

Bedford County Subdivision Ordinance



*Adopted September 11, 2000
Effective October 1, 2000*

ARTICLE I. - GENERAL PROVISIONS

Sec. 31-1. - Title.

These regulations adopted pursuant to Code of Virginia, § 15.2-2240 et seq., as amended, shall officially be known, cited, and referred to as the Bedford County Subdivision Ordinance or "this ordinance" and the provisions thereof shall apply to all property within the county, hereinafter "these regulations".

Sec. 31-2. - Purpose.

The purpose of this ordinance is to establish subdivision standards and procedures for Bedford County, Virginia. This ordinance is to guide and facilitate the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort prosperity, and general welfare.

Sec. 31-3. - Authority.

Authority for Bedford County to prepare and adopt this ordinance is contained in Title 15.2, Chapter 22, Article 6 of the Code of Virginia (1950), as amended. The Planning Commission of Bedford County is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including sketch, preliminary, and final plats. The planning commission delegates this authority to the subdivision agent.

Sec. 31-4. - Definitions.

For the purpose of this ordinance, terms used herein shall be interpreted and defined as follows: Words used in the present tense shall include the future; words in the singular number include the plural, and the plural the singular unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove". All gender oriented references shall include male and female genders. Any reference to this ordinance includes all ordinances amending or supplementing the same and dates of their additions or deletions. All distances and areas refer to measurement in a horizontal plane.

Agent, subdivision. The county administrator or his designee.

Agricultural subdivision. Agricultural zoned land where divisions of parcels are at least twenty (20) acres in size and have direct access to a public road or over a road of record existing October 1, 1989.

Applicant. See *Developer*.

Architect. A person licensed by the Commonwealth of Virginia to practice architecture.

Block. A tract of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Board of supervisors. The Board of Supervisors of Bedford County, Virginia; the governing body.

Building restriction line. The minimum distance from all lot lines as specified in the zoning ordinance within which the principal structure must be erected or placed.

Bulb of the cul-de-sac. The turnaround at the end of a cul-de-sac.

Circuit court. The Circuit Court Bedford County, Virginia.

Condominium. Real property, and any incidents thereto or interest therein, having condominium instruments recorded pursuant to the provisions of the Code of Virginia, (1950), as amended. A condominium shall have the undivided interest in the common elements vested in the unit owners.

County. Bedford County, Virginia.

Cul-de-sac. A street with only one (1) outlet and having a turnaround area.

Developer. An individual, corporation, trustee, joint venture, partnership, or other entity, having legal or equitable title to any tract or parcel of land to be developed, who submits a plan pursuant to this ordinance.

Double frontage. Frontage of a lot upon two (2) parallel streets or upon two (2) streets which do not intersect at the boundaries of the lot.

Easement. An interest in land that is in the possession of another, permitting a limited use of enjoyment of the land in which the interest exists.

Engineer. A person licensed by the Commonwealth of Virginia as a professional engineer.

Family, immediate: Any person who is a naturally or legally defined offspring, spouse, sibling, parent, grandparent, grandchild, aunt, uncle, niece, or nephew.

Family subdivision. A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner with only one (1) such division allowed per family member.

Flood, one-hundred-year. A flood that, on the average, is likely to occur once every one hundred (100) years; that has a one (1) percent chance of occurring each year, although the flood may occur in any year.

Floodplain. An area, usually relatively flat or low laying, which adjoins a river, stream, or watercourse which is subject to partial or complete inundation; or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway. The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Governing body. The Board of Supervisors of Bedford County, Virginia.

Health department. The Bedford County Health Department or its designated agent or representative.

Highway department. The Virginia Department of Transportation or its designated agent or representative.

Homeowners association. See *property owners association*.

Improvements. See *Lot improvement* or *Public improvement*.

Landscape architect. A person certified by the Commonwealth of Virginia to practice landscape architecture.

Lot. A tract, plot, portion of a subdivision, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for development.

Lot improvement. Any building, structure, place, work of art, or other object situated on a lot.

Lot of record. A lot whose existence, location and dimensions have been recorded in the office of the clerk of the circuit court.

Lot, pipe stem. A lot which does not abut a public street other than by its driveway which affords access to the lot.

Monument. Any object, whether natural or manmade, that has been or is to be designated by deed, will, plat, or any official document for the purposes of defining a land boundary, either at a point of direction change, or at any intermediate point along a line, either straight or circular, between points of direction change.

Monument, control. Durable monuments placed throughout a subdivision or along its boundary for the purpose of locating or relocating any other monument.

Monument, general property. A metal pipe or rod or other monument used in general surveying practice, which can be located with a metal detector, or is readily visible, which is placed at specific points along property and subdivision boundaries for the purpose of delineating these boundaries.

Parcel. See *Lot*.

Plan, comprehensive. The plan for development of the county with accompanying map, plats, charts, and descriptive matter adopted by the governing body in accordance with the Code of Virginia (1950), as amended.

Plan, preliminary. The preliminary drawing(s) indicating the proposed manner or layout of the subdivision.

Planning commission. The Bedford County Planning Commission.

Plat, final. A schematic representation of a tract of land which is to be or has been subdivided in compliance with this ordinance.

Property owners association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, be it a lot parcel site, unit plot, condominium, or any other interest, is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Public improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government or its agencies may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

Public service authority. Bedford County Regional Water Authority.

Remnant or outlot. A piece or parcel of land within a subdivision that does not meet the minimum requirements for a buildable lot.

Resident engineer. The Resident Engineer for Bedford County, Virginia, employed by the Virginia Department of Transportation, or his designated agent.

Resubdivision. The redivision or alteration, including consolidation, of any lot within an existing subdivision.

Reverse frontage lot. Any lot in a residential subdivision which is adjacent to a public road that has been classified by the governing body or the Virginia Department of Transportation as a collector or arterial road and has its building front and its access to an internal local road.

Right-of-way. Access over or across particularly described property for a specific purpose or purposes.

Street, private. Any road, street, highway, or other means of vehicular access to a parcel of land not dedicated or intended for public use.

Street, public. Any road, street, highway, or other means of vehicular access to a parcel of land dedicated or intended for public use.

Subdivide. The act or process of dividing land.

Subdivider. See *Developer*.

Subdivision. Any change or rearrangement in the boundaries or division lines of any lot, parcel, piece, or tract of land, or the division of such lot, parcel, piece, or tract of land into two (2) or more parts, pieces, tracts, parcels, or lots.

Subdivision, conservation. An alternative means of subdividing a tract premised on the concept of reducing lot size requirements for the provision of open space and/or land for public use within the development.

Subdivision, major. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions, cumulative or individually, with six (6) or more lots or involving the creation of one (1) or more new streets to access the lots or the extension of any public water or public sewer.

Subdivision, minor. A subdivision containing, individually or cumulatively, not more than five (5) lots nor involving the creation of one (1) or more streets to access the lots are involving the extension of any public water or public sewer.

Subdivision, nonresidential. A subdivision whose intended use is other than residential, such as commercial or industrial.

Surveyor. A person licensed by the Commonwealth of Virginia to survey land.

Technical review committee. The committee of governmental agency representatives with the responsibility for the technical review of subdivision plans and plats and site plans.

(Ord. No. O021317-07, Pt. I, 2-13-2017)

Sec. 31-5. - Enforcement, violations, and penalties.

(a) *General.*

- (1) It shall be the duty of the subdivision agent to enforce these regulations and to bring to the attention of the county attorney or his designated agent any violations of these regulations.
- (2) No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the subdivision agent in accordance with the provisions of these regulations and filed with the clerk of the circuit court.
- (3) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- (4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of these regulations, nor shall the county have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

(b) *Violations and penalties.* Any person who violates any of these regulations shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided or sold; such fine shall be pursuant to Code of Virginia, § 15.2-2254, as amended.

(c) *Civil enforcement.* Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

Sec. 31-6. - Interpretation and separability.

(a) *Interpretation.* In their interpretation and application, of the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

- (1) *Public provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rules or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall apply.

- (2) *Private provisions.* These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Private provisions, restrictions, or covenants are not enforced by the county.
- (b) *Separability.* If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Bedford County Board of Supervisors hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Sec. 31-7. - Pending applications.

All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under the regulations in effect at the time of plat submittal.

Sec. 31-8. - Saving provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

Secs. 31-9—31-30. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 31-31. - Subdivision agent.

The subdivision agent is hereby delegated the authority and power to administer this ordinance and, in so acting, shall be considered the agent of the governing body.

Sec. 31-32. - Duties.

The subdivision agent shall perform his duties in accordance with the requirements of the Code of Virginia (1950), as amended, and this ordinance.

Sec. 31-33. - Procedures and policy.

In addition to regulations herein contained, the subdivision agent, subject to the approval of the governing body, may from time to time establish policy requirements as deemed necessary for the proper administration of this ordinance. Policies so established shall govern the administration of this ordinance and shall have the force of the law.

Sec. 31-34. - Dedication for public use.

No easement, right-of-way, or other public space on any plat of subdivision shall be accepted for dedication for public use until such proposed dedication shall have been formally accepted by the subdivision agent and signed approval is shown on the instrument to be recorded. Such approval shall not be given by the subdivision agent until any such easement, right-of-way, or other public space complies with all requirements of the Virginia Department of Transportation and such other requirements as the governing body may impose for public streets, utilities, and drainage. Approval of any final subdivision plat shall not be deemed acceptance by the governing body of any street, utility, or other public place shown on the plat for maintenance, repair, or operation thereof unless acceptance is expressly indicated on the final plat.

Sec. 31-35. - Fees.

There shall be a charge for the examination and approval of every plat and plan reviewed by the subdivision agent. At the time of application, the subdivider shall pay a fee in accordance with the current fee schedule as set by resolution of the governing body.

Sec. 31-36. - Mutual responsibility.

There is a mutual responsibility between Bedford County and the subdivider to subdivide and develop land in an orderly manner in accordance with the comprehensive plan, zoning ordinance, and the requirements and standards of this ordinance.

Sec. 31-37. - Amendments.

For the purpose of protecting the public health, safety, and general welfare, the planning commission may from time to time propose amendments to this ordinance which shall then be approved or disapproved by the board of supervisors at a public meeting following proper public notice and public hearings.

Sec. 31-38. - Copy to be filed with the clerk of the circuit court.

Upon the adoption of this ordinance and any amendments hereto, the subdivision agent shall cause to be placed in the office of the clerk of the circuit court a certified copy of this ordinance including all amendments.

Secs. 31-39—31-50. - Reserved.

ARTICLE III. - PLAN AND PLAT

DIVISION 1. - GENERALLY

Sec. 31-51. - Platting required.

No tract of land situated within Bedford County shall be subdivided unless the subdivider shall cause a plat of subdivision to be made, submitted, and approved pursuant to the terms of this ordinance and recorded among the land records in the office of the clerk of the circuit court.

Sec. 31-52. - Compliance with zoning ordinance and proffered conditions.

No plan or plat of subdivision shall be approved unless all lots shown thereon comply with all applicable requirements of the zoning ordinance, including conditions properly proffered and accepted as part of a zoning change involving any land which is included in the proposed subdivision.

Sec. 31-53. - Recordation.

No plat of subdivision shall be recorded unless and until the plan and plat shall have been submitted to, approved, and certified by the subdivision agent in accordance with the regulations set forth in this ordinance and the Code of Virginia. No lot shall be sold in any subdivision before the plat shall have been recorded.

Sec. 31-54. - Agricultural subdivisions.

Applicants for agricultural subdivision approval shall submit to the subdivision agent a copy of a plat conforming to the requirements set forth in division 4, Final Plat, of this article. Staff approval or denial of agricultural subdivisions shall be given within five (5) working days of submission by the surveyor or owner.

Sec. 31-55. - Revisions to approved plats.

Revisions to approved plats shall be subject to the following:

- (1) *Authorization.* Permission for minor revisions for correction of errors on approved plats, and which do not involve more than ten (10) lots, shall be granted to the certifying surveyor or engineer upon filing with the subdivision agent a statement and revised plat describing the changes. All other revisions, including, but not limited to, adjustment of boundary lines between more than two (2), but not more than ten (10) lots within the subdivision, vacation of lot lines for the purpose of combining two (2) or more lots, and addition of easements not subject to approval by VDOT, shall be submitted on a revised plat prepared in accordance with the requirements set forth in division 4, Final Plat, of this article. The subdivision agent shall conduct a ministerial review of the changes. Provided such minor revisions of alterations or adjustments do not:
 - a. Result in the creation of new or additional lots;
 - b. Result in lots which violate the Bedford County Code relating to zoning or subdivisions;
 - c. Increase nonconformities; or
 - d. Create nonconforming lots; the subdivision agent shall approve such revised plats for recordation.
- (2) Staff approval or denial of such minor revisions, alterations or adjustments shall be given within five (5) working days of submission by the surveyor or owner.

Secs. 31-56—31-65. - Reserved.

DIVISION 2. - FAMILY AND MINOR SUBDIVISIONS

Sec. 31-66. - Family subdivisions.

- (a) Family subdivisions shall comply with the following requirements:
- (1) Only one lot is created for transfer by sale or gift to the same family member.
 - (2) The subdivider has not previously divided any other land within the county by family subdivision for transfer by sale or gift to the same family member.
 - (3) Each lot proposed to be created complies with all applicable requirements of the zoning ordinance.
 - (4) The purpose of the transfer is to provide for the housing needs of the grantee.
 - (5) The transfer is not for the purpose of circumvention of the subdivision ordinance.
 - (6) For the purpose of this section, the property owner may be a family trust or family partnership so long as the trustees, beneficiaries and/or partners are composed only by members of the immediate family of the landowner/subdivider as defined in section 31-4 "definitions"
 - (7) The grantee is an immediate family member of the owner or owner(s) as defined in section 31-4 "definitions".
 - (8) The grantee is at least eighteen (18) years of age and able to hold real estate under the laws of Virginia.
 - (9) 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. Upon application, the director of community development may grant relief to this five-year retention period in cases of severe hardship including foreclosure, death, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. Additionally, the director of community development may approve the transfer of property between eligible family members as defined in section 31-4 "definitions" within the five-year retention period. Any such relief granted by the director shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the circuit court.
 - (10) All proposed plats for family subdivision shall include an affidavit which shall be signed by the grantor and grantee 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 their relationship to the grantor.
 - (11) All family subdivisions not fronting on a public road shall provide for the conveyance of a right-of-way twenty (20) feet in width through the subject lot (i.e. not to a public road).
 - (12) The corners of all lots created shall be marked with general property monuments.
 - (13) A family subdivision plat shall be submitted to the agent for approval and shall conform to the requirements of division 4, Final Plat, of this article. In addition, a statement that the land hereby being subdivided is in accordance with the provisions of the family subdivision section of the Bedford County Subdivision Ordinance.
 - (14) The approved family subdivision plat shall be recorded in the office of the clerk of the circuit court within six (6) months.
 - (15) Prior to the issuance of a building permit on a family subdivision lot not having frontage on a state road, the property owner shall sign and record in the land records an agreement, which shall be reflected in the chain of title for that lot, stating that the property owner understands that:

- a. The easement of right-of-way serving the lot is private and the road or drive within it shall be maintained by the benefited property owner(s);
 - b. The road or drive is ineligible for admission into the state secondary road system for maintenance unless it is brought into conformance with the requirements of this subdivision ordinance at no cost to the county or state;
 - c. Until the road is accepted into the secondary road system, state maintenance will not be provided, and mail service and school bus service may not be available to the property.
- (16) Family subdivisions that do not comply with these requirements shall be presumed to have intended at the time of approval to circumvent this chapter and shall be deemed to be in violation and may result in one or more of the following:
- a. Any action specified in section 31-5, including but not limited to, civil remedy and relief and criminal penalties and fines;
 - b. Vacation of the subdivision;
 - c. Refusal of building permits and other development permits.

(Ord. No. O1115-270, 11-15-2006; Ord. No. O 072522-05, Pt. I, 07-25-2022)

Sec. 31-7. - Minor subdivisions.

Minor subdivisions shall be subject to the following:

- (1) Minor subdivisions, which do not include family subdivisions, are subject to administrative review only. The subdivision agent or his designee shall approve or disapprove a minor subdivision plat in accordance with the provisions of this section.
- (2) The applicant for minor subdivision plat approval may have to submit information to the subdivision agent for a determination of whether the approval process authorized by this section can be and should be utilized.
- (3) Applicants for minor subdivision approval shall submit to the agent a copy of a plat conforming to the requirements set forth in Division 4, Final Plat, of this article.
- (4) The subdivision agent shall take expeditious action on an application for minor subdivision plat approval. The applicant, or for good cause, the subdivision agent may at any time refer the application to the major subdivision approval process. Good cause shall include, but not be limited to, any of the following factors: The site includes topographical, geologic, or other physical features which merit special consideration; or the site contains sensitive wildlife habitat for endangered or threatened species; or the site contains or is adjacent to significant archaeological, architectural, or historic sites or resources which merit protection.
- (5) Unless the application is:
 - a. Referred to the major subdivision approval process; or
 - b. The application is not complete; or
 - c. Review by other agencies, e.g., VDOT and VDH, is not completed, approval or disapproval shall occur within ten (10) working days.
- (6) No more than five (5) lots may be created out of one (1) tract or parcel using the minor subdivision plat approval process, regardless of whether the lots are created at one (1) time or over an extended period of time.
- (7) If the subdivision is disapproved, the agent shall furnish the applicant with a written statement of the reasons for disapproval.
- (8) Approval of any plat is contingent upon the plat being recorded within six (6) months after the plat is signed by the subdivision agent or his designee.

Secs. 31-68—31-87. - Reserved.

DIVISION 3. - PRELIMINARY PLAN

Sec. 31-88. - Preliminary plan required.

The submission of a preliminary plan shall not be required for boundary line adjustments, easement plats, agricultural subdivisions, nonresidential subdivisions, family subdivisions, and minor subdivisions. A preliminary plan is required for major subdivisions with 50 lots or more proposed but optional for major subdivisions with fewer than 50 lots.

(Ord. No. O021317-07, Pt. I, 2-13-2017)

Sec. 31-89. - Presubmission conference.

Prior to the preparation and submission of a preliminary plan, a subdivider shall confer with the subdivision agent or his designee to review the regulations contained in county ordinances, policies, and plans.

Sec. 31-90. - Filing.

- (a) Prior to county review, a subdivider shall file with the subdivision agent a completed application with fee payment for preliminary plan review. A digital file of the preliminary plan is required at the time of submittal. If hard copies are required, the subdivision agent will notify the subdivider. A surveyor or engineer must prepare a preliminary plan.
- (b) The preliminary plan shall be prepared by an architect, landscape architect, engineer, surveyor, or other persons authorized by the Code of Virginia. The plan shall be drawn on numbered sheets at a scale of one hundred (100) feet to the inch unless otherwise agreed to by the subdivision agent. If preliminary plans require more than one (1) sheet, match lines shall clearly indicate where the several sheets join and shall be accompanied by a key plan showing the entire development at a reasonable scale.
- (c) The subdivision agent shall notify the subdivider if the preliminary plan is incomplete or does not comply with the submission requirements of this ordinance.

(Ord. No. O042621-05, Pt. I, 4-26-2021)

Sec. 31-91. - Content.

The preliminary plan shall include the following information:

- (1) *General information.* The subdivision name; names and addresses of owners and subdivider and names of holders of any easements affecting the property; name and address of the individual who prepared the plan; date of drawing (including revision dates); number of sheets; north arrow, oriented to the top of each sheet where practical, with the source of meridian used for the survey; graphic scale; a signature line for the subdivision agent; and the sources of data used in preparing the plat, including the tax parcel identification number, and deed book and page number or instrument number of the last instrument in the chain of title.
- (2) *Vicinity sketch map.* A vicinity sketch map showing the location of the proposed subdivision with respect to adjoining property including the area within one (1) to three (3) mile radius of the proposed subdivision. In addition, this map shall show the locations, names, and route numbers of all existing roads and may provide the names and locations of railroads, political boundaries, subdivisions, public schools, parks, libraries, and fire and rescue stations. The vicinity map shall be shown on an insert on the first sheet with the scale of the map referenced and a north arrow..

- (3) *Topographic map.* A topographic map showing all the area covered by the subdivision properly related to United States Geological Survey (USGS) 7.5 Minute Quadrangle data and showing the boundary lines of the tract to be subdivided with designated floodplain districts and floodway limits delineated.
- (4) *Natural and cultural features.* All pertinent natural, cultural, and historical features and landmarks including water courses, marshes, lakes, impoundments, areas of significant vegetation, existing buildings in the subdivision, the location and description of all existing markers, and the identification of any grave, object or structure marking a place of burial located on the tract or parcel of land to be subdivided.
- (5) *Streets, easements, rights-of-way, lots, and lot lines.*
 - a. *Existing.* The names, locations, and dimensions of the following: all streets (existing and platted); public water and sewer facilities; easements; rights-of-way; and lot lines.
 - b. *Proposed.* Names, locations, and dimensions of proposed streets and lots, including a boundary survey or existing survey of record with an accuracy of not less than one (1) foot in two thousand five hundred (2,500). Indicate the number of total acres in each use.
 - c. *Sections.* Boundaries and section numbers for subdivisions which are to be developed in phases.
 - d. *Lots.* Number and approximate area of all lots. Lots shall be numbered consecutively (beginning with "1, 2, 3 ...") throughout the subdivision so that there is no duplication of lot numbers.
- (6) *Land for public or common use.*
 - a. *Proposed by the subdivider.* All parcels of land intended to be dedicated or reserved for public use or to be reserved in the deed for the common use of property owners in the subdivision with proposed covenants and restrictions.
 - b. *Comprehensive plan.* Areas shown in the comprehensive plan as proposed sites for schools, parks, roads, or other public uses.
 - c. *Conservation alternative.* In the event a conservation alternative is used for the proposed subdivision, the proposed covenants, restrictions, and open space plans shall be furnished.
- (7) *Public water and sewer, required documentation.*
 - a. A statement signed by an engineer giving estimates of the projected water and sewer needs of the entire development in gallons per day.
 - b. A signed statement from the director of the public service authority stating the adequacy of the utility system to handle the increased flows.
- (8) *Subdivision of land from more than one (1) source of title.* When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts indicated by dashed lines, and identification of the respective tracts shall be shown and identified on the index map.
- (9) *Zoning, land use, and abutting subdivisions.* The zoning classification and land use for the area being subdivided and for adjoining properties. Names and locations of abutting subdivisions and property owners.
- (10) *Stormwater management.* Descriptions and general locations of structures and facilities required from stormwater management according to the county's erosion and sediment control ordinance

(Ord. No. O042621-05, Pt. II, 4-26-2021) .

Sec. 31-92. - Staff review.

The subdivision agent shall review the preliminary plan for conformance with this ordinance, the comprehensive plan, the zoning ordinance, and other applicable county ordinances and policies and prepare a report to be presented to the technical review committee.

Sec. 31-93. - Technical review committee.

The technical review committee shall review the preliminary plan for compliance with applicable county and state regulations and requirements. The preparer of the preliminary plan and/or the applicant shall attend the technical review committee meeting and will be informed of any corrections needed to the preliminary plan to bring it into compliance with applicable county and state regulations and requirements.

Sec. 31-94. - Action by agent.

The subdivision agent shall review and approve preliminary plans. Approval shall be indicated on the face of the plan by signature of the subdivision agent.

Sec. 31-95. - Decision.

Within sixty (60) days of submission of a completed application, the subdivider shall be advised of the decision of the subdivision agent. Such notification shall be by letter and/or legible markings on the subdivider's copy of the preliminary plan. Unless the subdivision agent acts within this time limit, the preliminary plan shall be deemed approved.

Sec. 31-96. - Limits of approval.

The approval of the preliminary plan does not guarantee or constitute approval or acceptance of the subdivision or authorization to proceed with construction or improvements within the subdivision.

Secs. 31-97—31-105. - Reserved.

DIVISION 4. - FINAL PLAT

Sec. 31-106. - Presubmission conference.

Prior to the preparation and submission of a major final plat where a preliminary plan has not been submitted, a subdivider shall confer with the subdivision agent or his designee to review the regulations contained in county ordinances, policies, and plans.

(Ord. No. O021317-07, Pt. I, 2-13-2017)

Sec. 31-107. - Filing.

- (a) After approval of the preliminary plan for a major subdivision or where a preliminary plan is not required, a subdivider shall file with the subdivision agent an application for final plat approval. A digital file of the final plat is required at the time of submittal. If hard copies of the final plat are required, the subdivision agent will notify the subdivider.
- (b) The subdivision agent shall notify the subdivider in writing if the final plat is incomplete and does not comply with submission requirements of this ordinance.

(Ord. No. O042621-05, Pt. III, 4-26-2021)

Sec. 31-108. - Content.

The final plat shall include the following information:

- (1) The final plat shall be a copy of the original tracing drawn to a scale of one hundred (100) feet to the inch, unless otherwise agreed to by the subdivision agent. The plat shall be drawn on a

sheet which is seventeen (17) inches by twenty-one (21) inches in size with a minimum one-quarter inch border on all sides. The north arrow shall be shown with annotation in accordance with the meridian to which the plat bearings are referenced, and, where practical, oriented to the top of the sheet.

- (2) If final plats require more than one (1) sheet, match lines shall clearly indicate where the several sheets join and shall be accompanied by a key plan showing the entire development at a reasonable scale.
- (3) The boundary lines of the area being subdivided shall be determined by an accurate field survey with bearings shown in degrees, minutes, and seconds to the nearest ten (10) seconds and dimensions to be shown in feet to the nearest hundredth of a foot to the accuracy of not less than one (1) in ten thousand (10,000).
- (4) All curves on a final subdivision plat shall be defined by radii, central angles, arc lengths, tangent lengths, chord lengths, and chord bearings. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
- (5) In addition, the final plat shall include the following:
 - a. *General information.* The subdivision name; location of subdivision identification sign(s); names and addresses of owners and subdividers of the property; adjoining property owners; date of drawing (including revision dates); graphic scale; vicinity map (see subsection 31-91(2)); zoning designations; and total acres in each proposed use.
 - b. *Lots and sections.* Lot numbers in consecutive numerical order; the accurate location and dimensions of all lot lines; area of each lot; and the name or number of the section, if part of a larger subdivision.
 - c. *Floodplain.* Location and boundary to the 100-year floodplain.
 - d. *Monuments.* All required monuments shall be shown on the plat.
 - e. *Streets.*
 1. The accurate location and dimensions of all existing and proposed streets, both within and adjoining the subdivision. Streets shall be named and shall not duplicate existing or platted street names, unless the new street is a continuation of existing or platted streets, in which case it shall bear the name of the existing or platted street.
 2. Temporary culs-de-sac where needed. When one (1) or more temporary turnarounds are shown, the following statement shall be included on the plat:

"The area on this plat designated as temporary turnaround shall be constructed and used until (street name) is/are extended, at which time the excess land in the temporary turnaround area shall be abandoned for street purposes and shall revert to adjoining lot owners in accordance with specific provisions in their respective deeds."
 3. Private street or access (reserved).
 - f. *Water and sewer.* A statement by the subdivider indicating the type and source of water and sewer.
 - g. *Recreational areas.* Recreational areas shall be clearly labeled on the plat.
 - h. *Debris/waste sites.* All subdivision plats shall locate and designate debris/waste burial sites, created during the subdivision's initial development. The sites shall be shown on the plat prior to approval.
 - i. *Restrictions.* Private or public restrictions and their period of existence. If the restrictions are of such length as to make their lettering on the plat impractical, reference shall be made on the plat to a separate instrument.

- j. *Dedications.* Notations of dedications and to whom dedicated.
- k. *Easements.* Exact location of all easements, their width, use and ownership, and a note that all easements provided for roadway purposes are to be maintained by the Virginia Department of Transportation only to the extent necessary to serve roadway purposes.
- l. *Required forms, statements and signatures.*
 1. The surveyor of engineer shall seal and sign a final plat and provide the following statements:
 - a) The source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title.
 - b) Certification setting forth that the markers shown on described on the plat are in place or will be installed upon final utility and road installation, as shown.
 - c) Surveyor's or engineer's certificate: "I hereby certify, to the best of my knowledge and belief, that all of the requirements of the Board of Supervisors and Ordinances of Bedford County, Virginia, regarding the platting of subdivisions within the County have been met.
 - d) The Owners consent and dedication statement: "The platting or dedication of the following described land" (insert a correct description of the land subdivided) "is with the free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, if any. The roads shown hereon are hereby dedicated to public use." The statement shall be signed by such persons and duly acknowledged before an officer authorized to take acknowledgement of deeds.
 2. A notation indicating that the county does not approve or enforce restrictive covenants.
 3. The following notation shall be included on the plat: "Prior to the improvement of any lot in the County the Division of Planning shall be contacted concerning, but not limited to, the current zoning, building setback requirements, water or sewer systems, Health Department requirements, erosion and sediment control requirements, and private streets."
 4. Certificate of approval. The following signature panel shall be provided in the upper right-hand corner for the agent, highway engineer, and health official, as applicable: "The subdivision known as _____ is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record." (Signature lines shall only reflect agencies that have reviewed and approved of the plat, all others shall be removed)

_____ Date _____ Highway Engineer

_____ Date _____ Health Official

_____ Date _____ Agent, Bedford County Board of Supervisors

_____ Date _____ Agent, Bedford Regional Water Authority
 5. Storm water management notation: "The maintenance, repair, and operation of any storm water management, improvements and conveyance systems of this subdivision are the private responsibility of the current and future landowners of the property shown hereon and shall not become a public responsibility unless formally dedicated to, and expressly accepted by Bedford County Virginia or other public agency".
 6. Agricultural subdivision notation (if applicable): "Undeveloped lot(s) _____ shown on this plat that are 20 acres or more in size, are considered agricultural lots

and have not been reviewed by the Health Department for suitability of private on-site or off-site sewage disposal system(s).”

(Ord. No. O021317-07, Pt. I, 2-13-2017; Ord. No. O 07522-05, Pt II, 07-25-2022)

Sec. 31-109. - Required documentation.

- (a) All security requirements, including approved certified engineer's cost estimate, developer's agreement, and security, shall be provided prior to final approval by the subdivision agent.
- (b) The plat preparer shall submit a digital file of the final plat in a format approved, and at a time determined, by the subdivision agent. The plat preparer may, in lieu of submitting such file, pay a fee established by the board of supervisors sufficient to reimburse the board for such formatting as is done by staff.

Sec. 31-110. - Review and approval.

The following procedure shall be followed for review and approval of the final plat:

- (1) *Staff review.* The subdivision agent's staff shall review the final plat.
- (2) *Public service authority, highway department, and health department review.* The final plat shall be submitted to the public service authority, highway department, and health departments for review and approval if applicable. Such approvals shall be evidenced by the signature of the appropriate official on the plat. Health Department approval may not be required for Agricultural Subdivisions.
- (3) *Action by subdivision agent.*
 - a. The agent shall take action within sixty (60) days of submission of the final plat provided the following requirements are met:
 1. Compliance with the requirements and standards of design in accordance with this ordinance.
 2. Provision of security with required documentation to cover the cost of necessary public improvements, in lieu of construction.
 3. Approval, as applicable, by the highway department and health department.
 - b. Approval of the final plat shall be shown by affixing the signature of the agent to the plat.
- (4) *Decision.* The subdivider shall be advised as to the decision of the subdivision agent. Such notification shall be by letter and/or legible marking on the subdivider's copy of the final plat showing the recommendation and shall be given within ten (10) business days following the subdivision agent's action.
- (5) *Recordation of plat.* All final plats shall be filed within six (6) months in the office of the clerk of the circuit court. A final plat shall not be recorded unless it has the signature of the agent.

(Ord. No. O 07522-05, Pt III, 07-25-2022)

Sec. 31-111. - Acceptance of improvements.

The subdivider shall dedicate to the county, and the highway department, where applicable, all land required for streets, easements and alleys, and other public facilities as required in this ordinance. The subdivision agent or his designee, a representative of the public service authority, and the resident engineer, where applicable, shall make such inspections during and after final installation of the improvements required herein as shall be deemed necessary, and no installation shall be accepted as completed until approved by the subdivision agent or his designee, a representative of the public service authority, and the resident engineer, where applicable, except as otherwise provided for in this ordinance.

Secs. 31-112—31-130. - Reserved.

ARTICLE IV. - VACATION OF PLATS

Sec. 31-131. - Vacation of boundary lines.

The boundary lines of any lot or parcel of land platted under the requirements of this ordinance may be relocated or otherwise altered as provided for in section 31-5 of this ordinance. Such action, however, shall not involve the vacation, relocation, or alteration of streets, alleys, easements for public passage or other public areas, nor the creation of additional building lots. No such areas shall be relocated or altered without the express consent of all persons holding any interest therein, as stipulated in the Code of Virginia (1950), as amended.

Sec. 31-132. - Vacation of plats with no lots sold.

- (a) Where no lots have been sold, any plat, or part thereof, recorded under the provisions of this ordinance may be vacated, with the consent of the subdivision agent, by the owners, proprietors, and trustees, if any, who signed the certificate of owners' consent to subdivision, as provided in subsection 31-108(5)l.3, declaring same to be vacated by a written instrument, duly executed, acknowledged, and recorded in the office of the clerk of the circuit court wherein the plat to be vacated is recorded. The execution and recording of such instrument shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and revert such owners, proprietors, and trustees, if any, with the title to the streets, alleys, easements for public passage, and other public areas described in such plat.
- (b) By ordinance of the board of supervisors provided that no facilities which bonding is required pursuant to Code of Virginia, §§ 15.2-2241—15.2-2245, (1950), have been constructed on the property or any related section thereto, within five (5) years of the date of original recordation. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the circuit court. Upon such appeal the circuit court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the clerk of the circuit court wherein the plat to be vacated is recorded. The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and revert such owners, proprietors, and trustees, if any, with the title to the streets, alleys, easements for public passage, and other public areas described in such plat.

Sec. 31-133. - Vacation of plats with lots sold.

In cases where any lot has been sold, a plat or part thereof may be vacated according to either of the following methods:

- (1) By written instrument agreeing to said vacation signed by all owners of lots shown on said plat and by the subdivision agent on behalf of, and with the approval of, the board of supervisors. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage. The instrument of vacation shall be acknowledged in the manner of a deed and recorded in the office of the clerk of the circuit court wherein the plat to be vacated is recorded.
- (2) By ordinance of the board of supervisors on motion of one of its members or an application of any interested person, after notice and public hearing in accordance with requirements of Code of Virginia, § 15.2-2204, as amended. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the circuit court. Upon such appeal the circuit court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the clerk of the circuit court wherein the plat to be vacated is recorded.

Sec. 31-134. - Effects of vacation.

The recordation of the instrument provided in subsections 31-132(a) or 31-133(1), or of the ordinance as provided in subsection 31-133(2), shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys, or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or any owners of lots shown on the plat, but subject to the rights of the owners of any public utility installation which have been previously constructed therein. If any such street, alley, or easement for public passage is located on the periphery of the plat, such title for the entire width thereof shall vest in such abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be re-vested in the owners, proprietors, and trustees, if any, who signed the certificate of owners' consent to subdivision as provided in subsection 31-108(5)l.3, free and clear of any rights of public use in the same.

Secs. 31-135—31-160. - Reserved.

ARTICLE V. - IMPROVEMENTS GENERALLY

DIVISION 1. - GENERALLY

Sec. 31-161. - Conformance to applicable rules and regulations.

In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations:

- (1) All applicable statutory provisions.
- (2) The Bedford County Zoning Ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdiction(s).
- (3) The comprehensive plan, official map, public utilities plan, and capital improvements program of the county, including all streets, drainage systems, and parks shown on the official map or comprehensive plan as adopted.
- (4) The special requirements of these regulations and any rules of the health department and appropriate agencies.
- (5) The rules of the Virginia Department of Transportation (VDOT) if the subdivision or any lot contained therein abuts a public street.
- (6) The standards and regulations adopted by the county and all boards, commissions, agencies, and officials of the county.
- (7) Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purpose of these regulations established in section 1.2 of these regulations.

Sec. 31-162. - Appropriate for development.

- (a) Land to be subdivided shall be of such character that it can be used safely for and properly support, its proposed uses without danger to health or peril from fire, flood, or other menace.
- (b) Land that is unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the subdivision agent, to solve problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.
- (c) The applicant for a major subdivision must, at the request of the subdivision agent, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by the proposed subdivision.
- (d) Comprehensive plan consistency required. Proposed public improvements shall conform to and be properly related to the county's comprehensive plan and all applicable capital improvement plans.
- (e) Water. Extensions of public water are required in all major subdivisions. Appendix A herein includes specific waterline extension requirements based on the number of proposed lots.
- (f) Stormwater management. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding in accordance with the county's erosion and sediment control ordinance. The county may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed developments.

- (g) Roads. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the county's comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development, all according to VDOT standards.
- (h) Easement policies. Public utility easements shall be provided throughout all developments adequate to provide for required present and future utilities and services.

Sec. 31-163. - Self-imposed restrictions.

The county does not approve or enforce self-imposed or private restrictions or covenants.

Sec. 31-164. - Subdivision name.

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations. The subdivider shall name the subdivision subject to the subdivision agent approval.

Sec. 31-165. - Plats straddling municipal boundaries.

Whenever access to the subdivision is required across land in another municipality, the subdivider shall demonstrate to the county that access is legally established, and is adequately improved, or that a guarantee has been duly executed and is sufficient to assure construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

Sec. 31-166. - Monuments.

Markers shall be installed in accordance with the following provisions:

- (1) Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the resident engineer are clearly visible for inspection and use. Such monuments shall be inspected and approved by the resident engineer before any improvements are accepted by the board of supervisors. All monuments shall be checked for accuracy and/or reset if found incorrectly set.
- (2) All other lot corners shall be marked with solid iron or pipe not less than one-half inch in diameter and twenty (20) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

Secs. 31-167—31-186. - Reserved.

DIVISION 2. - LOTS

Sec. 31-187. - Arrangement.

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography of other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health department regulations and in providing driveway access to buildings on the lots from an approved street.

Sec. 31-188. - Size.

Residential lot sizes shall conform to the minimum standards contained in article III of the zoning ordinance. The lot area may be greater than the minimum specified in the zoning ordinance if the subdivision agent finds that conditions of health and/or safety so require, based upon recommendations of the health department, or other appropriate agencies. Where lots are more than double the minimum required area for the zoning district, the subdivision agent may require that those lots be arranged so as

to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and these regulations.

Sec. 31-189. - Shape.

The arrangement, design, and shape of lots shall provide efficient and appropriate sites for buildings, recognize and complement the natural contour of terrain, and conform to the requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area or street footage which would be unusable for normal purposes. The depth of a residential lot shall not exceed five (5) times its width. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.

Sec. 31-190. - Orientation.

The lot line common to the street right-of-way shall be the front line and all lots shall face the front line and a similar line across the street. However, when a lot borders the water, the front line may be along the water, but in no case shall setbacks from the street right-of-way be less than the required front yard setback for the proposed structure, principal or accessory. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

Sec. 31-191. - Lot frontage.

Every lot shall front on a public street, except as provided for in the zoning ordinance, family subdivision lots, agricultural subdivision lots, and lots served by private access easements as specifically provided for in this ordinance. Every lot shall have the minimum road frontage according to its respective zoning district.

(Ord. of 6-10-2013, pt. V)

Sec. 31-192. - Corner lots.

Corner lots shall have extra width for maintenance of any required setback line on both streets as set forth in the zoning ordinance. Minimum building lines for corner lots shall be according to article II of the zoning ordinance.

Sec. 31-193. - Side lot lines.

Side lot lines shall be approximately at right angles or approximately radial to the street line, except at cul-de-sac terminal points.

Sec. 31-194. - Remnants or outlots.

No remnants of lots or outlots shall be permitted. Residue tracts that are below minimum lot size must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

Sec. 31-195. - Double frontage.

Double frontage lots shall be avoided except where essential to provide separation of residential development from arterial highways or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery. Screen planting shall be according to the CO corridor overlay district of the zoning ordinance. Species shall be according to appendix D of the zoning ordinance.

Sec. 31-196. - Access from principal and minor arterials.

Lots shall not, in general, derive access exclusively from a principal or minor arterial street. Where driveway access from a principal or minor arterial street may be necessary for several adjoining lots, the subdivision agent may require that such lots be served by a combined access drive to limit traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on principal and minor arterials.

Sec. 31-197. - Reverse frontage (reserved).

Sec. 31-198. - Soil preservation, grading, and seeding.

Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff, and conserve the natural cover and soil. No topsoil, and/or gravel, shall be removed from any lots shown on any subdivision plat, except in accordance with the provisions of the county's erosion and sediment control ordinance.

- (1) *Soil preservation and final grading.* Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed and shall be stabilized by seeding or planting.
- (2) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (3) *Lawn-grass seed and sod.* Seeding and sod requirements shall be appropriate for local conditions and shall be subject to approval by the planning director.

Sec. 31-199. - Debris and waste.

No chemical or manmade products or materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy on a subdivision.

Sec. 31-200. - Waterbodies and watercourses.

If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the waterbody among the adjacent lots. The subdivision agent may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the waterbody is so placed that it will not become a county responsibility. No more than twenty-five (25) percent of the minimum area of a lot required under the zoning ordinance may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the subdivision agent.

Secs. 31-201—31-220. - Reserved.

DIVISION 3. - BLOCKS

Sec. 31-221. - Block length.

Blocks shall not be greater than one thousand two hundred (1,200) feet nor less than five hundred (500) feet in length. However, the subdivision agent may waive this provision when in the judgment of the subdivision agent extreme topographic conditions would cause undue hardship if the subdivider complied with this provision.

Sec. 31-222. - Block width.

Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets, limited access highways, or railroads or topographical or other situations that make this requirement impractical in which case the subdivision agent may approve a single tier of lots of minimum depth.

Sec. 31-223. - Block orientation.

Where a proposed subdivision adjoins a road classified as a collector or arterial by the Virginia Department of Transportation, blocks shall be oriented to minimize ingress and egress on such roads; provided, however, that adequate emergency access shall be allowed.

Sec. 31-224. - Industrial or business subdivisions.

Any lots or blocks intended for nonresidential use shall be designed specifically for that purpose with adequate space for off-street parking, off-street loading, and delivery facilities in accordance with article IV, section 30-91 of the zoning ordinance. A final plat for industrial or business subdivisions may be submitted simultaneously with the site plan for review and approval and any required construction plans may be submitted with the site plan.

Secs. 31-225—31-244. - Reserved.

DIVISION 4. - COMPREHENSIVE PLAN AND PUBLIC DEDICATIONS

Sec. 31-245. - Parks, schools, and public land.

In subdividing property, consideration shall be given to suitable sites for parks, schools, roads, and other areas of public use as contained in the comprehensive plan. Sites for parks, schools, or other public facilities shall be indicated on the preliminary plan to determine if, when, and in what manner such sites will be dedicated to, reserved for, or acquired by the governing body for that use. This regulation shall not be construed to preclude the dedication of property for public use not included in the comprehensive plan, provided such property is accepted by the county for dedication and maintenance.

Sec. 31-246. - Right-of-way additions.

- (a) Where the comprehensive plan indicates a proposed right-of-way greater than that existing along the boundaries of a subdivision or lot, the additional right-of-way shall be dedicated for public use when the plat is recorded.
- (b) When a new subdivision abuts one side of an existing or platted road or street, the subdivider shall be required to dedicate at least half the right-of-way necessary to make the street comply with the minimum right-of-way width prescribed by this ordinance.

Secs. 31-247—31-260. - Reserved.

ARTICLE VI. - STREET AND SIDEWALKS

DIVISION 1. - GENERALLY

Sec. 31-261. - Frontage on improved roads.

Except for family subdivisions, agricultural subdivisions, and minor subdivisions utilizing private access easements as described in this section, no subdivision shall be approved unless the area to be subdivided has frontage on and access from:

- (1) An existing road or street in the VDOT system.
- (2) A street shown upon an approved plat recorded in the clerk of the circuit court's office. Such road or street must be suitably improved as required by VDOT regulations, specifications, or orders, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these regulations.
- (3) A private access easement. A private access easement providing ingress and egress to an existing dedicated and maintained public street may be used for minor subdivision lots located in agricultural/rural preserve (AP) and agricultural/residential (AR) zoning districts subject to the following provisions:
 - a. No more than two (2) lots shall be allowed access by means of private access easement.
 - b. Such easement shall be at least forty (40) feet in width and designated for the purpose of road construction, related stormwater conveyance and controls, and the locating of utilities serving the proposed lots.
 - c. Private access easements shall be subject to the street naming and street sign installation requirements of section 31-318 of this ordinance.
 - d. The entrance of such easement onto the public roadway when proposed to serve two (2) or more lots or residences shall require a valid entrance permit or other appropriate approval issued by the Virginia Department of Transportation.
 - e. When the use of a private access easement not meeting the minimum standards of the Virginia Department of Transportation for inclusion in the secondary system of state highways is proposed, the following statement shall prominently appear on all plats, deeds and future conveyances: "The private access easement in this subdivision does not meet state standards, is not intended for inclusion in the system of state highways, and will not be constructed, maintained, or allocated any funding for such purposes by either the Virginia Department of Transportation or Bedford County, Virginia. The maintenance of the private access easement shown hereon shall be the responsibility of the private landowners whose lots are served by said private access easement."

(Ord. of 6-10-2013, pt. V)

Sec. 31-262. - Grading and improvement plan.

Roads shall be graded and improved and conform to VDOT standards and specifications and shall be approved as to design and specifications by VDOT in accordance with the construction plans required to be submitted and approved prior to the final plat approval.

Sec. 31-263. - Classification.

All roads shall be classified according to VDOT standards. In designing roads, the subdivider shall consider projected traffic demands after twenty (20) years of development.

Sec. 31-264. - Topography and arrangement.

- (a) Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to promote a variety of lot appearances. All streets shall be arranged so as to obtain as many buildings sites as possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established by the comprehensive plan and VDOT's six-year plan.
- (c) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- (d) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (e) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, culs-de-sac, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (f) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the subdivision agent such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks [tracts].
- (g) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Sec. 31-265. - Access to principal arterials.

Where a subdivision borders on or contains an existing or proposed principal arterial, the subdivision agent may require that access to such streets be limited by one (1) of the following means:

- (1) The subdivision of lots such that they back on the principal arterial and front on a parallel local street, no access shall be provided from the principal arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
- (2) A series of culs-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the principal arterial.
- (3) A marginal access or service road (separated from the principal arterial by a planting or grass strip and having access at suitable points).

Sec. 31-266. - Dedication of streets.

All streets shall be dedicated for public use on the final plat unless otherwise specifically provided for in this ordinance.

Secs. 31-267—31-286. - Reserved.

DIVISION 2. - GENERAL STREET DESIGN STANDARDS

Sec. 31-287. - Adoption of state highway department standards.

All design standards of the Virginia Department of Transportation are hereby adopted by reference; such design standards shall govern streets dedicated to public use unless otherwise specified by this ordinance.

Sec. 31-288. - Minimum widths.

The minimum width of proposed streets right-of-way, measured from lot line to lot line, shall be in accordance with regulations established by VDOT. However, in no case shall a street right-of-way be less than fifty (50) feet in width.

Sec. 31-289. - Approach angle.

The angle of intersection between streets shall be as close as possible to a right angle and in no case less than eighty (80) degrees unless approved by the subdivision agent, upon recommendation of the resident engineer, for specified reasons of contour, terrain, or matching of existing patterns.

Sec. 31-290. - Access to adjoining property.

When required by the Virginia Department of Transportation, streets shall be dedicated at strategic locations to provide for future access to adjoining properties which may be subdivided in the future. Each street connection shall intersect property lines at a ninety (90) degree angle or as otherwise approved by the subdivision agent. Whenever a parcel of land located adjacent to an existing subdivision is to be subdivided, a street shall be located so as to connect with the platted street connection of the adjacent existing subdivision. The developer of the new subdivision shall be required to improve the connecting street including the dedicated street connection of the existing subdivision.

(Ord. No. O042621-05, Pt. IV, 4-26-2021)

Sec. 31-291. - Grades.

The grades of streets shall be in accordance with specifications established by VDOT, and such grades as submitted on subdivision road plans shall be approved by VDOT prior to final action by the subdivision agent.

Sec. 31-292. - Culs-de-sac.

A local terminal street (cul-de-sac), designed to have one (1) end permanently closed, shall be not longer than one thousand two hundred (1,200) feet to the beginning of the turnaround. However, the subdivision agent may waive this provision when, in the judgment of the subdivision agent, extreme topographic conditions would cause undue hardship if the subdivider complied with this provision. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet in right-of-way diameter.

Sec. 31-293. - Construction of roads and dead-end roads.

- (a) *Construction of roads.* The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, the efficient provision of utilities, and where the continuation is in accordance with the comprehensive plan. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T or L-shaped turnaround or cul-de-sac shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street is continued. The

subdivision agent may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

- (b) *Dead-end roads (permanent)*. Where a road does not extend beyond the boundary of the subdivision and its continuation is not required for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the subdivision agent may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with VDOT standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

Sec. 31-294. - Service drives.

Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distance shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway, or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

Sec. 31-295. - Drainage easements.

- (a) Where existing topography or other conditions make it impractical for the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements, at least twenty (20) feet in width, for drainage facilities shall be provided across property outside the road right-of-way limits. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
- (b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

Secs. 31-296—31-315. - Reserved.

DIVISION 3. - MINIMUM STREET IMPROVEMENTS

Sec. 31-316. - Generally.

The minimum design, construction, and material standards for all public street improvements for Bedford County shall be prescribed by the requirements of the Virginia Department of Transportation unless otherwise specified by this ordinance.

Sec. 31-317. - Street names.

Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing street. In no case shall the name of proposed streets duplicate or closely approximate existing street names in the county, nor shall they duplicate street names of adjoining jurisdictions if such name should conflict with the delivery services of the United States Postal Service in that location. The use of any suffix, such as street, avenue, boulevard, drive, way, place, lane, or court, to circumvent the intent of this subsection is prohibited. Street names shall be indicated on the preliminary and final plats, and shall be approved by the subdivision agent. Names of existing streets shall not be changed except by approval of the board of supervisors.

Sec. 31-318. - Street name signs.

A street name sign shall be required as a result of the creation of a new joint use driveway, new subdivision street, or the creation of three (3) or more parcels being served by an existing joint use driveway. The developer shall be responsible for the cost of the sign. Installation will be provided by the county at the then existing rate. The developer shall make payment to the Division of Planning prior to final plat approval being given. Street name signs shall be designed in accordance with county standards.

(Ord. No. O021317-07, Pt. I, 2-13-2017)

Sec. 31-319. - Street lights.

Installation of street lights shall be required in all multifamily and townhouse developments and for major subdivisions in the growth management areas shown on the map adopted as appendix B of this ordinance in accordance with design and specification standards approved by the planning director.

(Ord. No. O-0413-39, 4-22-2013)

Sec. 31-320. - Reserve strips.

The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to the street.

Sec. 31-321. - Street extension notification signs (reserved).

Secs. 31-322—31-341. - Reserved.

DIVISION 4. - PRIVATE STREETS AND ALLEYS

Sec. 31-342. - Allowance.

All subdivision streets shall be public streets and shall connect to public streets maintained by VDOT. Private streets and alleys are prohibited except as follows:

- (1) Any subdivision in existence through recordation in the office of the clerk of the circuit court at the time of the adoption of this ordinance that contains any private streets, alleys or public roads not maintained by the highway department may continue to exist. Said private street or alley may be dedicated to the public and may be brought into the secondary system of VDOT in accordance with Code of Virginia, § 33.1-72.1, as amended.
- (2) Townhouse developments shall be allowed to front on a private street according to article IV of the zoning ordinance.
- (3) Notwithstanding any other provisions of this ordinance to the contrary, private streets within subdivisions which were platted, approved by the Bedford County Subdivision Agent, and recorded in the office of the Clerk of the Circuit Court of Bedford County, Virginia, pursuant to the 1975 Bedford County Subdivision Ordinance (adopted on April 29, 1975 and repealed effective October 1, 1989) may be dedicated by recordation of a subdivision plat approved in accordance with the requirements herein. The right-of-way must be a minimum of fifty (50) feet in width and must have a turnaround with a minimum radius of fifty (50) feet. This dedication shall not be construed to create an obligation upon the county to construct or maintain said rights-of-way until the standards of VDOT are met. Maintenance shall remain the responsibility of the individual property owners until the road is taken into the secondary system, and a notation of this effect shall be made on the plat of dedication. Notwithstanding the provisions of art. III of this chapter, a performance bond shall not be required for plats recorded pursuant to this section.
- (4) Private streets constructed to VDOT standards in the Low and Higher Intensity Industrial (I-1 and I-2) zoning districts. Compliance to the construction standards shall be validated through: 1) certification by a registered engineer at initial TRC plan submittal/review; and 2) As-built

certification by registered engineer that the road is constructed to VDOT standards. All lot owners are required to sign a private maintenance agreement with adjoining landowners who use such road to ensure road maintenance.

(Ord. No. O121216-04, Pt. I, 12-12-2016)

Sec. 31-343. - Requirements for alleys.

Alleys should be avoided wherever possible, but if alleys are unavoidable, the requirements for providing alleys within a subdivision are as follows:

- (1) No alley right-of-way shall be less than twenty (20) feet in width, or more than twenty-eight (28) feet in width.
- (2) Alleys may be provided in commercial and industrial areas, except where other definite and assured provision is made for service access, such as off-street parking, loading and unloading, consistent with and adequate for the uses proposed.
- (3) Alleys shall not be provided in residential subdivisions and developments unless the subdivider provides evidence satisfactory to the subdivision agent of the need for alleys.
- (4) Alley intersections and sharp changes in alignment shall be avoided but, where necessary, corners shall provide sufficient radius to permit safe vehicular movements.
- (5) Dead-end alleys shall be avoided where possible but, if unavoidable, shall be provided with adequate turn around facilities at the dead end, as determined by the subdivision agent.

Secs. 31-344—31-363. - Reserved.

DIVISION 5. - CURB, GUTTER AND SIDEWALKS

Sec. 31-364. - Sidewalks.

Sidewalks shall be required on both sides of the road in all townhouse or multifamily developments or in any developments with a density of greater than three (3) units per acre or for major subdivisions in the growth management areas shown on the map adopted as appendix B of this ordinance.

(Ord. No. O-0413-39, 4-22-2013)

Sec. 31-365. - Curbs and gutters.

Curb and gutter shall be required in developments with a density greater than three (3) units per acre or in multifamily or townhouse developments or for major subdivisions in the growth management areas shown on the map adopted as appendix B of this ordinance.

(Ord. No. O-0413-39, 4-22-2013)

Sec. 31-366. - Street lights.

Street lights shall be required in all multifamily and townhouse developments or for major subdivisions in the growth management areas shown on the map adopted as appendix B of this ordinance. Locations to be according to article V of the Zoning Ordinance.

(Ord. No. O-0413-39, 4-22-2013)

Sec. 31-367. - Pedestrian way.

The subdivision agent may approve the location of a pedestrian way other than in a street right-of-way in a subdivision where such pedestrian way shall be maintained by a homeowners association. The pedestrian way shall be located in a permanent easement at least eight (8) feet in width and all parts of such pedestrian way shall be visible from streets or other public areas.

Secs. 31-368—31-390. - Reserved.

ARTICLE VII. - UTILITIES

Sec. 31-391. - Location.

All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision according to a land use permit issued by VDOT. Power lines in newly created major subdivisions shall be underground. All utility facilities shall be shown in an easement on the preliminary plan.

Sec. 31-392. - Easements.

Easements of ten (10) feet in width, or greater, shall be provided for water, sewer, power and telephone lines, and other utilities in the subdivision. Such easements shall be laid out so as to ensure continuity of utilities from lot to lot, block to block, and to adjacent property. Such utility easements shall be kept free of structures and wherever possible shall be located adjacent to property lines. Nothing in this section is intended to prohibit the placement of public utilities within dedicated rights-of-way. The subdivision agent may require that easements for drainage through adjoining property be provided by the subdivider.

Sec. 31-393. - Water facilities.

(a) *General requirements.*

- (1) In accordance with Code of Virginia, § 15.2-2243, public waterline extensions as well as reimbursement by subsequent subdividers or developers are required in and to major subdivisions (as defined in article I) and those that are specified for extension in appendix A, in accordance with regulations mentioned in subsection (a)(5) of this section.
- (2) The Bedford County Regional Water Authority (the "authority") is hereby designated as the department/agency authorized to establish and revise from time to time a general sewer and water program for any area having related and common sewer and water condition.
- (3) The required waterline extension from an existing main is shown in appendix A and the maximum shall be seven thousand five hundred (7,500) feet for a proposed development of one hundred fifty (150) lots. The developer or subdivider shall finance, connect, and install water facilities (including fire hydrants) and appurtenances subject to the specifications and approval of the authority. All water mains shall be at least six (6) inches in diameter, except water mains less than five hundred (500) feet which do not have the potential of being extended further as determined by the authority. Larger mains may be required in areas to accommodate anticipated future development.
- (4) The easement locations of all fire hydrants, water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be borne by the developer or subdivider.
- (5) The county directs that the authority adopt and amend from time to time regulations which shall set forth and establish reasonable standards in order to determine the proportionate share of the total estimated costs which shall be borne by each subdivider or developer for the necessary ultimate sewage and water facilities required to serve adequately a related and common area when and if fully developed in accordance with the county's comprehensive plan and related planning documents. The "regulations" shall be known as the Bedford County Regional Water Authority Line Extension and Reimbursement Policy and the "related and common area" shall be known as the development area. It is further directed that such share(s) shall be limited to the proportion which the increased sewage flow and/or water flow actually to be caused by the subdivision or development bears to the total estimated volume and velocity of such sewage and/or water in the fully developed development area.

- (6) In the event that a subdivider or a developer determines, in its discretion, to pay for a longer extension than is required by this ordinance, the aggregate reimbursement from subsequent developers or subdividers will be the total cost of such water line extension.
 - (7) In accordance with Code of Virginia, § 15.2-2243, the authority shall require that any payment received from a subsequent developer or subdivider and intended to be paid to an original developer or subdivider as reimbursement shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the line extension and reimbursement policy.
 - (8) The authority is also authorized to require on-site extensions of water and sewer lines in accordance with the line extension and reimbursement policy, its line standards, developer agreements and other policies as implemented and amended by the authority from time to time.
- (b) *Individual wells and central water systems.*
- (1) In developments with a density of one (1) unit per acre or less and when a public water system is not available in the opinion of the authority, individual wells may be used or a public water system provided, in a manner approved by the authority, so that an adequate supply of potable water will be available to every lot in the subdivision.
 - (2) If the authority requires that a connection to its system be eventually provided as a condition of approval to an individual well or another public water system, the applicant shall make arrangements prior to receiving final plat approval for future water service. Performance or cash bonds may be required to ensure compliance.
- (c) *Fire hydrants.* Fire hydrants shall be required where public water is available. Fire hydrants shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structure and shall be approved by the applicable fire protection unit. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

(Ord. No. O021317-07, Pt. I, 2-13-2017)

Sec. 31-394. - Sewerage facilities (Reserved).

Sec. 31-395. - Drainage and storm management.

- (a) *General requirements.* Drainage and stormwater management shall meet the requirements of the county's erosion and sediment control ordinance.
- (b) *Dedication of drainage easements.* When a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum flow volume.

Sec. 31-396. - Private On-site Sewage Disposal Systems and Private Off-site Sewage Disposal Systems

- (a) *Private on-site sewage disposal systems.* All private on-site disposal systems, including the reserve areas, shall be located on the same lot as the building site that the private waste disposal system benefits with the exception of subsection (b). Easements for an off-site sewage disposal system(s) shall be permitted, through a private easement agreement between lot owners, in the event that the existing onsite system has failed or in need of repair. All private waste disposal systems shall be reviewed and approved by the Virginia Department of Health.
- (b) *Private off-site sewage disposal systems.* Private off-site sewage disposal systems shall be permitted (including reserve areas) on lots that are designated only for the use of such systems provided the following standards are met:

- 1) Private off-site sewage disposal system lots shall be owned by and maintained by a property owners association or other type of private ownership for maintenance purposes of the lot. The beneficiary of each private off-site sewage disposal system shall be responsible for the maintenance of the private off-site sewage disposal system that is benefiting their building site.
 - 2) Sewerage system(s) (as defined in §32.1-163 of the Code of Virginia) shall be placed in dedicated easements.
 - 3) Private off-site sewage disposal systems shall be reviewed and approved by the Virginia Department of Health.
- (c) *Grandfathered subdivisions.* Any subdivision plat (major or minor) that was recorded, currently under official review (submitted with applicable associated filing fee), or had been to the Technical Review Committee prior to November 27, 2017 shall not be subject to the requirements of Sec. 31-396(a) and Sec. 31-396(b).
- (d) *Waiver requests.* Waivers of any requirement of Sec. 31-396 shall not be permitted.

(Ord. No. O112717-06, Pt. I, 11-27-2017)

Secs. 31-397—31-420. - Reserved.

ARTICLE VIII. - WAIVERS AND APPEALS

DIVISION 1. - WAIVER OF REQUIREMENTS

Sec. 31-421. - Authority to grant.

One (1) or more of the minimum requirements established under this category may be waived by the planning commission, upon assurance of the subdivider that each of the following conditions has been met:

- (1) There exists an unusual situation or where strict adherence to the subdivision regulations would result in substantial injustice or hardship.
- (2) The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the subdivider.
- (3) The granting of such waiver will have no substantially adverse effect on the future residents of the proposed subdivision, nor upon any property adjoining such proposed subdivision.

Sec. 31-422. - Dedication of subdivided property to board of supervisors, waiver of requirements.

Notwithstanding any other provisions of the law, the board of supervisors may, in its discretion, waive any requirements of this ordinance where it is necessary to subdivide any or all of a parcel of property for the purpose of dedicating such subdivided property to the board, provided that is [it] finds compliance with subsection 31-421(2).

Sec. 31-423. - Procedure for waiver.

- (a) The subdivider, whenever possible, shall submit a request for the waiver of any minimum requirement with, or prior to, the submission of a preliminary plan. Such request shall be in writing and include a specific statement of the relief requested and the reasons such request should be granted. The subdivision agent may also require such plans and drawings as needed to assist the planning commission in reaching its decision.
- (b) The agent, upon receipt of a waiver request under this section, shall schedule planning commission consideration within thirty (30) days of receipt thereof, and shall prepare a staff recommendation on the request. The planning commission may make a decision on the written record and may also receive testimony, if it so desires.

Sec. 31-424. - Waiver for the use of private streets.

In addition to the above waivers, the board of supervisors retains the sole right, to grant a waiver for the use of private streets under specific circumstances.

- (1) In those cases where the only legal means of access to a property is through a subdivision with a fifty-foot platted right-of-way street created prior to October 1, 1989, an additional subdivision of land, consisting of no more than ten (10) lots may be allowed to be subdivided on a private street.
- (2) The lots must meet the development standards of the zoning district with the exception of the requirement of fronting on a public street and with the exception that the lots shall not be smaller in acreage than the average lot size of the lots in the existing subdivision. The new lots may not be re-subdivided.
- (3) The street must be built to the standards of the existing private street. At a minimum the street surface shall be a width, equal to or greater than the width of the existing street, must have an appropriate base of compacted gravel, adequate shoulders and adequate drainage, all in accordance with plans and specifications submitted by an engineer licensed in the Commonwealth of Virginia.

- (4) Should there be a home owners association for the existing subdivision, owners of lots in the new subdivision shall be required to join the existing home owners association. If there is no existing association or if the new owners are not allowed to join the existing association, a new home owners association shall be created. Deeds to lots in the new development shall contain language as to the home owners association and shall be submitted to the county for approval, prior to a subdivision being approved for recordation.
- (5) Before granting the request, the board shall schedule a public hearing (pursuant to the requirements of Code of Virginia §15.2-2204) and must give written notice by first class mail, not less than fourteen (14) days nor more than thirty (30) days to all persons fronting on the existing street. Conditions may be attached to any approval as deemed reasonable and appropriate.
- (6) Decisions by the board of supervisors shall be based upon the above criteria, taking into account the hardship of the landowner, the nature of the existing easement and the position of the landowners that front the existing street. If the board grants a waiver, any damage caused to the existing street by the development and construction of the additional lots and roadway must be repaired by the developer and/or lot owners so that the existing road remains in the same or better condition following the completion of the work to the lots and the new roadway.

(Ord. No. O011314-11, 1-13-2014; Ord. No. O 110722-11, Pt. I, 11-07-2022)

Secs. 31-425—31-443. - Reserved.

DIVISION 2. - APPEALS

Sec. 31-444. - Procedure for appeal.

- (a) When an applicant is aggrieved by the decision of the subdivision agent, or commission, he may, within ten (10) days of the date of notification of such decision, appeal the decision to the board of supervisors. Such appeal shall be made in writing to the subdivision agent and shall state the specific act (or failure to act) and/or specific interpretation which is being appealed.
- (b) Any person who is aggrieved by a waiver decision of the planning commission under subsection 31-423(b) of this ordinance may appeal to the board of supervisors. Such appeal shall be in writing and must be filed with the clerk of the board within ten (10) days after notification of the planning commission's decision.

Sec. 31-445. - Authority to grant.

- (a) Upon an appeal under section 8.4(1), the board of supervisors shall consider whether the decision of the subdivision agent or commission, based on the record before the subdivision agent or commission, was based on a reasonable application of the prescribed standards. When the board finds the agent's or commission's decision reasonable, the board shall affirm; if unreasonable, the board may modify and affirm or reverse the decision.
- (b) Upon an appeal under subsection 31-444(a), the board of supervisors shall consider whether the decision of the planning commission, based on the record before the commission, was based on a reasonable application of the prescribed standards. When the board finds the commission's decision reasonable, the board shall affirm; if unreasonable, the board may modify or affirm or reverse the decision.

Sec. 31-446. - Time limit for acting on appeals.

The board of supervisors shall act upon any appeal filed under this section within fourteen (14) days, unless there is no meeting scheduled, in which case the board shall act at its next regular meeting. Failure of the board to act within this time shall be deemed approval of the planning commission's or subdivision agent's decision.

Sec. 31-447. - Decision final.

The decision of the board of supervisors, in an appeal under this section, shall be final.

Secs. 31-448—31-470. - Reserved.

ARTICLE IX. - CONSERVATION SUBDIVISIONS (RESERVED)

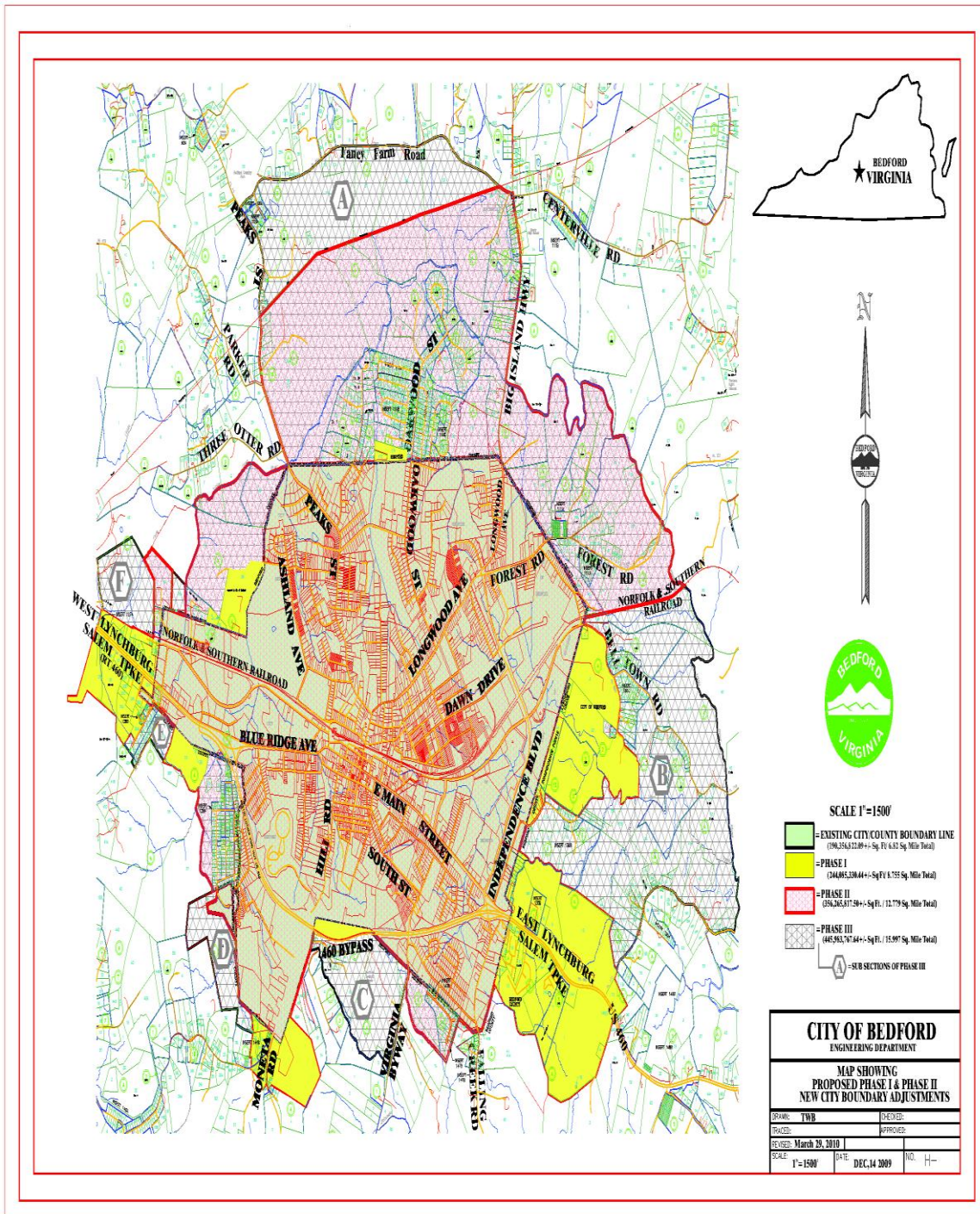
Secs. 31-471—31-500. - Reserved.

APPENDIX A. - WATERLINE EXTENSION SLIDING SCALE

- Applies to a minimum of 15 lots.
- Can require up to 1,000 L.F. extension for 15 lots, each lot over 20 will require an additional 50 L.F. extension.
- Maximum extension required is 7,500 L.F.

Number of Lots	Required Extension (L.F.)
15	1,000
20	1,000
25	1,250
30	1,500
35	1,750
40	2,000
45	2,250
50	2,500
60	3,000
70	3,500
80	4,000
90	4,500
100	5,000
125	6,250
150	7,500

APPENDIX B. - CITY BOUNDARY MAP



(Ord. No. O-0413-39, 4-22-2013)

APPENDIX A.1 - RESERVED

APPENDIX B - RESERVED