

# Subdivision Ordinance

HENRICO COUNTY, VIRGINIA



**Adopted: June 22, 2021**

**Effective: September 1, 2021**

**Amended: February 11, 2025**



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# ARTICLE 1 GENERAL PROVISIONS

## DIVISION 1. ENACTMENT AND APPLICABILITY

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### ***Sec. 19-1101. Title***

This chapter will be officially known as the “Subdivision Ordinance of the County of Henrico, Virginia” or “Henrico County Subdivision Ordinance,” and may be referred to as “the Subdivision Ordinance” or “this Ordinance.”

### ***Sec. 19-1102. General Authority to Adopt Subdivision Ordinance***

The Subdivision Ordinance establishes the county's subdivision regulatory authority, and is adopted in accordance with the enabling authority contained in Title 15.2, Chapter 22 of the Code of Virginia, and all other relevant laws of the Commonwealth of Virginia.

### ***Sec. 19-1103. References to the Code of Virginia and Federal Law***

Whenever any provision of this Ordinance refers to or cites a section of the Code of Virginia or federal laws or statutes, and that section is later amended or superseded, this Ordinance will be deemed to refer to the section, as amended, or the superseding section.

### ***Sec. 19-1104. General Purpose and Intent***

The Board of Supervisors adopts this Ordinance to establish procedures and standards relating to the subdivision of land within the county and to establish standards for access, circulation, streets, and other infrastructure provided as part of subdivisions in order to assure the orderly subdivision of land and its development. This Ordinance is intended to promote the health, safety, and general welfare of the present and future residents, businesses, and landowners of the county and accomplish the objectives of the Code of Virginia, consistent with the county's zoning ordinance and comprehensive plan. More specifically, this Ordinance is intended to:

- A.** Promote public health, safety, and welfare;
- B.** Ensure the orderly layout and use of land;
- C.** Establish reasonable standards of design and development for the subdivision of land;
- D.** Establish reasonable procedures for the review of the subdivision of land and the resubdivision of lots or parcels of land;
- E.** Ensure proper legal description and monumentation of subdivided land;
- F.** Avoid undue concentration of population and overcrowding of land;
- G.** Lessen congestion in streets and highways;
- H.** Provide for proper ingress and egress, efficient circulation of traffic, and safe and comfortable pedestrian movements;

- I. Provide for adequate light and air;
- J. Increase safety from fire, flood, and other dangers;
- K. Provide for transportation, water, sewage facilities, drainage, schools, parks, playgrounds, and other public needs;
- L. Preserve outstanding natural or cultural features and historic sites and structures;
- M. Provide for open space through the efficient design and layout of land;
- N. Encourage creative subdivision design that accomplishes these purposes in an efficient, attractive, and environmentally sensitive manner;
- O. Protect and improve the water quality of the Chesapeake Bay and its tributaries; and
- P. Promote development in accordance with the county's zoning ordinance and comprehensive plan.

### ***Sec. 19-1105. Applicability***

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Except as provided below, any subdivision of land, as defined in Article 7: Definitions, that is situated wholly or partly within the county must comply with this Ordinance. No person may subdivide land without making and recording a plat of the subdivision in accordance with the requirements of this Ordinance and the Code of Virginia. Resubdivisions, combinations, and adjustments of individual lots will follow the minor subdivision procedure.

#### **A. Boundary Line Adjustment**

A valid and enforceable boundary line agreement between different owners of adjacent parcels takes precedence over the requirements of this Ordinance so long as:

1. Such agreement is only used to resolve a bona fide property line dispute;
2. The boundary does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size;
3. Such agreement does not create an additional lot, alter the existing boundaries of the County, result in greater street frontage, or interfere with a recorded easement;
4. Such agreement does not result in any nonconformity with local ordinances or health department regulations; and
5. Notice of such agreement is provided to the Planning Director.

#### **B. Court-ordered Division of Land**

A division of land subject to a partition suit by virtue of an order or decree by a court of competent jurisdiction takes precedence over the requirements of this Ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements of this Ordinance or Chapter 24 of the County Code by more than 20 percent. A copy of the final order or decree must be provided to the Planning Director.



### ***Sec. 19-1106. Severability***

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It is the intent of the Board of Supervisors that the provisions of this Ordinance be liberally construed to carry out the purposes of this Ordinance and to avoid conflict with the Code of Virginia and any other limitations imposed by law. However, if any provision of this Ordinance is determined by a court to be invalid, such decision will not affect the validity of the remaining portions of this Ordinance.

## **DIVISION 2. RELATIONSHIP WITH OTHER LAWS; VESTED RIGHTS**

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### ***Sec. 19-1201. Conflicts Between Provisions of this Ordinance***

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If a provision of this Ordinance is inconsistent with another provision of this Ordinance, the provision that imposes greater restrictions or more stringent controls will govern.

### ***Sec. 19-1202. Conflicts with State or Federal Law***

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If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the State or Federal government, the more restrictive provision will govern, to the extent permitted by law.

### ***Sec. 19-1203. Vested Rights***

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Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any vested rights, provided such rights are lawfully established and remain in effect.

## **DIVISION 3. TRANSITIONAL PROVISIONS**

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### ***Sec. 19-1301. Effective Date***

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This Ordinance will become effective on September 1, 2021, and repeals and replaces Ordinance #61, as originally adopted on March 10, 1948, as subsequently amended and codified as Chapter 19 of the County Code.

### ***Sec. 19-1302. Violations Continue***

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Any violation of the previous subdivision regulations will continue to be a violation under this Ordinance, unless the subdivision complies with the express terms of this Ordinance.

### ***Sec. 19-1303. Applications Pending Prior to September 1, 2021***

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- A.** Any subdivision application submitted and accepted as complete before September 1, 2021, but still pending final action as of that date, will be reviewed and decided in accordance with the subdivision regulations in effect at the time of the submission and acceptance of the application.
- B.** If the subdivision application is approved, the approval will remain valid for the period of time specified in the subdivision regulations under which the application was reviewed and approved. Extensions of time available under those subdivision regulations remain available.

- C.** Unless the subdivision approval expires, the project may proceed through the approval process and continue to be reviewed in accordance with the subdivision regulations in effect at the time of the submission and acceptance of the application.
- D.** Once constructed, the project will be subject to the same rules as other conforming uses, structures, and site features under Chapter 24 of the County Code.
- E.** An applicant may elect at any stage of the development review process to have the proposed development reviewed under the processes, standards, and requirements of this Ordinance in lieu of the processes, standards, and requirements of the subdivision regulations in effect at the time of the submission and acceptance of the application.

***Sec. 19-1304. Projects Which Received Subdivision Approval Under the Prior Subdivision Regulations***

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- A.** Subdivision approvals of any type remain valid for the period of time specified in the subdivision regulations under which the subdivision was approved. Extensions of time which were available under those subdivision regulations will remain available.
- B.** Unless the subdivision approval expires, the project may proceed through the approval process and continue to be reviewed in accordance with the subdivision regulations in effect at the time of approval.
- C.** If the subdivision approval expires or is revoked, any subsequent subdivision of the land will be subject to the procedures and standards of this Ordinance.
- D.** Once constructed, the project will be subject to Chapter 24 of the County Code.
- E.** An applicant may elect at any stage of the development review process to have the proposed subdivision reviewed under the processes, standards, and requirements of this Ordinance in lieu of the processes, standards, and requirements of the subdivision regulations in effect at the time of the submission and acceptance of the application.

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# ARTICLE 2 ADMINISTRATION

## DIVISION 1. PLANNING DIRECTOR

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### *Sec. 19-2101. General*

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- A.** The Planning Director is designated by the County Manager.
- B.** Any act authorized by this Ordinance to be carried out by the Planning Director may be delegated by the Planning Director to professional-level staff under the Planning Director's direction.

### *Sec. 19-2102. Powers and Duties*

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Except where otherwise provided in this Ordinance, the Planning Director is responsible for the administration, interpretation, and enforcement of this Ordinance in accordance with state law. The Planning Director has the following specific powers and duties under this Ordinance:

- A.** To review and decide applications for the following:
  - 1.** Preliminary plats (Sec. 19-2302);
  - 2.** Final plats (Sec. 19-2303); and
  - 3.** Minor subdivisions (Sec. 19-2304).
- B.** To prepare requirements for application contents and forms, submittal schedules, fees, and any additional information relevant to the submittal and review of subdivision applications, to be included in the Administrative Manual.

## DIVISION 2. COMMON SUBDIVISION REVIEW PROCEDURES

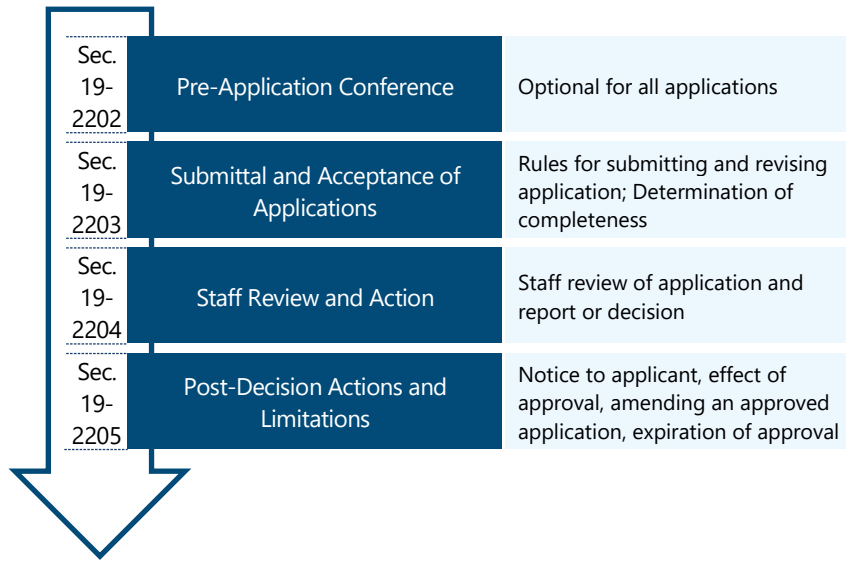
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### *Sec. 19-2201. General*

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This section sets forth common procedures that are generally applicable to the submittal and review of subdivision applications under this Ordinance. Not all procedures in this section are required for every type of application. Article 2, Division 3, Specific Standards and Requirements for Subdivision Applications, identifies the applicability of each common procedure for each type of application, as well as any modifications of the common procedure that apply. Figure 2201 shows the common subdivision procedures in the format of a flowchart. A similar flowchart is provided for each type of application in Article 2, Division 3, Specific Standards and Requirements for Subdivision Applications.

**Figure 2201: Common Subdivision Procedures in Flowchart Format**



## **Sec. 19-2202. Pre-Application Conference**

### **A. Purpose**

The purpose of a pre-application staff conference is to provide an opportunity for the applicant to understand the submittal requirements and the procedures and standards applicable to an anticipated subdivision application. A pre-application staff conference is also intended to provide an opportunity for Planning Department staff and other county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed subdivision as it relates to the standards in this Ordinance.

### **B. Applicability**

A pre-application staff conference may be held at the applicant’s option for any subdivision application.

### **C. Scheduling**

Upon receipt of the request for a pre-application staff conference, Planning Department staff will schedule the pre-application staff conference and notify the applicant of the time and place. The conference may be held on a regular schedule, or may be scheduled individually, at the discretion of the Planning Director.

### **D. Conference Proceedings**

Planning Department staff will review the materials submitted by the applicant prior to the conference. At the conference, staff will ask the applicant questions about the proposed application and identify any concerns, problems, or other factors the applicant should consider about the application.

## **E. Effect**

The pre-application staff conference is intended to facilitate the review process. Discussions held in accordance with this section are not binding on the county. Processing times for review of subdivision applications do not begin until a formal application is submitted and determined to be complete in accordance with Sec. 19-2203.E, Determination of Application Completeness.

## **Sec. 19-2203. Submittal and Acceptance of Applications**

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### **A. Authority to File Applications**

1. Unless expressly stated otherwise in this Ordinance, all subdivision applications reviewed under this Ordinance must be submitted by:
  - (a) The owner of the land proposed to be subdivided; or
  - (b) A person authorized to submit the application on behalf of the owner (an "authorized representative"), as evidenced by a power of attorney, a letter, or other document signed by the owner.
2. If there are multiple owners, contract purchasers, or other persons authorized to submit an application, all such persons or their authorized representatives must sign the application or a letter or document granting their consent to the application.

### **B. Required Content and Fees**

#### **1. Application Content**

Requirements for the content and form of each type of subdivision application will be set forth by the Planning Director, consistent with the requirements of this Ordinance and state law, in the submission requirements checklist contained in the Administrative Manual. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.

#### **2. Application Fees**

The Board of Supervisors is authorized to establish application fees, by resolution after public hearing, and may amend and update those fees as necessary. A schedule of application fees will be included in the Administrative Manual.

### **C. Schedule for Submittal and Review**

The Planning Director will establish and update from time to time specific submittal instructions and a review schedule for the various types of subdivision applications as necessary to ensure the effective and efficient administration of this Ordinance and to carry out the purpose and intent of this Ordinance. The Planning Director may include time frames for review consistent with this Ordinance and state law. The instructions and schedules will be included in the Administrative Manual.

### **D. Application Submittal**

Applications must be submitted to the Planning Director in the form established by the Planning Director, along with the appropriate application fee.



## **E. Determination of Application Completeness**

### **1. Completeness Review**

Upon receipt of an application, the Planning Director will, within ten business days, determine whether the application is complete or incomplete. A complete application is one that:

- (a)** Contains all information and materials required by this Ordinance and by the submission requirements checklist for the particular type of application in the Administrative Manual;
- (b)** Is in the form required for submittal of the particular type of application;
- (c)** Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this Ordinance; and
- (d)** Is accompanied by the fee established for the particular type of application.

### **2. Application Incomplete**

- (a)** On determining that an application is incomplete, the Planning Director will provide the applicant written notice of the submission deficiencies.
- (b)** If the applicant fails to resubmit an application within 45 calendar days after being first notified of submission deficiencies, the application will be returned to the applicant.
- (c)** The Planning Director will not process an application for review until it is determined to be complete.

### **3. Application Complete**

If the Planning Director determines the application is complete, the Planning Director will accept the application for review in accordance with the procedures and standards of this Ordinance.

## **Sec. 19-2204. Staff Review and Action**

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### **A. Staff Review and Opportunity to Revise Application**

- 1.** When an application is determined complete, the Planning Director will distribute it to all appropriate county staff and all relevant state and other review agencies for review and comment. If the application includes a plat that requires state agency review, the Planning Director will forward the plat within ten business days of the date of submittal to each state agency that must review it under state law.
- 2.** The Planning Department staff, or other county staff and all relevant state and other review agencies as deemed appropriate by the Planning Director, will review the application, relevant support material, and any comments or recommendations from staff and review agencies.
- 3.** If deficiencies in complying with applicable standards in this Ordinance are identified during staff review of the application, the Planning Director will notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to revise the application to address the deficiencies. An applicant may revise an application after receiving notice of deficiencies from the Planning Director. Application revisions must be limited to changes that directly respond to specific deficiencies identified by staff and other changes as authorized by the Planning Director. The revised

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application must be resubmitted to the Planning Director for review under this article.

## **B. Decision by Planning Director**

1. After review of the application, and within 60 days after the date the complete application was submitted or within 35 days of receipt of any response from a state agency or public authority authorized by state law to review plats forwarded to it, whichever is later, the Planning Director will approve or disapprove the application, based on the review standards in Article 2, Division 3, Specific Standards and Requirements for Subdivision Applications, for the particular type of application. The time periods in this subsection may be extended if requested by the applicant.
2. If the application is disapproved, the specific reasons for disapproval must be set forth in writing, along with a statement of what corrections or modifications will permit approval of the application. The applicant may resubmit a revised application in accordance with Sec. 19-2205.B, Revision and Resubmittal of Application after Disapproval.
3. The applicant may request, and the Planning Director or the County Engineer, if designated by this Ordinance, may grant, subject to subsections 4 and 5 below, exceptions to the standards in Article 3: Design Standards, and Article 4: Required Improvements, if the Planning Director or County Engineer, as appropriate, finds that substantial hardship may result from strict compliance with those standards, and if the exception:
  - (a) Substantially complies with the provisions of this Ordinance, does not defeat the purposes of this Ordinance, and protects the public interest;
  - (b) Will not be detrimental to public safety, health, or welfare or injurious to surrounding property or improvements;
  - (c) Is based only on conditions that are unique to the property, are not generally applicable to other property, and do not create mere inconvenience;
  - (d) Is not based exclusively on financial considerations; and
  - (e) Is the minimum exception that will relieve the hardship.
4. The Planning Director may approve an exception allowing double frontage lots or stem lots that do not meet the minimum lot width and frontage requirements in Chapter 24 of the County Code, if the requirements in subsection 3 above are met and the lots comply with all other requirements of this Ordinance and Chapter 24 of the County Code.
5. Exceptions from the requirements in Article 5, Division 8, Chesapeake Bay Preservation of Chapter 24 of the County Code will be granted in accordance with Sec. 24-5805 of the County Code.

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## **Sec. 19-2205. Post-Decision Actions and Limitations**

### **A. Notice of Decision**

Within ten calendar days after a final decision on an application, the Planning Director must provide the applicant written notice of the decision and make a copy of the decision available to the public in the Planning Department. If the decision is to deny the application, the

Planning Director must provide the applicant the specific reasons for denial and a statement of what corrections or modifications will permit approval of the application.

## **B. Revision and Resubmittal of Application after Disapproval**

- 1.** If the application is disapproved, the applicant may revise the application, in response to the specific reasons identified for the disapproval, and resubmit it to the Planning Director for reconsideration. After receipt of the resubmitted application, the Planning Director must review and either approve or disapprove the application. The Planning Director must approve the resubmitted application only on finding the following:
  - (a)** All deficiencies identified in the previous review of the application have been corrected; and
  - (b)** The application does not contain new deficiencies, based on the review standards in Article 2, Division 3, Specific Standards and Requirements for Subdivision Applications. Only new deficiencies resulting from the following will be considered:
    - (1)** Corrections made to address previously identified deficiencies;
    - (2)** Errors or omissions occurring after the initial submission of the application;
    - (3)** Material revisions of infrastructure or physical improvements from the earlier submission; or
    - (4)** Material revisions that create a new required review by the state Department of Transportation or other state agency.
- 2.** The Planning Director must approve or disapprove a resubmitted application within 45 days of the date it was resubmitted. If the Planning Director identifies deficiencies on the resubmission, the Director must refer to specific ordinances, regulations or policies and must identify modifications or corrections that will permit approval. If the Planning Director fails to approve or disapprove a resubmitted application within 45 days of the date it was resubmitted, the application will be deemed approved; however, any deficiency in the proposed plat that, if left uncorrected, would violate local, state, or federal law or regulations, mandatory state Department of Transportation Engineering and Safety requirements, or other mandatory engineering and safety requirements, will not be considered, treated, or deemed as having been approved.

## **DIVISION 3. SPECIFIC STANDARDS AND REQUIREMENTS FOR SUBDIVISION APPLICATIONS**

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### ***Sec. 19-2301. General***

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This section sets forth, for each type of subdivision application reviewed under this Ordinance, the purpose of the subdivision approval, when it is required or allowed, the specific procedure required for submitting and reviewing the application, and the criteria for making a decision on the application. The required procedure for each type of application identifies the applicability of each common procedure set forth in Article 2, Division 2, Common Subdivision Review Procedures, and any modifications of the common procedures that apply.

## Sec. 19-2302. Preliminary Plat

### A. Purpose

The purpose of this section is to provide a uniform mechanism for the submittal and review of preliminary plats in accordance with the Code of Virginia and this Ordinance.

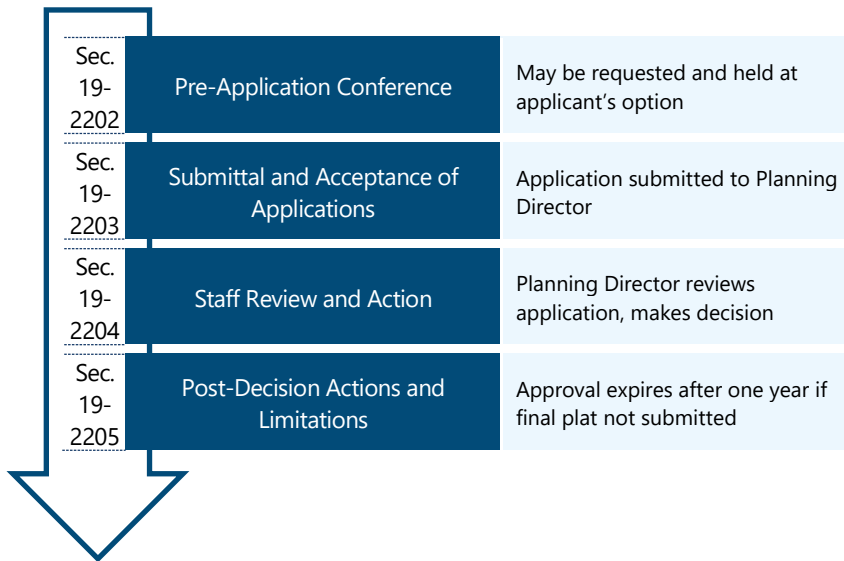
### B. Applicability

1. Approval of a preliminary plat in accordance with the procedure and standards in this section is required prior to any subdivision of land into more than 50 lots.
2. Approval of a preliminary plat in accordance with the procedure and standards in this section may be requested by an applicant, at the applicant's option, for any subdivision of land into 50 or fewer lots.
3. Approval of a preliminary plat constitutes conditional approval of the proposed subdivision and allows the applicant to submit final plat applications for the proposed subdivision.

### C. Preliminary Plat Procedure

This section sets forth the required procedure for a preliminary plat. Figure 2302 identifies the common procedures in Article 2, Division 2, Common Subdivision Review Procedures, that apply to a preliminary plat. Additions or modifications to the common procedures are identified below.

**Figure 2302: Preliminary Plat**



#### 1. Pre-Application Conference

A pre-application conference may be requested and held at the applicant's option in accordance with Sec. 19-2202.

#### 2. Submittal and Acceptance of Applications

The common procedures in Sec. 19-2203 apply. The application must include a vicinity map, a preliminary plat, and a traffic study, in accordance with the submission requirements checklist in the Administrative Manual.

### **3. Staff Review and Action**

The common procedures in Sec. 19-2204 apply, subject to the following additions or modifications:

#### ***(a) Development in Dam Break Inundation Zone***

- (1)** For any subdivision containing three or more residential units or any Commercial or Industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation zone (see subsection (3) below), the County Engineer must review the dam break inundation zone map, notify the dam owner, and, within ten days, forward a request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed subdivision on the spillway design flood standards required of the dam. Upon receipt of the determination of Virginia Department of Conservation and Recreation or if the county has not received comments within 45 days of the Department's receipt of the county's request, the Planning Director must complete the county's review of the proposed subdivision.
- (2)** If the Virginia Department of Conservation and Recreation determines that a proposed subdivision is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the subdivider must submit an engineering study meeting state standards to the Virginia Department of Conservation and Recreation prior to final approval of the subdivision. Following the completion of the engineering study, and prior to any development within the dam break inundation zone, the subdivider must change the proposed subdivision so that it does not alter the spillway design flood standards of the dam or must pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the subdivision, together with administrative fees required by state law. The payment must be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.
- (3)** The owner of each impounding structure in the county must prepare a map of the dam break inundation zone for the impounding structure and submit the map to the County Engineer and the Virginia Department of Conservation and Recreation. Dam break inundation zone maps are only required for dams that meet the definition of an impounding structure. The requirements of this subsection do not apply to any subdivision proposed downstream of a dam for which a dam break inundation zone map is not on file with the county at the time of the official submission of a subdivision plat to the county. However, the County Engineer may map the dam break inundation zone and recover the costs of such mapping from the owner of an impounding structure for which a dam break inundation zone map is not on file with the county and a map has not been prepared by the impounding structure's owner.

**(b) Decision on the Application**

**(1)** The Planning Director will make a decision on the application in accordance with Sec. 19-2302.D, Preliminary Plat Decision Standards. The Planning Director's decision on a preliminary subdivision application must be one of the following:

- A.** Approve the application; or
- B.** Deny the application.

**(2)** The Planning Director must make a decision on the application within 60 days of submission, unless state agency review is required. If state agency review is required, the Planning Director must make a decision on the application within 35 days of receipt of approvals from all reviewing state agencies or within 90 days, whichever is earlier, provided the Planning Director is not required to make a decision less than 60 days from the date of submittal. The time periods in this subsection may be extended if requested by the applicant.

**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 19-2205, Post-Decision Actions and Limitations, apply, subject to the following additions or modifications:

**(a) Notation of Decision on Plat**

The decision of the Planning Director on the application must be noted on the plat in the manner specified in the Administrative Manual.

**(b) Effect of Approval**

Approval of a preliminary plat approves the layout of the preliminary plat for use in preparation of the final plat and allows the applicant to submit a final plat application for the proposed subdivision. Approval of a preliminary plat does not constitute or guarantee approval of the final plat.

**(c) Period of Validity**

**(1)** Approval of a preliminary plat will automatically expire one year after the date of its approval if a final subdivision plat has not been submitted for all or a portion of the land proposed to be subdivided on the preliminary plat. The applicant may submit an extension request along with a fee, and the Planning Director may grant one-year extensions of this time period, provided:

- A.** The applicant pays the fee and requests the extension prior to the expiration of the approval; and
- B.** The applicant diligently pursues approval of a final subdivision plat.

**(2)** Approval of a preliminary plat that has not expired in accordance with subsection (1) above will be automatically extended for five years from the date of the latest recorded plat for all or a portion of the land proposed to be subdivided on the latest plat. The preliminary plat will automatically expire after five years from the latest recorded plat, unless:

- A. The applicant pays a fee and requests an extension of time; and
- B. The extension of time is approved by the Planning Director.

(3) The Planning Director may revoke approval of a preliminary plat at any time after three years have passed from the date of approval of the plat, and upon 90 days' written notice by certified mail to the applicant, if the Planning Director finds that the applicant has not diligently pursued approval of the final subdivision plat. For purposes of this subsection, "diligently pursued approval" means that the applicant has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications to it.

**(d) Dam Break Inundation Zone Map Update**

Following completion of any subdivision in a dam break inundation zone in accordance with Sec. 19-2302.C.3(a), Development in Dam Break Inundation Zone, the subdivider must provide the dam owner and the County Engineer with information necessary to update the dam break inundation zone map to reflect the new development.

## **D. Preliminary Plat Decision Standards**

The Planning Director must approve a preliminary plat application on finding the proposed subdivision is consistent with all applicable standards in this Ordinance, including Article 3: Design Standards, Article 4: Required Improvements, and Article 5: Cluster Subdivision, and the County Code.

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## **Sec. 19-2303. Final Plat**

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### **A. Purpose**

The purpose of this section is to establish a uniform mechanism for the submittal and review of final plats in accordance with the Code of Virginia.

### **B. Applicability**

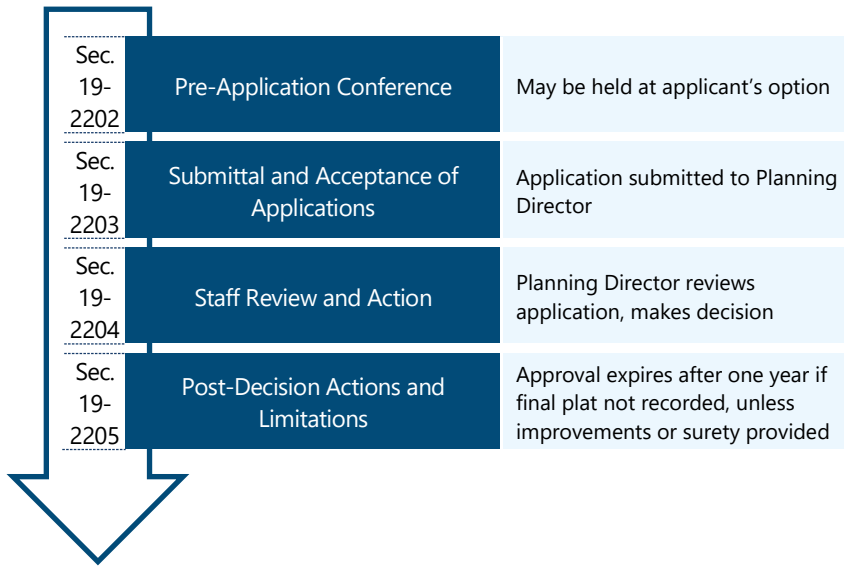
1. Approval of a final subdivision plat by the Planning Director in accordance with the procedure and standards in this section is required prior to the recording of a subdivision plat in the Circuit Court, unless minor subdivision approval is obtained for the subdivision in accordance with Sec. 19-2304, Minor Subdivision.
2. An applicant may submit an application for a final plat for a portion of the land proposed to be subdivided on an approved preliminary plat.

### **C. Final Plat Procedure**

This section sets forth the required procedure for a final plat. Figure 2303 identifies the common procedures in Article 2, Division 2, Common Subdivision Review Procedures, that apply to a final plat. Additions or modifications to the common procedures are identified below.



**Figure 2303: Final Plat**



**1. Pre-Application Conference**

A pre-application conference may be held at the applicant's option in accordance with Sec. 19-2202.

**2. Submittal and Acceptance of Applications**

The common procedures in Sec. 19-2203 apply. In addition, the application must include construction plans and a final plat in accordance with the submission requirements checklist in the Administrative Manual.

**3. Staff Review and Action**

**(a)** The common procedures in Sec. 19-2204 apply.

**(b)** The Planning Director will review and make a decision on the application in accordance with Sec. 19-2303.D, Final Plat Decision Standards. The Planning Director's decision on a final plat application must be to approve or deny the application.

**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 19-2205 apply, subject to the following additions or modifications:

**(a) Notice if Application Disapproved**

If the Planning Director disapproves the application, the reasons for disapproval must be given to the applicant in a separate document or written on the plat itself. The reasons for disapproval must identify deficiencies in the plat by reference to specific duly adopted ordinances, regulations, or policies and must identify the modifications or corrections necessary for approval.

**(b) Clearing and Grubbing Plans**

If the application is approved by the Planning Director, the applicant may request and receive approval of a clearing and grubbing plan prior to the

approval of construction plans (see subsection (c) below) provided the following conditions are met.

- (1) The Planning Director, County Engineer, and Director of Public Utilities have approved the project;
- (2) All appropriate bonds, agreements, and authorizations from state and federal regulatory agencies for impacts to Waters of the United States have been submitted;
- (3) Off-site drainage easements have been recorded;
- (4) A Virginia Pollutant Discharge Elimination System (VPDES) permit has been issued by the Virginia Department of Environmental Quality, or if no VPDES permit is required, a stormwater management (SWM) plan has been submitted to and approved by the County Engineer and Planning Director; and
- (5) Prior to any land disturbance, a preconstruction meeting must be conducted with the Environmental Inspector, the Developer, and the Contractor in attendance. The Planning Inspector will attend if tree protection measures are required.

**(c) Construction Plans**

- (1) The applicant must prepare the construction plans for the project and submit them to the Planning Director for final approval and signature.
- (2) Any necessary off-site easements for drainage, water, and sewer must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
- (3) Any deviations from County standards for pavement or curb and gutter design must be approved by the County Engineer prior to final approval of the construction plans.
- (4) If the Planning Director determines that the construction plans are not substantially in accordance with the approved final plat, the Planning Director must notify the applicant of the deficiencies and allow the applicant a reasonable time to revise and resubmit the construction plans to address the deficiencies. Additional fees may be required to offset costs associated with review of resubmitted construction plans.
- (5) If the Planning Director determines that the construction plans are substantially in accordance with the approved final plat, the Planning Director will provide the applicant a signed letter of approval, which will authorize the applicant to proceed with site grading and utility work following a mandatory on-site pre-construction meeting.
- (6) The easements for drainage and utilities as shown on approved plans must be granted to the County, in a form acceptable to the County Attorney, with approval of a plat for recordation.
- (7) Any required private easements or agreements must be recorded prior to approval of a plat for recordation and must be referenced on the plat.

**(d) Installation of Required Improvements**

All on-site and off-site improvements pursuant to the approved plans must comply with the following requirements.

- (1)** The improvements must conform to the county design and construction standards.
- (2)** During installation, all improvements must be inspected by the department responsible for verifying their compliance with the approved construction plans and applicable county standards. The engineer, surveyor, or landscape architect of record must also inspect improvements during construction.
- (3)** The owner must notify the County Engineer at least 24 hours prior to beginning any work on streets or storm sewers. The owner must notify the Department of Public Utilities at least 48 hours prior to beginning any work on County water or sewer construction.
- (4)** The owner must have one set of approved plans, profiles, and specifications available at the site at all times when work is being performed. A designated responsible employee must be available for contact by county inspectors.
- (5)** All improvements must be installed within 24 months of construction plan approval unless the Planning Director approves a longer period due to the size or complexity of the project. The time for completion of improvements may be extended upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement.
- (6)** When all required improvements have been completed, the engineer, surveyor, or landscape architect who supervised construction must certify that all improvements have been installed in substantial conformance with the approved plans, specifications, and county requirements.
- (7)** When all required improvements have been completed and certified, the owner may request approval from the Planning Director, the County Engineer, and the Director of Public Utilities, authorizing the release of any financial guaranty which may have been furnished for the guarantee of satisfactory installation of the improvements. Within a reasonable time of the request, the Planning Director, the County Engineer, and the Director of Public Utilities will inspect the improvements. If the Planning Director, the County Engineer, and the Director of Public Utilities determine all improvements have been satisfactorily completed, they must authorize prompt release of the financial guaranty for the improvements.
- (8)** The installation of improvements as required in this section will not bind the county to accept the improvements for the maintenance, repair, or operation thereof. The county's acceptance of installed improvements will be subject to all applicable regulations concerning the acceptance of each type of improvement.

- (9)** The county will install culvert pipe for private walkways or driveways without charge for labor when the applicant supplies pipe of approved material and size, not less than 16 feet in length.

**(e) Completion of Required Public Improvements**

Completion of required improvements or the provision of financial guarantees in accordance with Article 4, Division 2, Installation of Improvements or Surety, must be required prior to final approval of a plat for recordation.

**(f) Recordation**

If the final plat application is approved and upon the completion of all required improvements or the provision of financial guarantees for such in accordance with subsection (e) above, the Planning Director will sign the final plat for recordation provided by the applicant in accordance with the recording medium, inscription standards, and other technical requirements specified in the Administrative Manual. The applicant may file the signed plat for recordation in the clerk's office of the Circuit Court only while the approval is valid (see Sec. 19-2303.C.4(g), Period of Validity).

**(g) Period of Validity**

If the approved final plat is not recorded within one year of the date of approval, the approval will automatically expire and will be null and void, and the plat will be marked void and returned to the Planning Director, unless one of the following occurs:

- (1)** The applicant may request and the Planning Director may grant an extension of this time period upon finding there have been no significant changes that would affect the outcome of the review process; or
- (2)** If construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the county, or if the applicant has furnished surety to the county by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation will be extended to the time limit specified in the surety agreement approved by the county if greater than one year after the date of approval of the final plat.

## **D. Final Plat Decision Standards**

- 1.** The Planning Director must approve a final plat application only on finding the final plat is in substantial conformity with the approved preliminary plat (if applicable) and is consistent with all applicable standards in this Ordinance, including Article 3: Design Standards, Article 4: Required Improvements, and Article 5: Cluster Subdivision, and the County Code.
- 2.** The Planning Director must approve a final plat for recordation on determining all required public improvements have been completed and accepted, or a guarantee has been accepted by the Planning Director, in accordance with Sec. 19-2303.C.4(e), Completion of Required Public Improvements.

**Sec. 19-2304. Minor Subdivision**

**A. Purpose**

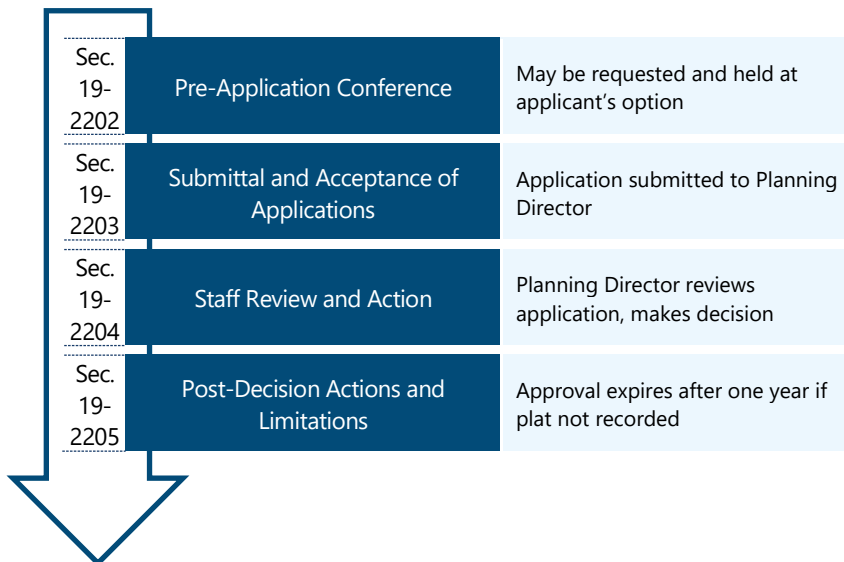
The purpose of this section is to establish a uniform mechanism for the submittal and review of minor subdivisions in accordance with the Code of Virginia.

**B. Applicability**

1. Approval of a minor subdivision in accordance with the procedure and standards in this section is allowed in-lieu of approval of a preliminary plat (see Sec. 19-2302), if applicable, and a final plat (see Sec. 19-2303), prior to the recording of a plat of subdivision in the Circuit Court for any of the following:
  - (a) Family subdivision that does not require construction plans;
  - (b) Division of a lot or parcel of land pursuant to a plan of development or site plan approved in accordance with the requirements of Chapter 24 of the County Code, if the division does not involve a new public street or an extension of an existing public street; and
  - (c) Vacation, relocation, resubdivision, or other alteration of individual lots if no relocation or alteration of streets, alleys, easements for public passage, or public utilities, or other public areas is involved.
2. An application for a minor subdivision may be submitted and reviewed concurrently with an application for a plan of development in accordance with Chapter 24 of the County Code.

**C. Minor Subdivision Procedure**

This section sets forth the required procedure for a minor subdivision. Figure 2304 identifies the common procedures in Article 2, Division 2, Common Subdivision Review Procedures, that apply to a minor subdivision. Additions or modifications to the common procedures are identified below.



**Figure 2304: Minor Subdivision**

**1. Pre-Application Conference**

A pre-application conference may be requested and held at the applicant's option in accordance with Sec. 19-2202.

**2. Submittal and Acceptance of Applications**

The common procedures in Sec. 19-2203 apply.

**3. Staff Review and Action**

The common procedures in Sec. 19-2204 apply. The Planning Director will review and make a decision on the application in accordance with Sec. 19-2304.D, Minor Subdivision Decision Standards. The Planning Director's decision on a minor subdivision application must be to approve or deny the application.

**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 19-2205 do not apply to minor subdivisions. Instead, the follow requirements apply:

***(a) Notice if Application Disapproved***

If the Planning Director disapproves the application, the reasons for disapproval must be given to the applicant in a separate document or written on the minor subdivision plat itself. The reasons for disapproval must identify deficiencies in the plat by reference to specific duly adopted ordinances, regulations, or policies, and must identify the modifications or corrections necessary for approval.

***(b) Recordation***

If the Planning Director approves the application, the Planning Director will sign the minor subdivision plat provided by the applicant in accordance with the recording medium, inscription standards, and other technical requirements specified in the Administrative Manual. The applicant may file the signed plat for recordation in the clerk's office of the Circuit Court only while the approval is valid (see Sec. 19-2304.C.4(c), Period of Validity).

***(c) Period of Validity***

**(1)** If the approved minor subdivision plat is not recorded within one year of the date of approval, the approval will automatically expire, unless the applicant requests, prior to the expiration, and the Planning Director grants an extension of this time period.

**(2)** If the approved minor subdivision plat expires in accordance with subsection (1) above, the plat will be marked void and returned to the Planning Director.

**5. Common Procedures that do not Apply**

The common procedures in Sec. 19-2205, Post-Decision Actions and Limitations, do not apply to minor subdivision plat applications.

**D. Minor Subdivision Decision Standards**

The Planning Director must approve a minor subdivision application only on finding the following:

1. The minor subdivision plat is consistent with all applicable standards in this Ordinance, including Article 3: Design Standards, Article 4: Required Improvements,

and Article 5: Cluster Subdivision, and all other applicable provisions of the County Code;

2. The minor subdivision plat is consistent with any valid plan of development approved for the land in accordance with Chapter 24 of the County Code;
3. If the minor subdivision involves the relocation or alteration of any private easements or utility rights-of-way, express consent to the relocation has been provided by all persons holding any interest therein; and
4. If the minor subdivision is a family subdivision:
  - (a) The minor subdivision is not for the purpose of circumventing this Ordinance;
  - (b) Only one such division will be allowed for each family member; and
  - (c) The owner of the land has placed a restrictive covenant on that portion of the original lot which is to be transferred by sale or gift pursuant to the family subdivision that prohibits subsequent transfer of ownership except to a member of the immediate family for a period of five years.

### **E. Vacation of Lot Lines by Deed Exhibit**

As an alternative to the process set forth in this section, the boundary lines of any lot shown on a recorded plat of subdivision or resubdivision may be vacated by recording a deed of vacation. The deed of vacation must be signed by all the owners of the affected lots, include an exhibit plat signed by the Planning Director, and be approved on its face by the Planning Director. No easements or utility rights-of-way located along any lot lines to be vacated may be extinguished or altered by this process. The word "owners" does not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage. The deed of vacation must be acknowledged in the manner of a deed and filed for record in the clerk's office.





# ARTICLE 3: DESIGN STANDARDS

## **DIVISION 1. ZONING ORDINANCE STANDARDS \_\_\_\_\_ 3-1**

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Ordinance Standards \_\_\_\_\_ 3-1
- Sec. 19-3102. Street Frontage  
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## **DIVISION 2. LOT STANDARDS \_\_\_\_\_ 3-1**

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# ARTICLE 3 DESIGN STANDARDS

## DIVISION 1. ZONING ORDINANCE STANDARDS

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### ***Sec. 19-3101. Compliance with Zoning Ordinance Standards***

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Except as otherwise provided in Sec. 19-3102 below, and subject to Article 5, Division 3, Cluster Subdivision Standards, subdivisions must comply with all applicable standards in Chapter 24 of the County Code.

### ***Sec. 19-3102. Street Frontage Requirements Not Applicable to Family Subdivision***

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A family subdivision is exempt from public street frontage requirements in Chapter 24 of the County Code.

## DIVISION 2. LOT STANDARDS

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### ***Sec. 19-3201. Lot Arrangement***

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The design, arrangement, and layout of lots and lot dimensions must meet all requirements of this Chapter and Chapter 24 of the County Code. In order to ensure orderly lot arrangement and dwelling orientation, the applicant must provide the following information for all lots:

- A.** Buildable area plans and proposed or existing dwelling placement and orientation on adjacent lots or properties. Buildable areas must be exclusive of private water or sewer facilities and must not overlap any other buildable area or parcel;
- B.** For lots not served by public utilities, the proposed location of wells and individual onsite sewage disposal systems, including reserve areas; and
- C.** A preliminary landscaping plan for buffer, screening, or planting strip easement.

### ***Sec. 19-3202. Street Access***

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- A.** Except as otherwise provided in subsections C or D below, all buildable lots in a residential subdivision must front on a public street that complies with the standards in Article 3, Division 4, Street Standards, and that connects to an existing public street.
- B.** Lots designated for use as single-family detached dwellings must not abut more than one public street except as follows:
  - 1.** Corner lots, which abut two streets at their intersection. Where the front yard of a corner lot abuts a minor street and the street side yard abuts a street with a right-of-way greater than 60 feet in width, an easement up to 25 feet wide must be provided along the side street prohibiting access to the lot.

- 2.** Double frontage lots may be approved pursuant to Sec. 19-2204.B.4. In approving any application that would create or modify a double frontage lot, the Planning Director may require recordation of an easement prohibiting access to the lot along any lot frontage other than the primary access frontage identified on the plan or plat.
- C.** In a family subdivision, each lot must be served by a public street or a private drive that complies with Sec. 19-3405, Private Drive Standards. The public street or private drive must connect to an existing public street. All new dwellings must be located within 1,000 feet of a public street, as measured by the path of a vehicle traveling from the dwelling to the public street, unless the County Engineer determines a longer drive is necessary for reasonable division of the property and will not impair emergency access to existing or future dwellings.
- D.** In a townhouse development, each townhouse must have access through the development to a public street. In the R-5A General Residence District, each buildable lot must front on a public street, a private drive, or a private walkway.
- E.** Each common area must have access to a street without crossing a residential lot.

## **DIVISION 3. BLOCK STANDARDS**

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### ***Sec. 19-3301. Maximum Block Length***

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Except as otherwise provided in Sec. 19-3302 below, the average block length for a subdivision must not exceed 800 feet, and the length of a single block must not exceed 1,000 feet.

### ***Sec. 19-3302. Approval of Greater Block Length***

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The County Engineer may approve a block length that does not comply with the standards in Sec. 19-3301 above if topography, the presence of steep slopes or wetlands, existing limited-access streets, or other physical obstacles make it impractical to meet these standards. In addition, the Planning Director may approve a deviation from the block length requirement to accommodate parks or dedicated open space or other similar large gathering spaces.

## **DIVISION 4. STREET STANDARDS**

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### ***Sec. 19-3401. General***

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Except as otherwise provided for family subdivisions in Sec. 19-3405, Private Drive Standards, all subdivisions must comply with the standards in Sec. 19-3402 through Sec. 19-3404 below.

### ***Sec. 19-3402. Subdivision Access Points***

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#### **A. Number of Access Points**

- 1.** Residential subdivisions must provide a minimum number of vehicular access points from the development to the street system outside the development in accordance with Table 3402: Required Access Points.

<b>Table 3402: Required Access Points</b>		
<b>Minimum Number of Vehicular Access Points</b>	<b>Development Type and Size [1]</b>	
	<b>Single-Family or Duplex</b>	<b>Townhouse or Multifamily</b>
1	Fewer than 50 units	Fewer than 82 units
2	50 units or more	82 units or more

**Notes:**

[1] Including all phases of a multi-phase development.

2. The Planning Director, in consultation with the County Engineer, will approve a residential subdivision with fewer vehicular access points than required by Table 3402 if the applicant demonstrates any of the following:
  - (a) The provision of additional vehicular access points is not possible due to existing lot configurations, the absence of connecting streets, or environmental or topographical constraints;
  - (b) VDOT will not authorize additional vehicular access points and there is no reasonable alternative that avoids the use of the VDOT roads on which access is limited; or
  - (c) Alternative access can be provided in a manner that the County Engineer and Planning Director determine will support adequate vehicular circulation.
3. If a development is phased, the minimum number of vehicular access points must be provided before the development exceeds the corresponding upper boundary of units in Table 3402.

**B. Access Point Location**

1. Access points must be at least 150 feet from other access points along minor collector and major access streets, and at least 250 feet from other access points along major collector and arterial streets. The access points must be measured from the near edge of pavement of the existing access point or road to the centerline of the new access point.
2. On undivided streets, access points must be aligned with access points located across the street when the access points are within 150 feet from each other on minor collector and major access streets, and within 250 from each other on major collector and arterial streets.

**C. Access Point Design**

1. On two-way streets providing access to a subdivision, medians may be used to separate opposing traffic flows. Medians must be at least 50 feet long and have a width of between four and 16 feet.
2. One-way streets providing access to a subdivision must be between 18 and 20 feet wide.

### **Sec. 19-3403. Street Layout Standards**

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Streets and alleys must be laid out in accordance with the following standards:

- A.** All streets within a subdivision must substantially correspond to existing and planned streets shown on the current major thoroughfare plan.
- B.** To the maximum extent practicable, the arrangement of streets in a subdivision must provide for the continuation or appropriate extension of existing principal streets in surrounding areas, including streets in existing or approved adjacent subdivisions. Reserved strips of land that block access from future streets or lots to public streets are prohibited except when the reserved strips are owned, held, or controlled exclusively by the county, or unless they are part of landscaping installed in accordance with the requirements of this chapter or Chapter 24 of the County Code.
- C.** To the maximum extent practicable, streets must be laid out in a predominantly gridded pattern, taking into consideration existing site topography, existing streets that adjoin the site, potential for through traffic, and the uses proposed in the subdivision.
- D.** Unless it is not practical to do so, residential development must employ measures to interrupt direct vehicle flow on minor street segments over 800 feet long, including mini-roundabouts at intersections; curvilinear street segments to slow traffic and interrupt monotonous streetscapes; and traffic-diverting physical devices such as neckdowns, chicanes, and diverter islands. On roads wider than 24 feet, installations that narrow the street and extend curbs toward the road centerline, such as bulb-outs and chicanes, must be employed where practicable for traffic calming and to reduce crossing distance for pedestrians.
- E.** Where alleys are required by Chapter 24 of the County Code, the subdivision must include alleys meeting those requirements.

### **Sec. 19-3404. Street Design Standards**

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#### **A. General**

All public and private streets must comply with the following standards:

- 1.** Street design must comply with the Cross-Section Pavement Design Standards maintained by the Department of Public Works.
- 2.** The right-of-way width must be at least 50 feet unless an exception is granted by the County Engineer.
- 3.** Street jogs on public or private streets with centerline offsets of less than 150 feet are prohibited, unless the County Engineer determines that a lesser offset will not increase conflicts or reduce safety for pedestrians, bicyclists, or vehicles.
- 4.** Minor streets within residential subdivisions must be designed to have a maximum speed of 25 miles per hour.

#### **B. Cul-de-Sac Streets**

- 1.** Dead-end streets must be terminated in a temporary cul-de-sac or other approved turnaround. When the street is extended, the turnaround easement will revert to the adjacent property owners.



2. The length of a road that terminates in a cul-de-sac must not exceed 800 feet, measured from the intersection of street centerlines to the end of the cul-de-sac street centerline.
3. A right-of-way at least eight feet wide must be provided in a single-family or two-family residential subdivision for pedestrian access between a cul-de-sac head or street turnaround and the sidewalk system of the closest street or pedestrian path (as shown in Figure 3404: Pedestrian Connections) if:
  - (a) The cul-de-sac head is within one-quarter mile of significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed use development, retail centers, or similar features; and
  - (b) The pedestrian connection can be reasonably achieved and connected to an existing or proposed sidewalk, trail, greenway, or other type of pedestrian connection.

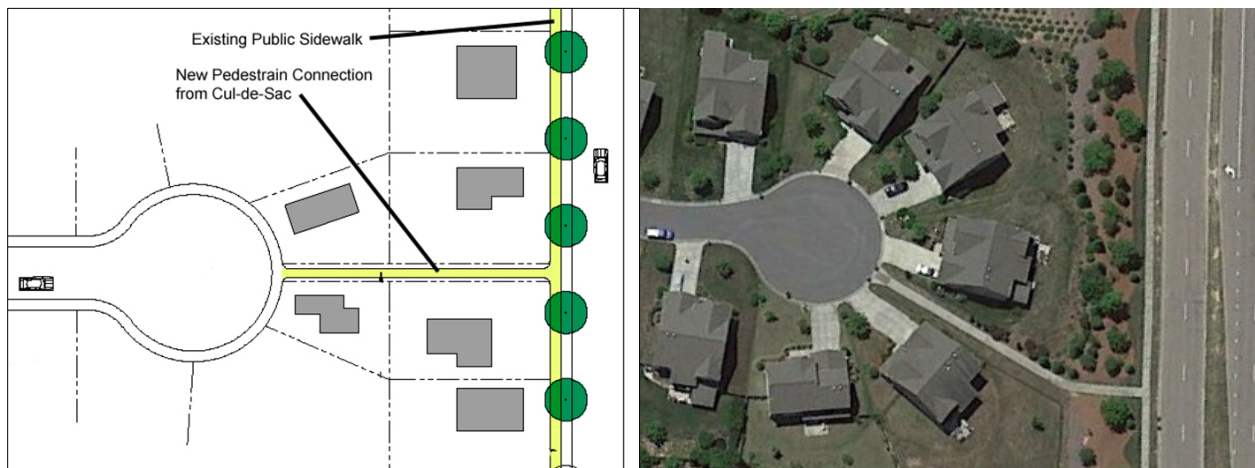


Figure 3404: Pedestrian Connections

### C. Sidewalks

Sidewalks must comply with the Cross-Section Pavement Design Standards maintained by the Department of Public Works. Sidewalks need not be provided when an alternative such as a greenway or multi-purpose trail offering similar quality of pedestrian connection makes a sidewalk unnecessary or environmental or topographical features make a sidewalk impractical.

### D. Curb and Gutter

Curb and gutter must be installed in accordance with the Cross-Section Pavement Design Standards maintained by the Department of Public Works and with Code of Virginia § 15.2-2021. Curb and gutter must be installed on both sides of each street in a subdivision if:

1. Any block of any street is constructed with a grade of five-tenths percent or less within the block;
2. Twenty-five percent of the streets within a subdivision have a grade of one percent or less;
3. Twenty-five percent of the lots in the subdivision have a street frontage of less than 80 feet; or
4. The County Engineer determines curb and gutter are necessary to control the flow of storm water.

### ***Sec. 19-3405. Private Drive Standards***

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A private drive serving one or more lots in a family subdivision must comply with the following standards unless the County Engineer determines that a drive that meets alternative standards would provide safe access and be no less durable:

- A.** The private drive must not serve more than three lots.
- B.** The private drive must be located within a recorded easement or private right-of-way a minimum of 30 feet wide, unobstructed from the ground up. In addition, the plat must designate utility easements as required by the Department of Public Utilities.
- C.** All trees, roots, vegetation, loam, humus, and other organic material must be stripped to below the base course for the full width of the roadway and replaced with suitable fill material which must be compacted in lifts not exceeding 12 inches in depth to a minimum CBR value of 10. Adequate drainage must be provided to convey all surface runoff and groundwater away from the roadway.
- D.** The driving surface must be at least 18 feet wide, constructed of six inches of compacted #21-A stone, or equivalent as approved by the County Engineer.
- E.** The assigned address of dwellings served by the private drive must be clearly posted at the intersection of the private drive and the public street and at the end of every driveway where it intersects the private drive.
- F.** The property owner must record a joint access and maintenance agreement approved as to form by the County Attorney and signed by the owners of all lots to be served by the private drive. At a minimum, the agreement must provide for access by all lots to be served by the private drive and for the allocation of the cost of necessary maintenance among the owners of such lots. The agreement must be binding on the successors in interest of all signatories. The Planning Director may accept an agreement that lacks the signature of one or more lot owners on finding the applicant has made a good-faith effort to obtain such signature(s).

## **DIVISION 5. UTILITY AND DRAINAGE EASEMENTS**

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### ***Sec. 19-3501. Easements to be Provided***

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A subdivision plat must provide easements of sufficient size, at least 20 feet wide for the installation of surface and underground utilities and at least 16 feet wide for surface drainage, whenever necessary to provide for utilities and drainage in the subdivision or areas beyond its boundaries.

### ***Sec. 19-3502. Easements for Drainage and Infrastructure***

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If a subdivision is traversed by infrastructure installed to aid natural drainage and does not substantially change the course of water flow, the plat must provide an easement which includes the boundaries of such infrastructure sufficiently wide to maintain and support needed drainage and utilities.

### ***Sec. 19-3503. Easements for Reasonable Access to Sanitary Sewer***

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Easements must be provided for county sanitary sewer access to all lots within a subdivision that the Department of Public Utilities determines do not currently but are likely to have reasonable access to a county or sanitary sewer main.

## **DIVISION 6. SPECIAL FLOOD HAZARD AREAS AND WETLANDS**

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### ***Sec. 19-3601. Special Flood Hazard Areas***

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Any subdivision of lands in the Special Flood Hazard Area must comply with the standards in Chapter 10 of the County Code. The limits and elevation of the Special Flood Hazard Area must be conspicuously noted and labeled on the plat and the construction plans.

### ***Sec. 19-3602. Wetlands***

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Any wetlands in a subdivision that are under the jurisdiction of the US Army Corps of Engineers must be conspicuously noted and labeled on the construction plans. Disturbance outside of designated wetland impact areas will require approval from the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality.



# 4

## ARTICLE 4: REQUIRED IMPROVEMENTS

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# ARTICLE 4 REQUIRED IMPROVEMENTS

## DIVISION 1. REQUIRED IMPROVEMENTS

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### ***Sec. 19-4101. Monuments***

Monuments must be installed in all subdivisions at all block corners, angle points, and radial points of curves in public streets, and at intermediate points along public streets where monuments cannot readily be seen one from the other. The materials, design, and exact location of such monuments must be approved by the County Engineer. The monuments must be installed to approved grades where practicable. The replacement of any monuments removed or destroyed during the development of the subdivision will be the responsibility of the subdivider. Monuments are not required to be installed on block corners adjacent to townhouses that do not abut a public street.

### ***Sec. 19-4102. Streets***

Streets must be constructed in accordance with Article 3, Division 4, Street Standards and the Cross-Section Pavement Design Standards maintained by the Department of Public Works. Stop signs at street intersections, road striping to limit vehicular lane widths, and similar measures must be used to interrupt direct vehicle flow on minor street segments over 800 feet long. Raised crosswalks must be used at mid-block crossings as required by the County Engineer to protect the safety of pedestrians.

### ***Sec. 19-4103. Stormwater Drainage System***

The subdivider must provide a stormwater drainage system approved by the County Engineer to serve the area of the subdivision and the contributing drainage area in accordance with county design standards and specifications.

### ***Sec. 19-4104. Water Supply***

The subdivider must provide every subdivision with a complete water distribution system, including fire hydrants, approved by the Director of Public Utilities or the Director of Health, as appropriate, in accordance with county design standards and specifications as follows:

- A.** If the Planning Director determines that a county water main is reasonably accessible, the subdivider must provide a complete water distribution system, including fire hydrants, including a lateral connection for each lot; or
- B.** If the Planning Director determines that a county water main is not reasonably accessible, the subdivider must provide a private water well that complies with all applicable regulations for each lot in the subdivision.

### ***Sec. 19-4105. Sewage Disposal***

The subdivider must provide every subdivision with a means of sewage disposal approved by the Director of Public Utilities or Director of Health, as appropriate, in accordance with county design standards and specifications as follows:

- A.** If the Planning Director determines that a county sanitary sewer main is reasonably accessible, the subdivider must provide a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot; or
- B.** If the Planning Director determines that a county sanitary sewer main is not reasonably accessible, the subdivider must provide for the disposal of sanitary waste by individual onsite sewage disposal systems that comply with the requirements in Chapter 23, Article II, Division 2 of the County Code, and with all other applicable state regulations, for each lot in the subdivision.

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### ***Sec. 19-4106. Electricity, Telephone, and Similar Utilities***

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All utilities, poles or underground conduits for electric power lines, telephone lines and similar services must be placed in alleys or easements provided along the rear or side lines, whenever this is possible, in accordance with county design standards and specifications. Where possible, the subdivider must provide common or shared easements. All development activity within easements must be coordinated with applicable public service corporations and the Department of Public Works and the Department of Public Utilities to minimize land disturbing activities. Subdivision construction plans must include the protection and restoration of disturbed areas in accordance with applicable provisions of Article II of Chapter 10 and Article 5, Division 8, Chesapeake Bay Preservation of Chapter 24 of the County Code. Except for electrical transmission mains, junction boxes, and meters, all new utilities must be installed underground, unless the Planning Director approves above-ground utilities for technical or environmental reasons.

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### ***Sec. 19-4107. Street Name Signs***

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The subdivider must erect street name signs at each highway, thoroughfare, or street intersection in a subdivision at locations approved by the County Engineer in accordance with county design standards and specifications.

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### ***Sec. 19-4108. Terminus of Stub Roads and Other Streets***

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The Planning Director may require the subdivider to provide appropriate signage at the terminus of stub roads and other streets within the subdivision that indicates that the road is subject to future extension.

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### ***Sec. 19-4109. Erosion and Sediment Control***

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Development disturbing a land area of 2,500 square feet or more must comply with requirements for erosion and sediment control in accordance with Article II of chapter 10 of the County Code.

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### ***Sec. 19-4110. Access to Private Cemetery or Graveyard***

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When new development is adjacent to or encompasses a private cemetery or graveyard, access must be provided by either a public right-of-way or a private accessway at least 20 feet in width extending from the cemetery or graveyard to a public street. The access must be improved with an all-weather surface compatible with the new development. The proposed development must be separated from the cemetery or graveyard by a fence between 36 and 42 inches in height meeting the requirements of Chapter 24, Article 5, Division 4, Fences and Walls. In the R-5A District, the nearest residential lot must be at least 20 feet from the cemetery or graveyard.



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## **DIVISION 2. INSTALLATION OF IMPROVEMENTS OR SURETY**

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### ***Sec. 19-4201. General***

Prior to final approval of a plat for recordation, the subdivider must complete all required public improvements or provide for their completion by providing a guarantee approved as to form by the County Attorney and substance by the Planning Director in the form of a certified check, surety bond, or bank or savings and loan association's letter of credit, in accordance with Sec. 19-4201 through Sec. 19-4203 below, and subject to Code of Virginia § 15.2-2241.1.

### ***Sec. 19-4202. Amount of Guarantee***

The amount of the guarantee will include the estimated cost of construction of all required improvements based on unit prices for new public or private sector construction in the county, plus a reasonable allowance of up to ten percent of the estimated construction cost for estimated administrative costs, inflation, and potential damage to existing roads or utilities. The amount of financial guarantee required by the county may be increased based on cost increases if the project is not completed within two years from the date the financial guarantee is accepted.

### ***Sec. 19-4203. Completion of Improvements by Subdivider***

- A.** Upon the subdivider's written request and in accordance with subsection B below, the Planning Director will make periodic partial releases of guarantees based upon the percentage of facilities completed and approved by the county department or state agency having jurisdiction. Such periodic partial releases will not:
- 1.** Occur before the completion of at least 30 percent of the facilities covered by the guarantees;
  - 2.** Exceed cumulatively 90 percent of the original amount for which the guarantees were taken; or
  - 3.** Exceed three releases in any 12-month period.
- B.** The subdivider's written request for release of guarantees must be in the form of a letter to the Planning Director requesting reduction or a partial or full release of the guarantee along with a certificate of completion by a licensed engineer and a set of as-built plans if requested. Within 30 days of receipt of such a request, the Planning Director will notify the subdivider in writing of any specified defects or deficiencies in construction and suggested corrective measures. If no action is taken by the Planning Director within the 30-day period with respect to a request for a final release, the subdivider may send an additional request in writing sent by certified mail, return receipt requested, to the County Manager. The Planning Director will have ten working days after receipt of the second request for final release to act, and, if no action is taken, the request will be deemed approved and final release granted to the subdivider.
- C.** Upon final completion and acceptance of the required improvements, the Planning Director will release any remaining bond, letter of credit, or other guarantee to the subdivider. For the purpose of release, the term "acceptance" means when the improvements are accepted for maintenance by the state agency, local government department, or other public authority responsible for maintaining and operating the improvements upon acceptance.

### ***Sec. 19-4204. Completion of Improvements by County***

All required improvements must be completed within two years of recordation of the plat, unless the Planning Director approves a longer time based on the subdivider's estimate. The Planning Director may subsequently extend such period of time on receiving a written request from the subdivider. If required improvements are not completed within the established time period and any extension of that period by the Planning Director, the Planning Director will arrange for completion of the improvements using the financial guarantee. If the owner or developer defaults on construction of required improvements and the improvements are constructed with the financial guarantee, the county will retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs.

## **DIVISION 3. ACCEPTANCE OF STREETS INTO COUNTY ROAD SYSTEM**

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### ***Sec. 19-4301. Street Dedication***

Streets may be dedicated for public use by recordation of a subdivision plat in accordance with this Ordinance. Dedication gives the county fee simple title to the dedicated streets but does not require the county to construct or maintain them. Dedicated streets may be constructed and maintained by private parties, and the county will have no responsibility for them until it has accepted the streets into the county road system in accordance with Sec. 19-4302 below.

### ***Sec. 19-4302. Method of Acceptance***

Streets are accepted into the county road system by resolution of the Board of Supervisors after inspection by the County Engineer in accordance with Sec. 19-4303 below.

### ***Sec. 19-4303. Construction Requirements for Acceptance***

Only streets constructed in accordance with the following requirements will be accepted into the county road system:

#### **A. Width of Right-of-Way**

Right-of-way must have a minimum width of 50 feet unless otherwise approved by the County Engineer.

#### **B. Streets**

Streets must be constructed in accordance with Article 3, Division 4, Street Standards and the Cross-Section Pavement Design Standards maintained by the Department of Public Works.

#### **C. Installation of Public Utilities**

All planned public utilities, including pipelines for utilities, must be installed in accordance with county standards and specifications. During the pipeline installation process, no more than 600 feet of ditch may be open at any one time, no more than one intersection may be blocked, and no concrete (Portland cement or bituminous) pavements may be cut without the County Engineer's written approval, except in cases of emergency. Where it is necessary

to expose pipe for emergency repairs, no more than 20 feet of ditch may remain open overnight.

#### **D. Installation of Sidewalks and Curb and Gutter**

Sidewalks and curb and gutter must be installed in accordance with Sec. 19-3404.C, Sidewalks.

#### **E. Storm Drainage System**

A stormwater drainage system approved by the County Engineer and adequate to serve the area of the subdivision and the contributing drainage area must be constructed in accordance with county design standards and specifications.

#### **F. Surfacing**

All streets must be hard-surfaced with an asphalt or concrete material in accordance with county standards and specifications. Prior to any surfacing, the applicant must obtain inspection and approval of roadway grading, and authorization to commence surfacing, by the County Engineer.



## ARTICLE 5: CLUSTER SUBDIVISION

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# ARTICLE 5 CLUSTER SUBDIVISION

## DIVISION 1. GENERAL PROVISIONS

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### *Sec. 19-5101. Purpose*

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The purpose of this article is to establish procedures and standards for cluster subdivision in order to preserve the character of rural areas within the county through clustering of development while preserving large tracts of open space for conservation or agricultural uses. In particular, this article is intended to:

- A.** Support the conservation of important site features in rural areas in the county, such as agricultural uses, open spaces, and preserved wooded areas;
- B.** Protect the character of rural areas in the county in accordance with the county's comprehensive plan;
- C.** Prioritize site characteristics for conservation; and
- D.** Provide additional development flexibility to allow single-family residential development on smaller lots in exchange for the preservation of agricultural activities, natural features, or both.

### *Sec. 19-5102. Applicability*

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Lands classified in the A-1, R-0, R-0A, or R-1 zoning districts may be developed in accordance with this article.

## DIVISION 2. CLUSTER SUBDIVISION PROCEDURE

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### *Sec. 19-5201. General*

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Cluster subdivisions will be reviewed and decided in accordance with the procedures and standards in Sec. 19-2302 , Preliminary Plat, and Sec. 19-2303, Final Plat, except as modified by this article.

### *Sec. 19-5202. Development of Cluster Subdivision Plan*

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#### **A. General**

Prior to review of an application for a preliminary plat, the applicant must prepare and the Planning Director will approve a Conservation and Development Plan in accordance with subsections B and C.

#### **B. Conservation and Development Plan**

The Conservation and Development Plan must be prepared by completing the four steps below in the order listed:

**1. Step 1: Site Analysis Map**

The applicant must first prepare a site analysis map, which must include information about existing site conditions and provides an initial designation of the portions of the site that are primary conservation areas (such as floodplains and wetlands), the portions that are secondary conservation areas (such as agricultural land and natural resources), and areas that would be developed. The map must incorporate natural resource data provided by the county's Geographic Information Systems (GIS) Office and the Department of Public Works, and must identify the following:

- (a) Existing grades at two-foot contours; and
- (b) Areas and features identified in Sec. 19-5303.A, Areas and Features to be Preserved, that are present on the site.

**2. Step 2: Site Inspection**

After submission of the site analysis map, the Planning Director will schedule a site inspection of the land. The applicant or a representative must attend the site inspection with a member of the Planning Department staff. The purpose of the site inspection is to:

- (a) Familiarize Planning Department staff with the existing site conditions and natural and historic features of the site;
- (b) Identify features omitted from the site analysis map and other potential site development issues;
- (c) Identify and evaluate potential scenic view sheds; and
- (d) Provide an opportunity for the applicant and Planning Department staff to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Any comments made by Planning Department staff during the site inspection will be construed as suggestions; no commitments or decisions will be made during the site inspection.

**3. Step 3: Conservation and Development Areas Map**

Based on the site analysis map and the information gathered during the site inspection, the applicant must prepare a map that identifies the areas proposed to be conserved and areas proposed to be developed on the site, in accordance with Sec. 19-5303.B, Conservation Area Delineation. The minimum percentage of the site identified in Sec. 19-5301, Minimum Conservation Area, must be included within the conservation area.

**4. Step 4: Conservation and Development Plan**

After the Planning Director has approved the delineation of conservation areas, the applicant must prepare a Conservation and Development Plan, which must include the site analysis map, information gathered during the site inspection, and the map of conservation and development areas. The Plan must be submitted to the Planning Director and must include the following:

- (a) A site analysis map;
- (b) A conservation and development areas map; and
- (c) A preliminary site improvements plan showing proposed site development, including:
  - (1) Areas proposed for conservation;



- (2) Conceptual locations for proposed roads and trails;
- (3) Conceptual locations for lot lines, setbacks, and proposed dwellings within designated areas; and
- (4) Areas for stormwater management facilities, if any, and the type of facility proposed.

### **C. Plan Review and Decision**

1. Upon receipt of a Conservation and Development Plan, the Planning Director will review and make a decision in accordance with Sec. 19-2204, Staff Review and Action. The Planning Director will approve the Conservation and Development Plan, or approve it subject to conditions, on finding that it complies with the requirements in Sec. 19-5202.B, Conservation and Development Plan, with the requirements in Article 5, Division 3, Cluster Subdivision Standards, and with all other requirements for approval in this chapter. Any conditions of approval imposed by the Planning Director must be in furtherance of the purposes of the Chapter and must be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.
2. Approval of the Conservation and Development Plan will remain valid for two years from the date of approval. The Planning Director may extend the period of approval for a Conservation and Development Plan two times for up to two years each time upon receipt of a written request received prior to the expiration of the approval if the Planning Director determines the applicant has not unduly delayed the filing of a preliminary plat.

### ***Sec. 19-5203. Preliminary Plat***

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Following review and approval (or approval subject to conditions) of a Conservation and Development Plan, the applicant may submit an application for a preliminary plat in accordance with Sec. 19-2302, Preliminary Plat. The Planning Director will approve a preliminary plat for a cluster subdivision only on finding the plat substantially conforms with the approved Conservation and Development Plan and complies with the standards in Article 5, Division 3, Cluster Subdivision Standards, and the standards in Sec. 19-2302.D, Preliminary Plat Decision Standards.

## **DIVISION 3. CLUSTER SUBDIVISION STANDARDS**

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### ***Sec. 19-5301. Minimum Conservation Area***

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A minimum of 50 percent of the gross land area in a cluster subdivision must be set aside as conservation area, in accordance with Sec. 19-5303 below.

### ***Sec. 19-5302. Dimensional Standards***

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Within a cluster subdivision, the dimensional standards established for each zoning district in Article 3, Zoning Districts, of Chapter 24 of the County Code will apply, except as modified by Table 5402: Cluster Subdivision Dimensional Standards.

<b>Table 5302: Cluster Subdivision Dimensional Standards</b>				
<b>Dimensional Standard</b>	<b>Zoning District</b>			
	<b>A-1</b>	<b>R-0</b>	<b>R-0A</b>	<b>R-1</b>
Lot size, minimum (square feet)	20,000	20,000	17,500	12,500
Lot width, minimum (feet)	80	80	80	80
Front yard, minimum (feet)	25	25	25	25
Interior side yard, minimum (feet)	15	15	10	10
Street side yard, minimum (feet)	50	50	50	50
Rear yard, minimum (feet)	25	25	20	20

### **Sec. 19-5303. Conservation Area Standards**

#### **A. Areas and Features to be Preserved**

The areas and features identified below will be credited toward compliance with the minimum conservation area required by Sec. 19-5301 above. To the maximum extent practicable, conservation areas must be located and organized to include, protect, and enhance as many of the following areas and features as possible, in the following general order of priority:

1. Lands with active agricultural uses and activities;
2. Primary conservation areas, which include Chesapeake Bay Preservation Areas, the 100-year floodplain, all wetlands, and all areas having slopes of 15 percent or greater that are adjacent to Chesapeake Bay Preservation Areas, the 100-year floodplain, or wetlands;
3. Mature woodland areas;
4. Rivers and stream corridors;
5. Groundwater recharge areas;
6. Hedgerows, freestanding trees, or tree groups;
7. Scenic resources including view sheds;
8. Historic resources;
9. Other unique characteristics on the site; and
10. Any areas or features not listed in subsections 1 through 9 above that are identified in Article 5, Division 2, Required Open Space, of Chapter 24 of the County Code as counting towards open-space set-aside requirements.

#### **B. Conservation Area Delineation**

The following principles apply to the delineation of conservation areas in a cluster subdivision:

1. The area of the site required for a conservation area will be determined based on the priorities established in the review of the Conservation and Development Plan and may include areas of the site not otherwise specifically identified in subsection A above.

2. The conservation area should be contiguous and not divided among parcels, to the maximum extent possible. Fragmentation of the conservation area into small, irregularly shaped pieces is prohibited.
3. Conservation areas must connect with existing and potential conservation areas on abutting sites, to the maximum extent possible, to encourage corridors of compatible site characteristics, unless it is found to be impractical due to topography, spacing, existing natural barriers, or the prioritization of the lands indicated in the conservation area.
4. Naturally contiguous conservation areas must not be divided for the sole purposes of obtaining allowable density.
5. Farm structures and rural vistas must be retained, whenever possible.
6. The layout and location of lots must be designed to minimize potential adverse impacts on existing farm operations.
7. A single dwelling unit may be located on the same parcel as a conservation area.
8. Septic recovery areas and stormwater management facilities may be located on the same parcel as a conservation area maintained by a homeowners' association if there is no adverse impact to the character of that area of land and in accordance with the following:
  - (a) Acceptable stormwater facilities include farm ponds, bioretention ponds, naturally contoured ponds, and wet ponds with wetland edges and no visible structures. Stormwater facilities should not include typical dry ponds with associated steep slopes, dams, mowed areas, fencing, or prominent overflow structures.
  - (b) A septic recovery area may be located in a conservation area if it is demonstrated that the development area cannot support these facilities and it is designed to appear to be part of the existing landscape.
  - (c) Community drainfields are prohibited.

### **C. Allowable Uses**

Uses allowed in conservation areas (see Chapter 24 of the County Code for definitions) will be limited to the following:

1. Agricultural Uses, except farm machinery sales, rental and service, and stockyard or slaughterhouses;
2. Unpaved trails, walkways, and boardwalks;
3. Docks or boat launches;
4. Above-ground and below-ground public utilities and associated easements, provided no feasible alternative exists;
5. Streets that provide access to the cluster subdivision; and
6. Street or driveway crossings.

### **D. Ownership and Maintenance of Conservation Areas**

Conservation areas must be owned and controlled by an individual, homeowners' association, public or private organization, land trust, or corporation. Prior to approval of the final plat, a conservation easement that meets the requirements of this section must be recorded in the County's land records for each conservation area. The conservation easement must be referenced on the final plat by deed book and page number. Conservation

areas in cluster subdivisions do not necessarily comply with conservation area requirements for stormwater management.

## **E. Conservation Easement Requirements**

- 1.** The conservation easement must be approved by the County Attorney as to form, must run with the land, and must be in full force and effect in perpetuity.
- 2.** The conservation easement must include the following:
  - (a)** Details of the location, size, and purpose of the conservation area;
  - (b)** Information about existing improvements on the conservation area;
  - (c)** An agreement by which the owner assumes all responsibility for maintenance and continued protection of the conservation area; and
  - (d)** Provisions that:
    - (1)** Prohibit future development of the conservation area;
    - (2)** Prohibit future subdivision of the conservation area;
    - (3)** Provide for maintenance and ownership of the conservation area;
    - (4)** Assign responsibility for enforcement of the easement; and
    - (5)** Provide for succession in the event that one of the parties to the easement should be dissolved.
- 3.** Regardless of who owns a conservation area, at least one of the following must be a party to the easement in addition to the landowner:
  - (a)** A property owners' association that comprises owners of property in the subdivision; or
  - (b)** A land conservation organization that is qualified to manage conservation easements in accordance with the Virginia Conservation Easement Act, Code of Virginia §§ 10.1-1009 et seq.

## **Sec. 19-5304. Development Area Standards**

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### **A. General**

- 1.** The development standards in this chapter and Chapter 24 of the County Code apply to cluster subdivisions, as supplemented by the provisions below.
- 2.** Except as otherwise provided by this article, all individual residential lots, dwellings, recreational facilities, utilities, easements (other than the conservation easement in Sec. 19-5303 above), and streets serving individual lots and recreational facilities must be located in the development areas.

### **B. Subdivision Layout Standards**

- 1.** Lots designated as buildable lots for single-family dwellings must be located a minimum of 40 feet from any environmentally regulated area, including woodland conservation areas.
- 2.** Individual streets must be designed to maintain the existing grade, to the maximum extent practicable.
- 3.** Existing farm roads and driveways must be incorporated into the internal street or trail design, where possible.

4. Lots designated as buildable lots for single-family dwellings and dwellings located on the lots must be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting lands.
5. Access to all lots used for single-family dwellings must be from streets interior to the subdivision.
6. Lots designated as buildable lots for single-family dwellings must not be located in the center of open fields or on a ridgeline, unless topographic, environmental, or other conditions necessitate that they be located there.
7. Dwellings and streets must be located at the edges of woodlands and situated in a manner that will maximize the amount of contiguous wooded area left intact.
8. Except to provide access to the cluster subdivision, proposed street and driveway crossings through wetlands, floodplains, and steep slopes are prohibited unless the crossing will provide a more efficient lot and street layout that provides less net disturbance of these features than an alternative layout.
9. Trees on ridgelines must be preserved, to the maximum extent practicable.

### **C. Lot Design Standards**

1. Buildings and driveways must be sited to maintain the existing grade as much as possible.
2. Dwellings should be sited to avoid the rear of the dwelling being oriented toward the front of other dwellings and external streets. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements, and the fronts of other dwellings.
3. Direct driveway access for individual lots onto external streets must be avoided unless necessary for safety reasons, environmental preservation, or similar benefit.
4. Large expanses of driveways and parking areas must not be visible from the external streets and abutting lands.

### **D. Stormwater Management Standards**

To the maximum extent practicable, low-impact stormwater management designs must be used to satisfy the stormwater management requirements of Chapter 10 of the County Code. Low-impact stormwater management includes the use of existing hydrological site features; the reduction of impervious surfaces such as streets, curbs, and gutters; decreasing the use of storm drain piping, inlet structures; and eliminating or decreasing the size of stormwater ponds. Such integrated management practices may include bioretention, dry wells, filter buffer, infiltration trenches, and similar techniques.



# ARTICLE 6: ENFORCEMENT

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# 6





# ARTICLE 6 ENFORCEMENT

## DIVISION 1. GENERAL PROVISIONS

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### *Sec. 19-6101. Role of Planning Director*

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The Planning Director is responsible for the enforcement of this Ordinance

### *Sec. 19-6102. Compliance Required*

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- A.** No person may subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this Ordinance and the Code of Virginia.
- B.** No plat of any subdivision will be recorded unless and until it has been submitted and approved in accordance with this Ordinance.
- C.** No person may sell or transfer any land of a subdivision before a plat has been duly approved and recorded as provided in this Ordinance, unless the subdivision was lawfully created prior to September 1, 2021. However, this Ordinance will not be construed to prevent the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- D.** No subdivision may be approved until the proposed subdivision complies with all procedures and standards of this Ordinance, all applicable requirements of Chapter 24 of the County Code, all other applicable requirements of the County Code, and all applicable requirements of state and federal law.
- E.** No development approvals or permits in accordance with Chapter 24 of the County Code may be approved unless the proposed development complies with this Ordinance.

## DIVISION 2. PENALTIES

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### *Sec. 19-6201. Fine*

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The violation of any provision of this Ordinance will be punished by a fine of not more than \$500.00 for each lot or parcel of land subdivided, transferred, or sold.

### *Sec. 19-6202. Civil Enforcement*

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- A.** In addition to fines in accordance with subsection Sec. 19-6201 above, the county may seek to:
  - 1.** Enjoin the transfer, sale, or agreement to sell land in violation in any court of equity; or
  - 2.** Recover the fine by civil action in a court of competent jurisdiction.
- B.** In addition, appropriate actions may be taken by the county, and proceedings may be taken in equity to prevent any violation of this Ordinance and to prevent any unlawful construction; to recover damages; to restrain, correct, or abate a violation; or to prevent illegal occupancy of a building, structure, or premises. These remedies will be in addition to the penalties and remedies described elsewhere in the County Code.



# 7

## ARTICLE 7: DEFINITIONS

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# ARTICLE 7 DEFINITIONS AND RULES FOR INTERPRETATION

## DIVISION 1. GENERAL RULES FOR INTERPRETATION

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### ***Sec. 19-7101. Applicability***

The rules in this article will apply for construing or interpreting the terms and provisions of this Ordinance.

### ***Sec. 19-7102. Meanings and Intent***

All provisions, terms, phrases, and expressions contained in this Ordinance will be interpreted in accordance with the general purposes set forth in Sec. 19-1104, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term will control.

### ***Sec. 19-7103. Headings, Illustrations, and Text***

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text will control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### ***Sec. 19-7104. Lists and Examples***

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### ***Sec. 19-7105. Computation of Time***

When a notice is required to be given, the day of such notice will not be counted against the time allowed, but the day on which such act is performed may be counted as part of the time. When the last day for any act to be done falls on a Saturday, Sunday or legal holiday, or any day on which county offices are closed, the act may be done on the next day that county offices are not closed.

### ***Sec. 19-7106. References to Other Regulations or Publications***

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it will mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### ***Sec. 19-7107. Delegation of Authority***

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- A.** Any act authorized by this Ordinance to be carried out by the Planning Director may be delegated by the Planning Director to a professional-level county employee.
- B.** Any act authorized by this Ordinance to be carried out by the County Engineer may be delegated by the County Engineer to a professional-level county employee.

### ***Sec. 19-7108. Public Officials and Agencies***

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All public officials, bodies, and agencies to which references are made are those of the County of Henrico, Virginia, unless otherwise indicated.

### ***Sec. 19-7109. Mandatory and Discretionary Terms***

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The word "must," is mandatory, establishing an obligation or duty to comply with the particular provision. The words "should" and "may" are permissive.

### ***Sec. 19-7110. Conjunctions***

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Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:  
"And" indicates that all connected items, conditions, provisions or events apply; and  
"Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

### ***Sec. 19-7111. Tenses and Plurals***

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Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

### ***Sec. 19-7112. Term Not Defined***

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If a term used in this Ordinance is not defined in this Ordinance, the Planning Director is authorized to interpret its meaning based on the definitions used in accepted sources, including A Planner's Dictionary and Merriam-Webster, American Heritage, Webster's New World, and New Oxford American dictionaries.

## **DIVISION 2. RULES FOR MEASUREMENT, CALCULATION, AND EXCEPTIONS**

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### ***Sec. 19-7201. Incorporation by Reference***

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The rules for measurement, calculation, and exceptions in Article 8, Division 3 of Chapter 24 of the County Code are incorporated by reference into this article and apply to this Ordinance.

## **DIVISION 3. DEFINITIONS**

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### ***Sec. 19-7301. Terms Defined***

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The following words, terms, and phrases, when used in this Ordinance, will have the meaning ascribed to them in this section.

#### **Administrative Manual**

A document prepared by the Planning Director in accordance with the requirements in Chapter 24 of the County Code and this Ordinance, that contains requirements for application contents and forms, submittal schedules, and fees, and which may contain additional information relevant to the submittal and review of subdivision and other development applications.

#### **Alley**

An accessway less than 30 feet in width, usually designed to provide secondary ingress and egress to the rear or side of property.

#### **Board of Supervisors**

The Board of Supervisors of Henrico County, Virginia.

#### **Circuit Court**

The Henrico Circuit Court for the 14th Judicial Circuit of Virginia.

#### **County**

Henrico County, Virginia, unless the term is used in conjunction with another county.

#### **County Attorney**

The County Attorney of Henrico County, Virginia.

#### **County Code**

The Code of Ordinances of the County of Henrico, Virginia.

#### **County Engineer**

The Director of the Department of Public Works of Henrico County, Virginia.

#### **Department of Public Works**

The Department of Public Works of Henrico County, Virginia.

#### **Design Manual**

The Public Works Design Manual prepared by the Department of Public Works of Henrico County, Virginia.

#### **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 owner that does not require a new public street. For the purpose of this chapter, the term "member of the immediate family" is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner.

#### **Final Plat**

The final detailed drawing (to scale) of a tract of land, depicting the proposed division of the tract into lots, blocks, streets, or other areas within a proposed subdivision (see Sec. 19-2303, Final Plat).

### **Intersection**

The area where two or more streets join.

### **Lot**

An area of land designated as a separate parcel of land on a plat recorded in the clerk's office of the Circuit Court in accordance with this Ordinance, or on a legally recorded deed.

### **Major Street**

A street carrying arterial traffic with direct access to abutting property and having intersections at grade.

### **Minor Street**

A street without large volumes of through traffic that provides access to abutting property.

### **Minor Subdivision**

Any of the following (see Sec. 19-2304, Minor Subdivision):

- Family subdivision that does not require construction plans;
- Division of a lot or parcel of land pursuant to a plan of development approved in accordance with the requirements of Chapter 24 of the County Code, if the division does not involve a new public street or an extension of an existing public street; or
- Vacation, relocation, resubdivision, or other alteration of individual lots, if no relocation or alteration of streets, alleys, easements for public passage or public utilities, or other public areas is involved.

### **Parking lot**

An outdoor area designed and used for the temporary storage of motor vehicles, including any appurtenant spaces, aisles, and driveways.

### **Planning Commission**

The Planning Commission of Henrico County, Virginia.

### **Planning Director**

The Planning Director of Henrico County, Virginia (see Article 2, Division 1, Planning Director).

### **Preliminary Plat**

The preliminary detailed drawing (to scale) of a tract of land, depicting its proposed division into lots, blocks, streets, or other designated areas within a proposed subdivision (see Sec. 19-2302, Preliminary Plat). The approval of a preliminary plat constitutes conditional approval of the subdivision; however, the subdivision is not completed until an approved and valid final plat is recorded.

### **State**

The Commonwealth of Virginia.

### **Street**

A highway, street, avenue, boulevard, road, lane, or any public way with a right-of-way 30 feet or more in width.

### **Subdivision**

A division of a lot or parcel of land situated wholly or partly within the county that (1) divides the lot or parcel of land into two or more lots or parcels for the purpose of transferring ownership or building development, or (2) involves a new street or an extension of an existing street, except for a Minor Subdivision or a division of land ordered by a court.