of common area. Should insufficient vegetation remain a landscape plan, related surety and plantings shall be provided in accordance with Sec. 19.1-246 and 19.1-248. The minimum width for any common area is twenty feet.
- F.** Except as provided in subsection G, all lots that receive preliminary approval after November 12, 2003, and which are substantially divided by environmental features with a drainage area exceeding fifty (50) acres, shall contain a minimum contiguous area of not less than 9,000 square feet which meets the following:
1. Exclusive of the environmental features;

2. Located adjacent to the required street frontage and between the street frontage and the environmental features; and
3. For purposes of this subsection, a lot shall not be considered to be substantially divided by environmental features if an existing natural and continuous accessway, a minimum of fifteen (15) feet in width, provides access from the front of the lot to any proposed building envelope that is not adjacent to the street frontage.

**G.** The requirements of subsection F shall not apply to:

1. Residential townhouse lots;
2. Lots that are permitted by zoning condition to be less than 9,000 square feet, provided that the lot contains a minimum contiguous area equal to or greater than the minimum lot size required by the zoning condition; and
3. Lots where:
  - a. USACOE and/or any state agency having jurisdiction approves a crossing of the environmental features, and
  - b. The minimum contiguous area, exclusive of environmental features on the portion of the lot not adjacent to street frontage, is not less than 9,000 square feet, and
  - c. The minimum contiguous area is located on that portion of the lot that is connected by the crossing. The size of drainage structures for any such crossing shall also satisfy the requirements of the department of environmental engineering's Reference Manual and floodplain management ordinance (chapter 19.1, article V, division 1 of the Code).

(Ord. of 6-24-15; Ord. of 6-22-16)

**Sec. 17-84. Reserved.**

(Ord. of 3-12-14; repealed by Ord. of 6-22-16)

**Sec. 17-85. Definitions.**

- A.** The definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.
- B.** References to the supervisors, officers, agencies, boards, or commissions shall be Chesterfield County officers, agencies, boards or commissions, unless the context requires otherwise.
- C.** Definitions from chapter 19.1 are incorporated within this chapter by this reference. Where terms are defined by both chapters, definitions from chapter 17 shall apply to procedures contained within chapter 17 and shall have no bearing on procedures within chapter 19.1.
- D.** The following definitions shall apply to this chapter:
 

**Access:** The right to cross between public and private property allowing pedestrians and vehicles to enter and exit property.

**Adjacent:** Property having a common boundary, property located across a street, or property separated by open space.

**Amended plat:** An alteration of a recorded plat or portion thereof which does not involve a change in property lines. Amendments may include, but are not limited to, name changes and typographical corrections relating to text, metes and bounds descriptions, coordinate points, floodplain limits, wetland limits, RPA lines, setback lines, drainage easements, buffers, incorrectly numbered lots or parcels.

**Buffer:** A designated area of existing or proposed vegetation, berms, fences or walls intended to address at least one of the following:

1. Provide open space between streets, properties, and certain uses;
2. Preserve existing vegetation or provide for vegetation;
3. Provide transition and separation between differing land uses and sensitive environmental, topographic, or historic features;
4. Reduce noise and glare;
5. Maintain privacy; and
6. Control vehicular access.

**Buildable footprint:** The portion of the building envelope depicted on plats or plans to be occupied by the structure, and that demonstrates the ability of the subdivider to comply with Chapter 12 relative to onsite sewage systems and private wells, and the requirements of Chapter 10, Fire Protection Code relative to fire access.

**Buildable lot:** A lot that is recorded in accordance with provisions of the Code and state law and that has at least one building envelope.

**Buildable parcel:** A parcel that is recorded in accordance with provisions of the Code and state law and that has at least one building envelope.

**Building envelope:** The area of the lot or parcel which is in compliance with the building site standards as specified in the Code.

**Building setback line:** A line within a lot or parcel so designated on a recorded plat or as otherwise established by the Code, and that defines the building envelope.

**CBPA:** The Chesapeake Bay Preservation Act, Code of Virginia Title 10.1, Chapter 21 §§ 2100 et seq.

**Chesterfield County Fire Prevention Code:** Chapter 10, Article 1, Section 10-3 of the Chesterfield County Code of Ordinances, as amended.

**Circuit Court:** Chesterfield County Circuit Court.

**Circuit Court Clerk:** The clerk of the Chesterfield County Circuit Court.

**Code:** Code of the County of Chesterfield, 1997, amended.

**Common Area:** As defined in chapter 19.1. For residential developments, ownership and maintenance responsibility for such areas will be held by a homeowners association. Common area is not a buildable lot and a buildable lot cannot be located within Common area.

**Commonwealth:** The Commonwealth of Virginia.

**Complete application:** A subdivision application providing the entire form and plan or plat, containing all required application information, including applicable fees.

**Comprehensive plan:** An overall guide to manage Chesterfield County's physical growth adopted pursuant to the Code of Virginia, § 15.2-2223 et seq.

**Construction Plan Table Review:** Review of a revised construction plan that in the opinion of all members of the plans review team involve minor changes and the impacts of such revisions are minimal. The review of such plans shall occur at a joint meeting between the team and the subdivider. Construction plan table review shall not include an initial application for a construction plan adjustment, but shall include review of a revised adjusted construction plan for subsequent submissions conforming to the criteria herein.

**Construction plans:** A set of drawings and related specifications for the construction of facilities within or serving a subdivision including, but not limited to, streets, water and wastewater systems, stormwater improvements.

**County:** Chesterfield County, Virginia.

**Cul-de-sac:** The terminus of a cul-de-sac street that provides for the safe and convenient reversal of traffic movement.

**Day:** Calendar day, unless otherwise specified in this chapter.

**Engineer:** An engineer licensed by the commonwealth.

**Environmental features:** Wetlands, waters of the United States, resource protection areas, flood plains, riparian corridor management areas, and SWM/BMPs.

**Family subdivision:** A single division of land to create lots or parcels for the purpose of a sale or gift to a member of the immediate family including their spouse for joint title of the property owner, including a partition of property owned by immediate family members. An immediate family member is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner.

**Final plat:** The plat of a proposed lot subdivision submitted for review and comment prior to recordation.

**Flag lot:** A lot which has a narrow appendage (flagpole) providing the required street frontage and through which access is provided to an enlarged portion of the lot.

**GIS:** Geographic information system owned and operated by the county.

**GPIN:** Geographic parcel identification number, as assigned by the GIS section of the Information Systems Technology Department.

**Line modification:** The adjustment of one or more lot or parcel lines within a recorded subdivision that does not result in the creation of one or more additional lots or parcels. Line modifications may include, but are not limited to, combining lots or parcels, apportioning an existing lot or parcel between existing adjacent lots or parcels, and alterations of lot or parcel lines. A line modification shall not be deemed to establish a new lot or parcel creation date.

**Lot subdivision:** The division of any parcel of land for residential or residential townhouse use into two or more lots for the purpose, either immediate or future, of transfer of ownership or development. Lot subdivisions exclude:

1. Residential parcel and family subdivisions as defined in this section.
2. Granting or extinguishing easements, and division of land for augmented estates, subordination or lien priority, plats of open space not directed at the creation of lots or parcels for sale, and not done for the purpose of circumventing this chapter.
3. Division of land with commercial or industrial zoning as defined by chapter 19.1 for the purpose of office, business, or industrial development.

**Major Change:** For the purpose of article II of this chapter, significant alteration which, as determined by the plans review team, changes the overall design intent, or impacts surrounding properties, land use of the subject property or compliance with this chapter. Such alteration may include, but not be limited to:

1. Road creation, realignment or extension;
2. VSMP and CBPA compliance;
3. BMP relocation affecting adjacent property;
4. Impact upon, or modification to, environmental features; or
5. Major water or wastewater facility relocation.

**Minor Change:** For the purpose of article II of this chapter, alteration not defined as, or determined by the plans review team to be, a Major Change, so long as the alteration does not conflict with applicable provisions of this chapter.

**Natural riparian corridor:** Naturally vegetated buffer areas adjacent and contiguous to streams which may include non-isolated wetlands and other water bodies.

**No building permit (NBP):** A lot which requires inspection prior to issuance of building permit to address grading and drainage concerns.

**Onsite sewage system:** As defined in Chapter 12, Article II of the Code.

**Open space:** All areas within a development whose title is or will be held by a homeowners association, including, but not limited to, wetlands, common area and private pavement. Open space is not a buildable lot and a buildable lot cannot be included in open space.

**Overall conceptual plan:** A plan depicting the general layout of streets, pods, major utility lines and drainage facilities as specified in this chapter.

**Owner:** Any person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to the land that is seeking to subdivide land under this chapter.

**Parcel:** Land not part of a lot-subdivision.

**Parent Parcel:** The residual or remainder property of an original parcel from which land is divided.

**Peculiarly-shaped:** Elongated or unusual shapes added to a proposed lot or parcel, other than for access which would be unusable for normal purposes and is added solely to provide necessary square footage of area.

**Phase, subdivision:** A numerically identified division of a preliminary plat that outlines a portion of the geographical boundaries of a proposed residential development.

**Plans review team:** Authorized staff representing various departments of the County which review applications submitted under this chapter, including but not limited to, the departments of environmental engineering, fire, planning, transportation and utilities, and the state departments of transportation and health.

**Preliminary plat:** A plan showing the required information for a proposed lot subdivision in accordance with article II, division 2 of this chapter, which has been reviewed and approved by the director of planning or planning commission for purposes of determining conceptual conformity with this chapter.

**Property:** Any piece, tract, lot, parcel of land, or several of the same collected together for the purpose of subdividing.

**Recorded subdivision:** A subdivision approved by the county in accordance with this chapter and which has been duly recorded by the circuit court clerk.

**Residential parcel subdivision:** The division of any parcel of land for residential use into two or more parcels, all of which are five acres or more subject to the provisions of this chapter.

**Resubdivision plat:** A line modification of a recorded final plat as defined herein.

**Right-of-way:** The property, or interest therein, dedicated for use as a street which is in or is designated to become part of the state system for public maintenance.

**Roadway:** That portion of a street paved for use by vehicular traffic.

**Section, subdivision:** A numerically identified division of a construction plan or final plat that outlines a portion of the geographical boundaries of an approved preliminary plat.

**Setbacks:** A series of lines established on a lot or parcel based upon the minimum applicable yard requirements set forth in chapter 19.1, this chapter, or otherwise set forth in the Code, beyond which no structure may be constructed.

**Stormwater management (SWM):** Measures taken to mitigate the impact of stormwater on the hydrologic cycle resulting from changes to the landscape which occur when land is developed.

**Stormwater management/best management practice (SWM/BMP):** A facility or system whose purpose is to impact stormwater management from both a water quantity and water quality standpoint.

**Street, cul-de-sac:** A local street with only one outlet to another street and having an appropriate terminus for the safe and convenient reversal of traffic movement.

**Street, stub:** A street which is shown on a subdivision plat to terminate at adjacent property to provide access for future development.

**Subdivider:** Any owner, proprietor or contract purchaser of a lot or tract of land who undertake the subdivision of land as defined herein.

**Subdivision:** The division of any parcel of land in A, R, R-TH or MH-2 Districts, or any other district permitted by zoning for residential uses, for residential use into two or more lots or parcels, or any division within these districts for residential use which creates or extends a street.

**Subdivision application:** Any application pursuant to article II of this chapter. This shall include, but not be limited to, the following application types: preliminary plat, construction plan, final plat and validation plat.

**Surveyor:** A certified licensed land surveyor authorized under the laws of the Commonwealth.

**Technical Correction Letter:** Written review comments of the director of planning approving Minor Changes.

**Temporary turnaround:** The terminus of a street, which provides for the safe and convenient reversal of traffic movement but is intended to be removed if the street is extended.

**Tract:** See Parcel.

**Unrecorded subdivision:** A proposed preliminary or final plat that has been officially approved by the county in accordance with this chapter, but which has not been recorded by the circuit court clerk.

**USACOE:** United States Army Corps of Engineers.

**USGS:** United States Geological Survey.

**Validation plat:** A plat used to correct improper recordation or subdivision pursuant to article II, division 6 of this chapter.

**VDOT:** Virginia Department of Transportation.

**Vicinity sketch:** A location map of the subdivision with the existing streets and street names shown to a scale of one inch equals 2,000 feet.

**VSMP:** Virginia Stormwater Management Program regulations authorized by the Virginia Stormwater Management Act.

**Wastewater, public system:** A wastewater system owned and operated by the county.

**Water supply, public system:** A water supply and distribution system owned and operated by the county.

**Well, private:** As defined in Chapter 12, Article IV of the Code.

**Written review comments:** County and state agency application review comments, notes, and conditions. Written review comments may apply to preliminary, final plats, construction plans or other subdivision procedures specified by this chapter.

(Ord. of 4-15-15; Ord. of 6-24-15; Ord. of 4-27-16; Ord. of 6-22-16)

**Secs. 17-86--17-91. Reserved.**