

**SUBDIVISION ORDINANCE  
OF  
WESTMORELAND COUNTY**



**JUNE 14, 1978  
(As Amended)**

**Amendments As Adopted  
December 10, 2006**

**Effective January 10, 2007**

**\$20 per copy  
(Also available on our web site)**

**Notations**

**Original Subdivision Regulations adopted June 1, 1978  
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**NOTE: The Westmoreland Co. Zoning Ordinance also contains provisions applicable to subdivisions**

## WESTMORELAND COUNTY SUBDIVISION ORDINANCE

### ARTICLE 1 – TITLE AND PURPOSE

#### 1-1 TITLE AND AUTHORITY.

This ordinance is known and may be cited as the "Subdivision Ordinance of Westmoreland County, Virginia" and is authorized pursuant to the provisions of "Land Subdivision and Development" Article 7, § 15.2-2240 et seq. of the Code of Virginia, 1950, as amended, and is designed to be used in conjunction with the Westmoreland County Zoning Ordinance.

#### 1-2 PURPOSE.

This ordinance establishes subdivision standards and procedures for all the unincorporated area of Westmoreland County, Virginia, which comes under the jurisdiction of the County Board of Supervisors as set forth in § 15.2-2249, Code of Virginia. This is part of a long range general plan to guide and facilitate orderly, beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, but not in limitation, to provide for:

- a. coordination and beneficial design of public and privately owned roads, public utilities and central water systems;
- b. adequate open spaces for traffic, recreation, light and air;
- c. distribution of population and traffic which will create conditions favorable to health, safety, convenience, comfort, prosperity and general welfare;
- d. adequate public services in a healthy, safe, efficient and assured manner;
- e. storm water management accommodation and protection of waterfront and streams in accordance with the Chesapeake Bay Act;
- f. coordination of land development and the adequacy of public facilities (roads, sanitary sewer and water) consistent with the adopted Comprehensive Plan of Westmoreland County; and
- g. assurance, insofar as possible, for purchasers of subdivision lots that such lots are suitable for the type of development and use as represented when sold that utilities and facilities shown on approved plans will be available when needed.

#### 1-3 VALIDITY.

If any article, section, paragraph, clause, sentence, phrase or word of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

#### 1-4 PROPOSED USE AND ZONING PREREQUISITE.

Each plat of a subdivision as defined herein, shall contain a statement that the property is subdivided for uses as provided for in this Ordinance and the County Zoning Ordinance.

No plat of a residential subdivision, excluding those exempted under section 2-6 herein, shall be accepted for review or offered for recordation, or recorded unless and until the

property has been zoned to a residential zoning district classification, including the Agricultural Conservation (AC) and Rural Conservation (RC) Districts, in accord with the Zoning Ordinance, meaning a district that is intended primarily for residential rather than non-residential uses such as agriculture, business or industrial. Rezoning actions may be processed concurrently with subdivision actions, but nothing in this Ordinance prohibits the County from adhering to statutory timelines for any development application review or approval.

1-5 NON-CONFORMING LOT.

No non-conforming lot as set forth in the zoning ordinance shall be created as a result of any subdivision unless specifically authorized in this ordinance.

1-6 SUPERSEDED PROVISIONS.

This ordinance supersedes the Subdivision Ordinance of Westmoreland County dated June 14, 1998, and all changes and amendments thereto insofar as subdivisions are concerned.

1-7 EFFECTIVE DATE

1-7.1 This amended Subdivision Ordinance of Westmoreland County, Virginia, shall be effective January 10, 2007, provided, however, that any owner of property situated in Westmoreland County who has had approved by the Board of Supervisors during the twelve-month period preceding the effective date of this Ordinance, a plat of subdivision of a portion of the total tract and is presently engaged in the development of other portions of said tract, shall be permitted to file plats of subdivision of such portion of the original tract not yet subdivided pursuant to the provisions of the Residential Subdivision Ordinance of Westmoreland County enacted June 14, 1978, as amended, upon the condition that said plats of subdivision shall be filed with the County as final plats prior to December 31, 2006.

1-7.2 Any final subdivision plat, including construction documents, new sections or old sections replatted, submitted to the County prior to the effective date of this ordinance shall be governed by the ordinance in effect at the time of that submission to the extent that the provisions of such ordinance are more restrictive than this ordinance, provided that in the event any such final plat is rejected and resubmitted to the County after the effective date of this ordinance, the provisions of this ordinance shall apply to the resubmission. All final subdivision plats, including new sections or old sections replatted, submitted to the County on or after the effective date of this ordinance shall be governed by the provisions of this ordinance, except as provided for in 1-7.1.

**ARTICLE 2 - ADMINISTRATION****2-1 AUTHORITIES OF THE PLANNING COMMISSION AND THE PLANNING DIRECTOR**

The Planning Director of Westmoreland County, or his designee, hereinafter referred to as the Subdivision Agent or Agent, shall administer this ordinance. The Director shall act as the Subdivision Agent, appointed by the Board of Supervisors to implement the requirements contained herein for the platting and developing of subdivisions. The Director may establish such administrative rules and procedures as he deems necessary. The Planning Commission shall review and has approval authority for all Preliminary Plats and plats reviewed as provided in Section 3-1.11. The Planning Commission has other authorities as established elsewhere in this Ordinance. The Agent has authority to review and approve all final plats as authorized by Sections 2-6 or 2-7 and other authorities as established elsewhere in this Ordinance. All final plats and site plans for development or subdivision shall be consistent with the approved Preliminary Plat, when applicable, and the provisions of this Ordinance.

**2-2 FEES AND CHARGES.**

Fees shall be paid to Westmoreland County at the time of submission of an application per the fee schedule established from time to time by the Board of Supervisors.

**2-2.1 CHARGE FOR COPIES.** To compensate the County for costs incurred for administration and reproduction of copies of this ordinance, the County will charge an amount that reflects the cost of producing the copies. Such charge shall be payable in cash to the Subdivision Agent or by check made payable to the Treasurer of Westmoreland County.

**2-3 VIOLATIONS AND PENALTIES.**

It shall constitute a violation of this ordinance, for any person, agent or representative to disobey, neglect, or refuse to comply with or resist the enforcement of any of the provisions of this ordinance.

**2-3.1** Any violation of this ordinance shall constitute a misdemeanor, punishable by a fine of not less than \$10.00 and not more than \$500.00 per lot, and each day after the first, during which violation shall continue after notification that it shall cease, shall constitute a separate violation.

**2-3.2** Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of this ordinance shall be guilty of a Class I misdemeanor and upon conviction thereof shall be punished in accordance with the Statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

**2-3.3** All departments, officials and public employees of Westmoreland County vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, structures, or purposes where the same would be in conflict with the provisions of

this ordinance and any such permit or license if issued in conflict with the provisions of this ordinance shall be null and void.

- 2-3.4 Any person violating the provisions of section 2-5 of this ordinance shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided, transferred or sold. The description of the subdivided lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or remedies.

2-4 TRANSFERS, SALES AND PERMITS TO BUILD.

No property in a subdivision shall be transferred or offered for sale a final plat and site plan, if required, of such subdivision shall have been processed, as provided herein. The clerk of the Circuit Court shall not record any such plat unless approval by the Subdivision Agent of the County is reflected thereon.

2-5 APPLICABILITY.

- 2-5.1. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of the Westmoreland County Subdivision Ordinance and § 15.2-2254 of the Code of Virginia.
- 2-5.2. No plat of any kind shall be recorded unless and until it has been submitted to and approved by the Planning Commission and/or agent, as provided for herein.
- 2-5.3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created and approved by the agent prior to the adoption of this Subdivision Ordinance.
- 2-5.4. Any person violating the foregoing provisions of this section shall be subject to a fine as provided in Section 2-3.4.
- 2-5.5. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein.

## 2-6 EXEMPTIONS.

## 2-6.1 PREREQUISITES FOR AN EXEMPTION.

In order to qualify for an exemption from other provisions of this Ordinance, any subdivision set forth in Section 2-6.2 and 2-6.3 below must first meet the following conditions:

- a. Not more than ten (10) total exempt lots may be created from a single parent parcel as defined herein.
- b. No lot shall be created through the exemption process for the purpose of circumventing the intent or specific provisions of this Ordinance.
- c. No subdivision of land shall result in the creation of a non-conforming lot or lots as set forth in the Zoning Ordinance.
- d. A Final Plat of survey clearly marked with the words "Exempt Subdivision Plat" must be prepared by a surveyor, approved by the Subdivision Agent as being in accord with the Westmoreland County Subdivision Ordinance, and in accordance with § 15.2-2258 of the Code of Virginia, 1950 as amended and recorded with the Clerk of the Circuit Court with four copies of the plat furnished to the Subdivision Agent. The Plat shall be drawn to an appropriate scale or no smaller than one (1) inch equals two hundred (200) feet. A photo reduction of the plat showing a scale of one (1) inch equals two hundred feet shall be provided to the County at the time of recordation of the plat. The Agent shall retain two copies.
- e. The recorded plat must show a road right-of-way designed to meet VDOT standards for ingress and egress to each lot which does not abut on an existing public dedicated road. A waiver from such requirement for private dead-end roads may be granted by the Commission only in the event the subdivider demonstrates that sufficient right-of-way cannot be obtained, that an extreme hardship would exist if the waiver were not granted, and that the smaller width of the right-of-way will provide adequate space for reasonable and safe passage for the vehicular and/or pedestrian traffic use intended for the road.
- f. If any new private roads are involved, the face of the recorded plat of survey must be certified by the subdivider to show that the roads are dedicated as private roads for public access. The owners of property in this subdivision which property is adjacent to the private roads are responsible for maintenance of the roads and for bringing them up to Virginia Department of Transportation standards in the event a request is made at a later date to take such roads into the State Secondary System of highways. Such approval by the County requires the submission of a complete road construction plan and profiles setting forth sight distance, alignment, turnaround, stormwater

management easements, drainage easements and appropriate right-of-way in Fee Simple in accordance with VDOT Standards and specifications, in addition to the following:

- 1) Any new road shown on a subdivision plat shall be designed to state standards by the subdivider.
  - 2) All street intersections with public roads as shown thereon shall comply with the design requirements of the Virginia Department of Transportation.
  - 3) Any road connection to the State System of Highways shall be approved by VDOT
  - 4) Prior to performing any work on a State maintained road right-of-way, a permit must be obtained from the Highway Agent.
- g. Where lots in an exempted subdivision abut on one side of any existing public or private right-of-way the provisions of Section 5-5.6 and 5-5.7 of this ordinance shall apply.
- h. Each and every new lot or parcel which is ten (10) acres or less in size shall be served or able to be served with an approved supply of potable water and an approved means of sewage disposal in accordance with the Water and Sewage Requirements of the Zoning Ordinance. Such service shall be evidenced by the signature of the Westmoreland County Health Department on the plat of subdivision, or by a valid construction permit for a private well and septic system, or by a permit to connect to an approved central water supply or central sewage collection system.
- i. Each and every lot or parcel shall be served or able to be served by an electric utility. Such service shall be evidenced by a letter from the electric utility affirming either that there are existing service connections or that utility has available electrical capacity and has accepted a utility easement for electrical service.
- j. A notice shall be placed on the face of the plat noting that 100% reserve drainfield sites for onsite sewage treatment systems shall be protected from development for each lot except for those lots connected to public sewer service, and any onsite sewage treatment system installed on any lot is required to be pumped out every 5 years or to otherwise meet the maintenance requirements of the Chesapeake Bay Preservation Act. The note shall read: "Installed onsite sewage treatment systems shall be protected by preserving the 100% drainfield replacement areas and pumping out each system every 5 years or as otherwise required."



### 2-6.2 EXEMPTED SUBDIVISIONS OF LAND.

The following subdivisions shall be exempted from all other provisions of this ordinance provided the prerequisites for an exemption set forth in Section 2-6.1 are met:

- a. The division of a parent parcel into no more than a total of four parts (three lot in addition to a remnant), provided each part is at least *40,000* square feet in size. One additional exempt lot may be divided from the parent parcel in any subsequent twelve month period from the date the plat is recorded, not to exceed a total of ten (10) such lots as provided in Section 2-6.1.a. No lot created by the exempt subdivision process may be re-divided using the exemption provision.
- b. The division of any land ordered by a court of competent jurisdiction.
- c. The division of land by a partition deed among the heirs or devisees of a decedent.
- d. Lots designated exclusively for open space, public road, utility or park use and only if accompanied by a deed restriction that limits use to that specific purpose.

### 2-6.3 OTHER EXEMPTIONS.

The following items shall be exempt from the preliminary plat procedures of this ordinance:

- a. The adjustment of boundary lines, resurvey or to increase or decrease the size of two contiguous lots, provided that a plat of such division, prepared by a surveyor, is approved by the Agent as being in accord with the Zoning Ordinance and all other applicable County regulations, and recorded with the Clerk of the Circuit Court, and that the division does not create a non-conforming lot or if the lot is already non-conforming, does not create a more non-conforming lot.
- b. Any tract or parcel of land separated from another to be used for public road or highway construction shall be exempted from all provisions of this Ordinance, however, the residue of the tract or parcel from which the exempted part was separated shall not be exempted unless otherwise qualified.
- c. A parcel of land which does not meet the dimensional requirements of Article 2 of the Zoning Ordinance because it contains two or more permanent residential, business, or commercial buildings, which buildings existed prior to the enactment of the Zoning Ordinance and were protected under the "Grandfather" provisions of Article 8, Non-conforming Uses, of the Zoning Ordinance may be subdivided for the purpose of sale or other transfer of title of one or more of the buildings provided that the land in the parcel shall be apportioned to each of the permanent buildings involved as equally as practicable and the sum of the areas of the new parcels created

shall not be less than the area of the whole parcel prior to the subdivision, and provided further that a plat of such division prepared by a surveyor is approved by the Secretary and recorded with the Clerk of the Circuit Court.

2-6.4 RECORDATION OF EXEMPT LOTS

The subdivider shall record the approved plat of any exempt lot within six (6) months following the date of approval. If any such plat is not so recorded, it shall become null and void.

## 2-7 FAMILY SUBDIVISIONS

The single divisions of land for the purpose of sale or gift to a member of the immediate family of the landowner, subject only to any express requirement contained in the Code of Virginia and this Article. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this Ordinance. If a family subdivision grantee conveys a lot or parcel received pursuant to an approved family subdivision within three (3) years after the date of approval of the family subdivision plat, such family subdivision grantee shall be presumed to have intended at the time of the approval of the family subdivision to circumvent this chapter or other chapters of the Westmoreland County Code. Such conveyance shall entitle the agent to take any reasonable actions necessary to ameliorate the effect of such circumvention, including without limitation recommending to the Board of Supervisors the adoption of an Ordinance vacating said subdivision in whole or in part as provided in § 15.2-2272 of the Code of Virginia. A note shall be placed on the plat and on the deed certifying that any other transfer to that family member through the family subdivision process is nullified

For the purpose of this ordinance, a member of the immediate family shall be as defined in § 15.2-2244 of the Code of Virginia.

All family subdivision lots shall have a minimum easement or right-of-way of not less than ten (10) nor more than twenty (20) feet to provide ingress and egress to a dedicated public street. Each and every lot or parcel shall be served or able to be served by an electric utility. Such service shall be evidenced by a letter from the electric utility affirming either that there are existing service connections or that utility has available electrical capacity and has accepted a utility easement for electrical service. The approved family subdivision plat and deed or deeds of sale or gift, filed as part of the family subdivisions application and approved in conjunction with the plat, shall be recorded within six (6) months after the dates of approval of the plat by the agent. Such approval shall automatically terminate with respect to any such family subdivision plat if such approved plat and approved deed or deeds of sale or gift have not been recorded within such six (6) months period, and thereafter, such plat shall be null and void. A note to this effect must be placed conspicuously upon the family subdivision plat before it may be approved. A notice shall also be placed on the face of the plat noting that 100% reserve drainfield sites for onsite sewage treatment systems shall be protected from development for each lot except for those lots connected to public sewer service, and any onsite sewage treatment system installed on any lot is required to be pumped out every 5 years or to otherwise meet the maintenance requirements of the Chesapeake Bay Preservation Act. The note shall read: "Installed onsite sewage treatment systems shall be protected by preserving the 100% drainfield replacement areas and pumping out each system every 5 years or as otherwise required."

Immediately upon recordation, the subdivider must provide written notice and documentation to the agent that the subdivision has been recorded.

## 2-8 WAIVERS

The Planning Commission may waive or modify any requirement for design standards or submission requirements of this Ordinance if it deems that the purposes of this Ordinance,

the purposes of the Zoning Ordinance, the purposes of the Comprehensive Plan, and the public health, safety and welfare would be better met. In granting any such waiver, the Planning Commission shall state its reasons as part of the motion to grant such waiver.

## **ARTICLE 3 – PROCESS FOR APPROVAL OF PLATS**

### **3-1 PLAT APPLICATION PROCEDURES**

#### **3-1.1 PRELIMINARY PLAT APPLICATIONS**

Any person proposing a subdivision of land of more than 50 lots under this ordinance shall submit to the Subdivision Agent a preliminary plat showing the general design and layout of the area proposed to be subdivided. The purpose of this requirement is to obtain tentative approval by the County before he records a final plat of the subdivided lots and ultimately undertakes development and construction of improvements. Any person proposing a subdivision of land of 50 or fewer lots, not exempted as provided in Sections 2-6 or 2-7 of this Ordinance, may submit a preliminary plat for review. If such a preliminary plat is submitted, it shall have the same process and meet the same standards as provided in this Ordinance for subdivisions of more than 50 lots.

#### **3-1.2 OPTIONAL PRELIMINARY SKETCH**

The purpose of the optional preliminary sketch is to permit the County to advise the subdivider whether his plans are generally in accord with the requirements of this ordinance and the zoning ordinance, prior to preparing a fully detailed preliminary plat or other plat application.

- a. Prior to the preparation of a preliminary plat or other plat of subdivision, the subdivider may submit ten (10) copies of an optional preliminary sketch to the Agent. Any such optional preliminary sketch should:
  - 1) be drawn at a reasonable scale
  - 2) show the name and location of the site
  - 3) show streets adjacent to and entering the property
  - 4) show significant physical, vegetative, environmental, waterway, open space, historical, and other features of the site
  - 5) show locations of any proposed streets, open space, parks, playgrounds, and proposed uses of land.
- b. The Agent may transmit the optional preliminary sketch to the Planning Commission, which may study the sketch, visit the site, meet with the subdivider, and if appropriate, advise the subdivider of its thoughts.
- c. The Agent may mark up a copy of the optional preliminary sketch with comments and return a copy to the subdivider.

#### **3-1.3 PRELIMINARY PLATS TO BE SUBMITTED; ACCEPTANCE OF APPLICATION.**

If a preliminary plat is submitted, four copies shall be filed by the subdivider with the Agent. The agent shall have 10 business days in which to determine and inform the subdivider in writing whether an application is complete. The timeline for

review of a subdivision application will commence on the day it is deemed by the agent to be a complete application. To be deemed a complete application, all of the information called for in Section 4-1.2 shall be provided, including payment in full of any submission fees that may be required by the County. Once the application is formally accepted for processing, the applicant shall submit ten (10) copies of the complete application to the agent, and one copy each to the Health Official and the VDOT Resident Agent.

#### 3-1.4 REVIEW AND ACTION ON THE PRELIMINARY PLAT.

Upon official acceptance of the subdivision application and receipt from the applicant of the necessary copies of the application as required in 3-1.2, the agent shall submit copies for comment and advice to any local, state or federal agencies or boards that the agent deems necessary for the agent to determine whether the application meets the requirements of this ordinance, including but not limited to the Virginia Department of Transportation, the Virginia Department of Health, and the Virginia Department of Conservation and Recreation. Such agencies shall provide comments to the agent within forty-five (45) days after the agent submits such a referral request.

The agent shall also submit the application to the Planning Commission for review and action. The Planning Commission shall review the detailed preliminary plat and shall take action to approve or deny the preliminary plat within sixty (60) days of official acceptance of the application if the agent does not submit the application to any state agencies for review. The Planning Commission shall not be required to act on the plat in less than sixty (60) days from the date of official acceptance. If the agent submits the application to state agencies for review, the planning commission shall take action within forty-five (45) days after receiving comments from all state agencies to which the application was submitted. However, all actions of the Agent or Planning Commission, and state agencies, on a preliminary subdivision plat shall be completed within ninety (90) days of official acceptance of the application.

#### 3-1.5 SUBDIVISION AGENT ACTION ON PRELIMINARY PLAT.

The Agent shall notify the Applicant in writing of the action of the Planning Commission within thirty days, subject to the provision of any revisions or additional information as required in the Commission's determination.

One (1) copy of the preliminary plat together with the action of the Commission shall be returned to the subdivider, and a copy shall be retained by the Subdivision Agent for comparison with future plats submitted by the subdivider.

#### 3-1.6 TWELVE MONTH LIMIT.

Within twelve (12) months after receiving official notification concerning the approval of the Preliminary Plat, the subdivider must file with the Agent a final subdivision plat in accordance with this Ordinance. Failure to do so will render the Preliminary Plat approval null and void. The Planning Commission may,

upon good cause shown and upon written request by the subdivider, grant a one-time extension of this time limit up to an additional twelve (12) months.

**3-1.7 EXPIRATION OR REVOCATION OF PRELIMINARY PLAT.**

Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider submits a final subdivision plat in accordance with Section 3-1.6 for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon ninety days' written notice by certified mail to the subdivider, the commission or agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat. An approved preliminary plat shall remain valid longer than five years if it was valid on January 1, 2009 and as provided in Section 15.2-2209.1, Code of Virginia.

**3-1.8 NO GUARANTEE.**

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

**3-1.9 EFFECT OF PRELIMINARY PLAT APPROVAL.**

The effect of the preliminary plat approval is to authorize the following:

- a. Land disturbing activities if an approved Erosion and Sediment Control Plan and Stormwater Management Plan have been obtained in accord with County regulations
- b. The construction of improvements, if construction drawings have been submitted and approved by the agent.
- c. The submission of an application for approval of a final record plat for the entire subdivision or section of the subdivision in accord with the provisions of this Ordinance.

**3-1.10 MINOR TECHNICAL CHANGES TO APPROVED PRELIMINARY PLAT.**

Except for the following minor technical changes, which may be approved by the Subdivision Agent, any change to an approved preliminary plat for subdivision, or accompanying data sheets, shall require review of the plat under the procedures of this Ordinance for original review and approval. Technical changes are changes that do not alter the basic design or layout of the subdivision, the functional interrelationship of the individual features of the subdivision to each other and surrounding properties and which comply with the provisions of this chapter or other applicable chapter in effect at the time of preliminary plat approval:

- a. Changes to correct demonstrated errors
- b. Changes to name of the subdivision or the name of a street
- c. Minor adjustment of the location of lot lines

- d. Removal of lot lines to combine lots.
- e. Relocation, addition or removal of utility easements
- f. Changes in response to amendments to county ordinances; or
- g. Other changes which are clearly of a similar, minor technical nature.

A request for approval of a technical change shall be made in writing to the Subdivision Agent on an application provided by the Subdivision Agent. The request shall fully describe the change and provide reasonable justification for the granting of the change. The Subdivision Agent shall either approve or disapprove the change within ten (10) days of the request.

### 3-1.11 SUBMITTAL AND REVIEW OF A PLAT APPLICATION WITHOUT A PRELIMINARY PLAT

Prior to submitting the plat application, an optional preliminary sketch may be submitted as provided in Section 3-2.

Any application for the subdivision of land of 50 or fewer lots under this ordinance, which is not exempted as provided in Section 2-6 or 2-7, and which is not submitted through the preliminary plat process, shall be reviewed according to the following standards and review process:

#### a. Application Requirements:

- 1) The plat application shall provide all the same information required for a preliminary application as specified in Sections 4-1.2 and 4-1.3.
- 2) The plat application shall include plat pages intended for recording after approval and meeting all the requirements for a final plat as specified in Section 4-2.1.
- 3) The plat application shall include the same construction plans, profiles, and specifications as specified for final plats in Section 3-2.2.
- 4) The plat application shall include all bonds required under the provisions of Article 5.

#### b. Application Review:

- 1) The plat application shall be submitted to the Agent for completeness review using the same process as provided for preliminary plats in Section 3-1.3.
- 2) The plat application shall be reviewed and acted upon using the same process as provided for preliminary plats in Section 3-1.4.
- 3) Prior to approval by the Planning Commission, the plat shall comply with the design standards established in Article 5.
- 4) Prior to approval by the Planning Commission, all improvements



shall be constructed or bonded, and any bonds required shall be provided to the agent, and all easements not on the face of the plat to be recorded shall be recorded.

c. After Action on the Application:

- 1) Following approval of the plat by the Planning Commission, copies shall be provided to the subdivider for recording as provided for final plats in Section 3-2.5.
- 2) Following approval of the plat by the Planning Commission, all improvements shall be constructed or bonds forfeited as provided in Sections 5-6 and 5-9, or as otherwise provided for in this ordinance.
- 3) Following approval of the plat by the Planning Commission, if the subdivider fails to file the plat for recordation within six (6) months following the date of approval, the agent shall mark the plat "VOID" and return the plat to the subdivider. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Board of Supervisors or its designated administrative agency, or where the developer has furnished surety to the Board of Supervisors or its designated administrative agency 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 shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the Board of Supervisors or its designated administrative agency, whichever is greater.

### **3-2 FINAL PLAT PROCEDURES AFTER APPROVAL OF A PRELIMINARY PLAT**

#### **3-2.1 FINAL PLATS TO BE SUBMITTED.**

After approval of the preliminary plat by the Commission, six (6) copies of the final plat drawn in accordance with Article 4 and two (2) copies of the final plat reduced in size to approximately eight (8) inches by fourteen (14) inches shall be submitted to the Agent. Said copies shall be photographic copies of original tracings and shall be of semi-permanent quality.

#### **3-2.2 CONSTRUCTION PLANS, PROFILES AND SPECIFICATIONS**

Following notification of action on the preliminary plat, and prior to or simultaneously with the application for final plat approval, the subdivider shall submit to the Agent prints of the plans, profiles and specifications for all improvements and construction measures, for the entire subdivision including, but not limited to water supply, sewage disposal, streets, drainage, soil erosion and sediment control, and stormwater management plans. These prints shall be submitted prior to, or concurrent with, submission of a final plat for an entire

subdivision or for a single section if the subdivision development is phased.

When phased development approval is requested, the construction plans for any improvements located outside the boundary of, but necessary for the development of, a single section shall be submitted with the construction plans for that section.

All plans shall be prepared by an engineer or surveyor licensed by the Commonwealth of Virginia. Topographic contour intervals shall meet the requirements of the reviewing agencies. Copies of the Engineering Plans shall be provided to the Agent and to all permitting agencies in the numbers of copies as requested. The Agent shall distribute all plans, profiles and specifications to the appropriate County department, utility provider, and/or State Agency for review. Based on these reviews, the Agent will decide to approve or disapprove the plans, profiles and specifications within sixty (60) days of the completed submission of the final plat.

### 3-2.3 FINAL PLAT ACCEPTANCE.

Final plats shall adhere to the requirements of this section. The agent shall have ten (10) business days in which to determine and inform the subdivider in writing whether an application is complete. The Final Plat will be processed by the Agent and shall be consistent with the Preliminary Plat as approved by the Planning Commission and any amendments thereto as directed by the Commission.

### 3-2.4 SUBDIVISION AGENT to ACT on FINAL PLAT.

Within sixty (60) days after any Final Plat and the accompanying documents required by this Ordinance have been officially accepted, the Subdivision Agent will render a decision as to whether or not the subdivider has complied with all requirements of this Ordinance, and whether or not the proposed final plat is consistent with the approved preliminary plat. If the agent disapproves a plat, all copies of the plat and accompanying documents will be returned to the subdivider and the agent will provide written notification to the subdivider stating the reasons for disapproval.

### 3-2.5 DISPOSITION of PLAT AFTER FINAL APPROVAL.

Following approval, four (4) copies of the Final Plat measuring eighteen (18) inches by twenty-four (24) inches and one (1) copy of the reduced size plat will be returned to the subdivider. The subdivider must submit to the Clerk of Court one (1) copy of the reduced size plat for recordation and one (1) copy of the full size Final Plat for filing in the subdivision plat book. One (1) additional copy of the full size plat must be delivered to the Commissioner of the Revenue of Westmoreland County, and the remaining copies thereof, with the accompanying documents, shall be retained in the files of the Agent. Immediately following recordation, the subdivider shall notify the Agent in writing, with evidence of the recordation.

### 3-2.6 BOND REQUIREMENTS

Any surety bond, approved by County Attorney to be posted by the subdivider

pursuant to the requirements of this Ordinance must be delivered to the Agent prior to the final plat being accepted for approval. A cash escrow, check or letter of credit, if any, must be delivered to the Finance Director and a copy furnished to the Agent. If the subdivider fails to file the plat for recordation within six (6) months following the date of approval, the agent shall mark the plat "VOID" and return the plat to the subdivider. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Board of Supervisors or its designated administrative agency, or where the developer has furnished surety to the Board of Supervisors or its designated administrative agency 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 shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the Board of Supervisors or its designated administrative agency, whichever is greater.

#### 3-2.7 PHASED RECORD PLAT APPROVAL.

Any phasing of record plat approvals must be in accord with a phasing plan as shown on an approved preliminary plat and must conform with section 4-1.3 of this ordinance.

#### 3-3 VACATING PLAT.

The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as provided in this ordinance, and executed by the owner or owners of such land provided such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further that no easements or utility rights-of-way shall be relocated or altered, without the express consent of all persons holding any interest therein, provided that a written instrument, declaring the plat to be vacated, or a new plat showing the boundary line relocation, shall be approved by the agent and recorded in the clerk's office.

#### 3-4 APPEALS.

If the Commission or agent disapproves a preliminary plat, final plat, or other plat and the subdivider contends that the disapproval was not properly based on the ordinance, or was arbitrary or capricious, he may appeal to the Circuit Court of Westmoreland County, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Commission.

If an applicant disagrees with an interpretation by the agent as to the provisions of this Ordinance, he may appeal such decision to the Planning Commission who shall be the arbiter of such disputes.

**ARTICLE 4 – PLAT CONTENTS****4-1 PRELIMINARY PLAT CONTENTS****4-1.1 PRELIMINARY PLAT REQUIREMENTS.**

Preliminary plats should conform generally with the requirements as specified in this Article unless a waiver of any required elements is agreed to by the Subdivision Agent or by the Commission, as specifically provided for herein.

**4-1.2 CONTENTS OF PRELIMINARY PLAT.**

All subdivision plats must be prepared by a licensed professional Engineer or licensed Land Surveyor, in the state of Virginia. -Plats must be drawn on sheets of at least 18" x 24" and not larger than twenty-four (24) by thirty-six (36) inches. Plats must be drawn to a scale of no smaller than 100 feet to the inch and shall contain the following:

- a. If the proposed subdivision is part of a larger parcel, a map of such parcel and a narrative description of the development plans for such lot.
- b. Name(s) of owner(s), and subdivider or developer, and address of each.
- c. Name of subdivision, date, true or record north point and graphic scale.
- d. Name and address of the person who prepared the plat and professional seal, if applicable, including date of drawing and any revision date(s).
- e. Title block denoting the type of application, tax map sheet, lot number, street location and date of original.
- f. Vicinity or location map to a scale of 1" = 2,000', showing the subdivision's name and location of the property with reference to the location of the property in relation to nearby roads, streams, railroads, political boundaries and other land marks within one-half mile of the property.
- g. A list of revisions and dates.
- h. Location of the subdivision by magisterial district, county and state.
- i. Total acreage of the parcel to be divided (or square feet if less than an acre). Lot area dimensions shall be shown for all lots. The existing zoning of the property, and if mixed zoning, a delineation of the boundaries of the districts on the property.
- j. A boundary survey of the tract of land being subdivided, with an error of closure within the limits of one in ten thousand related to true north and the location of all monuments and their type of material
- k. Names of owners of record of all adjoining land and indications of property lines, which intersect the boundary of the tract being subdivided.
- l. Names of holders of any easements affecting the property.
- m. Topography of the tract with contour intervals of two (2) feet or less, showing boundary lines of the tract to be subdivided with designated Flood Plain districts and Flood way limits delineated.
- n. Water bodies and USGS Perennial and intermittent streams. If an active watercourse, including a periodic/intermittent stream lies adjacent to or

- transverses the property, its name, if known, shall be noted and if the stream name is unknown, the stream shall be labeled as an “unnamed tributary” of the next known stream to which the unknown stream discharges. The engineer or surveyor shall submit drainage divides, easements, building setback lines and supporting calculations based upon the 100-year flood, as shown by federal flood insurance program maps.
- o. The approximate location of any buffer area required under the County’s Chesapeake Bay Preservation Area Overlay District.
  - p. Size and location of any existing structures, applicable setbacks and yard requirements.
  - q. The location, width and name of all existing roads, buildings, graves and objects or structures marking a place of burial located on the property, and the general location of historic landmarks, historic district boundaries, Virginia Natural Heritage sites and known historic features, water courses, transmission lines, water and sewer lines, culverts and drainpipes, and easements on or within 100 feet of the tract being subdivided. The location of the nearest publicly owned water main and sanitary and storm sewers are to be generally indicated on the plat.
  - r. The location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.
  - t. The name of the owner, use and zoning of each adjacent tract, including those tracts that may be located across a street for the proposed subdivision.
  - u. Proposed streets, state highways and other rights-of-way with their proposed names, width and typical cross-sections shown in their proper locations. The total number of acres within the proposed subdivision to be used for streets must be indicated.  
Priority to street names shall be given to names and subjects of historical or cultural significance relative to the subdivided property, the surrounding area of the subdivision or the county. Street names shall be indicated on the plat subject to approval by the agent. Names of existing streets or subdivisions shall not be changed except by approval of the governing body.
  - v. Abutting street lines of adjoining subdivisions, shown in their correct locations.
  - w. Proposed lot layout, including lot numbers and setback lines and, if greater than one acre approximate size, minimum lot width at street, total number of lots to be created and the average area of lots in square feet (or acres for lots of greater than one (1) acre), table of minimum lot sizes and yard requirements, lot lines with approximate distances, and lot and block numbers. The boundary lines of all existing and proposed blocks and lots located within the proposed subdivision, except that when the lines in any tier of lots are parallel, it shall be sufficient to make bearing of the outer lines on one tier thereof.
  - x. Easements shall be shown by centerline and width when lines are parallel to a boundary, otherwise bearings and distances shall be sufficient to

- define the easement.
- y. Conceptual phasing plan of development, if any, including section boundaries and section numbers for subdivisions, which are to be developed in phases. All blocks shall be consecutively lettered in alphabetical order. The blocks in numbered additions to subdivision bearing the same name shall be lettered consecutively through the several additions.
  - z. A graphic presentation showing the minimum building setback lines on all lots and parcels and a notation of the distance between such lines and the street right-of-way.
  - aa. General location of all drainage areas, wetlands, and soils data, indicating at a minimum the existence of any highly erodible, highly permeable, high shrink/swell or hydric soils, based on the County soils map.
  - bb. Stormwater management features, description and general location of structures and facilities required for soil erosion prevention, and stormwater management.
  - cc. Signature line for the approving authority.

#### 4-1.3 ITEMS TO ACCOMPANY PRELIMINARY PLAT.

Items as described in the following subparagraphs of this section shall accompany the preliminary plat at the time the latter is submitted, or, at such later time as agreed to by the Agent.

- a. Where community or public water and/or sewer is not available, a statement signed by the Health Official that the subdivider has consulted with him with respect to providing water supply and sewage handling facilities and has made provisions at least in accordance with Health Department minimum standards for providing each building lot with an adequate supply of potable water and an adequate means of sewage disposal consisting of at a minimum, a septic system shall be on the plat. Where community or public water and/or sewer is available, a letter from the approving authority on the plat that the utilities are available to serve the development.
- b. A statement by the subdivider acknowledging that requirements of the Health Official will be carried out at the expense of the subdivider.
- c. A statement by the Resident Highway Agent that the subdivider has consulted with him as to the plans and specifications of any roads or public parking areas that are included in the subdivision, and as to any special treatment which will be required in their construction, including the drainage system which will be required.
- d. A statement by the subdivider acknowledging the requirements of the Resident Highway Agent will be carried out at the expense of the subdivider.
- e. A statement by the subdivider as to whether or not he proposes to dedicate or reserve land (other than for roads) for public use or for the common use of future property owners in the subdivision and, if so, a statement giving an outline of the terms proposed and acreage involved.

- f. A statement summarizing proposed restrictive covenants and reservations, if any.
- g. A check payable to the County Treasurer to cover the required fees.
- h. A letter from a sewer service provider affirming available sewer capacity if the subdivision is within a sewer service area.
- i. A letter from a water service provider affirming available water capacity if the subdivision is within a water service area.
- j. A written application on a form provided by the County.
- k. Where electrical service is available, a letter from the electrical service provider affirming available electrical capacity and approval of the preliminary plans for service provision for each building lot.
- l. A statement by the subdivider acknowledging that the requirements of the electric service utility will be carried out at the expense of the subdivider.

## 4-2 FINAL PLAT CONTENTS

4-2.1 FINAL PLAT REQUIREMENTS. Final plat submissions shall include the following:

- a. The final plat shall be prepared by a licensed Professional Engineer or a licensed Land Surveyor who shall endorse upon such plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.
- b. The final plat shall be substantially in accordance with the preliminary plat, together with any changes or additions required by the Agent as a condition for its approval.
- c. The plat shall be legible and accurately drawn upon sheets approximately 18 inches by 24 inches in size, including a margin of one-half inch outside ruled border lines, and with a 2 inch binding strip on the left end. The plat shall be drawn at a scale of 1 inch equals not more than 200 feet. The Agent may, in his or her discretion, permit different suitable scales for plats of dedication or other special plats. The sheet number, total number of sheets and subdivision name shall be shown on each sheet, and match lines shall clearly indicate where the several sheets join. Digital copies of all plat materials shall also be submitted in a format specified by the Agent, which at the subdivider's discretion may be in a read-only format.
- d. The final plat shall show accurately the following information, in accord with format guidelines established by the Agent:
  - 1) Date of plat and name of surveyor preparing the same.
  - 2) Scale.
  - 3) Sheet number and number of sheets comprising the plat.
  - 4) North meridian, designated "true" or "magnetic", with north direction oriented to the top or right of the sheet where practical and each sheet comprising plat shall be so oriented.
  - 5) Name and signature of owner(s).
  - 6) Name of subdivision - the name shall not duplicate nor too closely approximate that of any existing subdivision in this or adjoining counties.
  - 7) Magisterial District, County and State.
  - 8) Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
  - 9) Names of all adjoining property owners and the location of each of their common boundaries including location of roadways and waterways.
  - 10) The boundary lines of the proposed subdivision and of any larger tract



of which the subdivision forms a part, plus all town boundary lines, public roads, water courses, marshes and other land marks, if any, within two thousand (2,000) feet, shown at a reduced scale of 1" = 2,000 feet on an inset or on a separate sheet.

- 11) Location and dimensions of all central water supply and sewer service lines, if applicable.
- 12) Building setback lines shown as dashed lines with dimensions to front property line along each road and length of setback line within each lot.
- 13) Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.
- 14) Area, dimensions, and number of each lot.
- 15) If the record plat is one of two or more phases, a key map showing how the lots in the subject record plat relate to the other phases of the overall subdivision must be provided, in accord with section 4-1.3.
- 16) A final plat may constitute only a portion of the area contained in the Preliminary Plat provided that the improvements constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the proposed residents therein and for adequate access to contiguous areas.
- 17) If the plat requires more than one (1) sheet, match lines shall clearly indicate where the sheets join and shall be accompanied by a key plan showing the entire development at a reasonable scale. Each plat shall show correctly on its face sufficient surveying data to reproduce any line on the ground.
- 18) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets. All dimensions shown in feet and decimals of a foot to the closest one-hundredth (0.01) of a foot, all bearings, degrees and minutes and seconds to the nearest ten (10) seconds. The boundary survey shall show a field error of closure within the limit of one (1) in ten thousand (10,000) and bearings relating to either State Plane Coordinate System Datum 83 or related to True North or Magnetic North. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: "Delta, radius, arc length, tangent length, chord length and chord bearings". Survey coordinates relating to the Grid North VCS, 1983, shall be shown for all control monuments shown on the Final Record Plat, when a suitable control system is available.
19. In bold type the following notices:

**NOTICE THIS PLAT SHALL BECOME NULL AND VOID AND BE OF NO FURTHER FORCE AND EFFECT IF THE PLAT IS NOT RECORDED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF WESTMORELAND COUNTY WITHIN SIX (6) MONTHS OF THE DATE OF APPROVAL, UNLESS CONSTRUCTION OF FACILITIES TO BE DEDICATED FOR PUBLIC USE HAS COMMENCED PURSUANT TO AN APPROVED PLAN OR PERMIT WITH SURETY APPROVED BY THE AGENT THEN THE TIME FOR**

RECORDATION OF THE PLAT SHALL BE EXTENDED TO ONE YEAR AFTER FINAL APPROVAL OR TO A TIME LIMIT SPECIFIED IN THE SURETY AGREEMENT, WHICH EVER IS GREATER. APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME.

20. When the plat is acquired from more than one (1) source of title, the outline and area of each of the several tracts shall be indicated upon the plat, within an insert block, or by means of a dotted boundary line upon the plat.
  21. Location and boundary of the 100-year flood plain and the location of any Chesapeake Bay Preservation Area Overlay District's Resource Protection Areas as defined by the Westmoreland County Zoning Ordinance shall be indicated on the plat.
  22. All monuments and all language regarding monuments that is required under Section 5-5.9 shall be shown on the plat.
  23. Exact location of all easements, their width, use, and ownership.
  24. An executed deed of dedication and easement conveying to the county land in fee simple and easement for public/county purposes which are depicted on the final record plat.
  25. Statement of Purpose for the proposed subdivision,
  26. A notice shall be placed on the face of the plat noting that 100% reserve drainfield sites for onsite sewage treatment systems shall be protected from development for each lot except for those lots connected to public sewer service, and any onsite sewage treatment system installed on any lot is required to be pumped out every 5 years or to otherwise meet the maintenance requirements of the Chesapeake Bay Preservation Act. The note shall read: "Installed onsite sewage treatment systems shall be protected by preserving the 100% drainfield replacement areas and pumping out each system every 5 years or as otherwise required."
- e. If any land or water areas are being dedicated or reserved for roads, parking space, or for other public use, or for the common use of future property owners of the subdivision, the final plat shall so state and indicate which.
  - f. The final plat shall provide on the first sheet space for:
    - a. Owner's dedication
    - b. The surveyor's certificate, as to title.
    - b. The surveyor's certificate, as to plat in accordance with the ordinance.
    - c. Space for approval by the Agent.
  - g. A complete list of any and all proffers or other conditions that may be attached to the property through a zoning map amendment, conditional zoning, or special exception approval, in their entirety.

**ARTICLE 5 – DESIGN STANDARDS****5-1 SUITABILITY OF THE LAND.**

Land deemed by the Commission to be generally unsuitable and land subject to flooding shall not be subdivided (a) for residential occupancy unless sufficient land is provided in each lot to provide a building site free from flood or other danger, nor (b) for such other uses as may increase danger to health, life or property, or aggravate erosion or flood hazard. In this connection the Commission may require the subdivider to furnish topographical maps, elevations, flood profiles or other relevant data.

**5-2 DEDICATION AND RESERVATION.**

The subdivider shall dedicate to public use all land required for public streets and rights-of-way and to Westmoreland County any land required for other easements, as provided in this ordinance the County Zoning Ordinance, and § 15.2-2265, Code of Virginia, 1950, as amended.

**5-3 LOTS AND BUILDING SITES.**

5-3.1 The lot width, depth, slope and orientation shall be appropriate for the location of the subdivision and the type of development and use contemplated.

5-3.2 Lots shall not contain peculiarly shaped elongations, solely to provide necessary square footage or area which would be unusable for normal purposes.

5-3.3 Every lot shall front on a road, and the side lines of lots shall be approximately at right angles, or radial to the road line.

5-3.4 Corner lots shall have a width sufficient to conform to required building setback lines on both roads including rights-of-way for future roads and to provide adequate building sites.

5-3.5 The building setback line shall be a greater distance than the minimum specified in the zoning ordinance if the Commission finds that conditions of health and/or safety so require.

5-3.6 In the case of lots in a subdivision set aside for nonresidential use, the lot area, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and in accordance with the requirements of any existing zoning or other applicable ordinance; and shall be adequate to provide for the off-road service and parking facilities required by the type of use and development contemplated.

5-3.7 Where any lot abuts the base or top of a cliff or other abrupt elevation which renders that portion of the lot beyond the base or top of such elevation unusable for the purpose specified, lot area requirements shall exclude all land beyond the

base or top of such elevation.

- 5-3.8 All lots shall comply with the appropriate zoning district regulations and all other requirements of the Zoning Ordinance.

#### 5-4 EASEMENTS

- 5-4.1 Utilities shall be installed, or easements for such utilities shall be provided, in the location and to the width designated by the Commission after receiving recommendations from the utility companies responsible for the installation of same.
- 5-4.2 Where a subdivision is traversed by a stream or other natural drainage way, the Commission shall require the subdivider to dedicate a suitable right-of-way, or easement for storm water drainage, and/or to construct adequate water drains and provide for adequate, ongoing maintenance of such facilities.

#### 5-5 ROADS

- 5-5.1 Anything in this ordinance to the contrary notwithstanding, if the Virginia Department of Transportation requirements are greater, such Virginia Department of Transportation requirements shall prevail. All subdivisions shall comply with VDOT road design and access standards as approved by the Resident Highway Agent, except for private access as provided herein.
- 5-5.2 Names of proposed roads shall not duplicate or nearly duplicate or be similar in sound or spelling to existing or platted roads or subdivision names in Westmoreland County (including the Towns of Colonial Beach and Montross), the Shiloh magisterial district of King George County, the Lottsburg magisterial districts of Northumberland County or the Stonewall or Marshall magisterial districts of Richmond County unless such proposed roads are a continuation of, or in alignment with, an existing or platted road, in which case the name shall be the same or such subdivisions are an additional part of a subdivision in which case the name may be the same. The addressing systems of roads and subdivisions shall be properly coordinated between the respective localities to eliminate or minimize any problems associated with administration of the E-911 systems of the respective localities.
- 5-5.3 Roads shall connect with existing roads and shall provide access to possible adjoining subdivisions. Whenever feasible, roads shall intersect at approximately right angles. Offset or jogs shall be avoided. Each subdivision, whether the streets are public or private, must provide multiple points of connection between the subdivision street system and the existing and planned surrounding street network. The planning commission may waive or modify this requirement if it determines that the public purposes of this chapter would be better achieved by such waiver or

modification.

- 5-5.4 Roads shall be so designed as to provide adequate drainage, drainage facilities, stormwater management, stormwater management structures, and to have geometric design in compliance with the requirements of the Virginia Department of Transportation, as evidenced by the written approval of the Highway Agent.
- 5-5.5 Dead-end roads shall be provided with a terminal turn around and such other turns around as the Highway Agent shall recommend. The number, configuration, diameter, length and/or width of turns round shall be as recommended by the Highway Agent.
- 5-5.6 Where lots in a subdivision abut on one side of any road which has been included in the state system of primary highways, the subdivider shall be required to dedicate one-half the width of such primary highway right-of-way as measured from the centerline of the highway to the subdivision property line shall be a minimum of 25 feet or one-half the state approved planned width of such primary highway right-of-way, whichever is greater, but he shall not be responsible for grading or surfacing said existing State primary highway.

In addition, a service road right-of-way of not less than 40 feet in width adjoining said State highway right-of-way shall be dedicated. Service roads shall have limited access to said highway, normally a minimum of 1,000 feet between accesses, and when such roads are to serve non-residential or non-agricultural uses, the road design and construction shall comply with the requirements of the Virginia Department of Transportation, as evidenced by the written approval of the Highway Agent. Service roads shall be constructed by and at the expense of the subdivider.

- 5-5.7 When lots in a subdivision abut on one side of any non-primary road public or private right-of-way, the subdivider shall be required to dedicate enough land so that one-half the width of such road, as measured from the centerline to the subdivision property line, shall be 25 feet or one-half the planned width of such highway right-of-way, whichever is greater. The subdivider shall be responsible for design and construction of the public or private right-of-way abutting the subdivision to the standards of the Virginia Department of Transportation Highway Agent, when required by VDOT.
- 5-5.8 Except as provided in paragraphs 5-5.6, roads shall be graded and surfaced by the subdivider in accordance with the provisions of paragraph 5-5.9 of this ordinance.
- 5-5.9 The subdivider shall make the road improvements provided for in this section. They shall be installed at the expense of the subdivider in compliance with the standards and other requirements of the Department of Transportation. No subdivider shall commence the construction of any such road improvements without first submitting plans and specifications and obtaining the written approval of the Department of Transportation as herein provided. Any subdivider commencing any such construction in violation of this section shall be guilty of a misdemeanor, and shall be punishable as provided in Article II of this ordinance.

- a. Monuments shall be placed in the ground at all corners, angles, and points of curvature in the subdivision boundaries; in the right-of-way lines of all roads and other public areas within the subdivision, and; at all corners of each lot, except property fronting on water in which case monuments shall be placed in the ground at all corners, angles, points of curvature, along the lines above the high water line. Said monuments shall be at least equal to an iron pipe or rod not less than one-half inch in diameter, and two feet in length. The top of all monuments shall be set not more than one inch above finished grade of the ground surface at their respective locations and anchored or embedded so as to prevent movement.

Upon completion of subdivision roads, sewers, water lines, and/or other required improvements, the subdivider shall certify in writing to the Secretary that all required monuments are properly installed and are clearly visible for inspection and use. Control monuments shall be designed by and located as determined by the engineer or land surveyor, shall be set by a land surveyor, and shall be accessible by an easement with a minimum width of ten (10) feet and shall be shown on the Final Record Plat. Control monuments must be referenced by bearing and distance to known points. For each section within the subdivision there shall be no less than two (2) control monuments established which shall be visible to one another. Existing monuments may be designated as control monuments if the existing monument is made of concrete or stone material. Control monuments set shall be of iron pipe, or any suitable permanent material, have a length of twenty-four (24) inches.

- b. Public roads shall be constructed in compliance with the requirements of the Virginia Department of Transportation.
- c. Where required by the Resident Highway Agent, a drainage system shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all roads and adjoining properties.
- d. Public road name signs of a durable nature in accordance with specifications provided by the Agent shall be installed at all roads intersections in any subdivision by the subdivider.

5-5.10 The subdivider shall furnish construction and maintenance bonds for all roads improvements required by this ordinance as set forth here and in Section 5-9 of this Ordinance. Such bonds shall be in the form of cash, certified check or checks payable to the Treasurer of Westmoreland County, surety bonds of approved companies, or other collateral acceptable to the county in an aggregate amount equal to the total construction costs, with provisions made for bonding subsequent maintenance and operation as specified herein.

If construction is not satisfactorily completed, as certified by the Resident Highway Agent, within three years from the date of approval of the final plat, the amount of the bond or bonds shall be forfeited unless the completion time is extended by the Board. In the event construction of all roads is satisfactorily completed within the designated period, the construction bond shall remain in full force and effect until a maintenance bond relating thereto shall be furnished which shall remain in full force and effect until such time as all roads in the subdivision have been accepted into the Virginia State System of Secondary Highways.

The cash, checks or other collateral supporting the bonds shall accompany the final plat when it is submitted to the Subdivision Agent for certification of Board approval.

- 5-5.11 The amount of the construction bond required under this section shall be equal to the estimated cost of the improvements as determined by the Secretary. The amount of the maintenance bond shall be determined by the Secretary by using the formula: Annual cost per mile x number of miles x 17 = \$ \_\_. The cost per mile shall be determined in conjunction with the Highway Agent. The intent is to set the bond in an amount sufficient to pay for road maintenance each year if the amount were invested at the rate of approximately 6% per annum, including expected cost escalations and administrative fees.
- 5-5.12 In the absence of a construction bond no final plat and/or site plan shall be approved or recorded until the required road improvements have been installed and approved by the Agent, and until an acceptable maintenance bond has been provided.
- 5-5.13 Before undertaking any road improvements required in this ordinance, the subdivider shall submit four legible copies of proposed plans and specifications to the Agent, and receive written approval by the return of one copy with such approval endorsed thereon by the Agent. No such approval shall be given without prior written approval of the Resident Agent of the Department of Transportation. Said plans and specifications shall have been prepared by a qualified surveyor or engineer. The Agent shall also make such inspections during and after final installation of the improvements required herein as deemed necessary, and no installation shall be accepted as completed until so certified by the Agent.
- 5-5.14 Pipestem lots must meet the following requirements:
- a. Pipe stem driveways shall serve no more than twenty (20) percent of all lots within any subdivision, except that a maximum of three pipestem lots are permitted per subdivision of ten (10) or fewer lots.
  - b. The maximum length of the pipe stem of a lot is six-hundred (600) feet for lots of five or more acres, and one hundred (100) feet for lots of less than five acres.
  - c. There shall be no more than two (2) pipe stem lots in a row, unless the Commission approves a waiver of this requirement.
  - d. The pipe stem portion of a lot shall be a fee-simple part of the lot with cross

- easements for access in the case of a shared or common driveway.
- e. The minimum width of the pipe stem portion of a lot is fifteen (15) feet.
  - f. The final plat shall note each pipe stem driveway as “privately owned and privately maintained by the lot owners served.”
  - g. Each house served by a pipe stem driveway shall be numbered in accordance with the requirements of the Westmoreland County addressing system and each such number shall be displayed on a sign showing the address and an arrow, which shall designate the direction to which the address usage applies.
  - h. Minimum setbacks for buildings shall be measured exclusive of the pipe stem portion of a lot. The front of a lot on a pipe stem shall be the lot line from which the “pipe” portion extends.



## 5-6 WATER SERVICE

5-6.1 Where adequate municipal or public utility water service is available, such service shall be extended to each and every lot within the subdivision by the subdivider or developer. All utility and service lines shall be installed in compliance with the County Utility Service Regulations as adopted by the Board of Supervisors. Where such service is not available, the subdivider or developer shall be encouraged to provide a central water supply system for the subdivision. If neither of the above is provided, individual Class I, II or III wells may be used provided installation is approved by the Health Department. No Subdivision or development shall be approved without an acceptable water supply plan which provides an adequate supply of potable water to each lot intended for sale or development.

5-6.2 The Commission shall require that the subdivider make the water service improvements provided for in this section. They shall be installed at the expense of the subdivider in compliance with the requirements of the Health Department. No subdivider shall commence the construction of any such water service improvements without first submitting plans and specifications and obtaining the written approval of the Health Department to do so. Any subdivider commencing any construction in violation of this section shall be guilty of a misdemeanor and shall be punishable as provided in Article II of this ordinance.

5-6.3 The subdivider shall furnish construction and maintenance bonds for all water service improvements required by this ordinance, as set forth here and in Section 5-9 of this Ordinance. Such bonds shall be in the form of cash, certified check or checks payable to the Treasurer of Westmoreland County, surety bonds of approved companies, or other collateral acceptable to the county in an aggregate amount equal to the total construction costs, with provisions made for bonding subsequent maintenance and operation as specified herein.

If construction is not satisfactorily completed within three years from the date of the approval of the final plat, the amount of bond or bonds shall be forfeited, unless the completion time is extended by the Board. In the event construction of the water service system is satisfactorily completed within the designated period, the construction bond shall remain in full force and effect until a maintenance bond relating thereto shall be furnished which shall remain in full force and effect until responsibility for the maintenance and operation of the system has been turned over to an operator approved by all government agencies having jurisdiction thereof and said operator has provided a like maintenance bond. In the event the water system is turned over to and made part of a public utility certified by the State Corporation Commission, the like maintenance bond shall not be required.

5-6.4 The amount of the construction bond required under this section shall be equal to the estimated cost of the improvements as determined by the Agent. The amount

of the maintenance bond shall be sufficient to maintain the system for five years and shall be automatically renewable each year for a subsequent five years. The cash, checks or other collateral supporting the bonds shall accompany the final plat when it is submitted to the Agent for certification of Board approval.

- 5-6.5 In the absence of a construction bond no final plat and/or site plan shall be approved or recorded until the required water service improvements have been installed and approved by the Agent and until an acceptable maintenance bond has been provided.
- 5-6.6 Before undertaking any water service improvements required in this ordinance, the subdivider shall submit four legible copies of proposed plans and specifications to the Commission, and receive written approval by return of one copy with such approval endorsed thereon by the Secretary. No such approval shall be given without prior written approval of the Health Department. Said plans and specifications shall have been prepared by a qualified engineer. The Agent shall also make or have made such inspections during and after final installation of the water service improvements required herein as deemed necessary, and no installation shall be accepted as completed until so certified by the Subdivision Agent.

## 5-7 SEWERAGE SERVICE

Where public sewerage facilities are available, the service shall be extended by the subdivider or developer to all lots in the subdivision and septic tanks or other form of sewage disposal on individual lots shall not be permitted. Where such tap-on to public facilities is not possible, the subdivider or developer shall be encouraged to provide a central sewerage system for the subdivision. If neither of the above is possible, the subdivider shall provide sufficient technical information to allow the determination that each and every lot intended for sale is suitable for an individual septic system. No subdivision or development shall be approved without an acceptable sewage disposal plan which provides sewerage service to each lot intended for sale or development. No lot shall be sold for use as a residence unless adequate sewerage service is available as certified by the Health Department.

- 5-7.1 The subdivider shall make the sewer service improvements provided for in this section. They shall be installed at the expense of the subdivider in compliance with the requirements of the Health Department. No subdivider shall commence the construction of any such sewer service improvements without first submitting plans and specifications and obtaining the written approval of the Health Department to do so. Any subdivider commencing any such construction in violation of this section shall be guilty of a misdemeanor and shall be punishable as provided in Article II of this ordinance.
- 5-7.2 The subdivider shall furnish construction and maintenance bonds for all sewer service improvements required by this ordinance. Such bonds shall be in the form of cash, certified check or checks payable to the Treasurer of Westmoreland County, surety bonds of approved companies, or other collateral acceptable to the county in an aggregate amount equal to the total construction costs, with provisions made for bonding subsequent maintenance and operation as specified below. If construction is not satisfactorily completed within three years from the date of the approval of the final plat, the amount of bond or bonds shall be forfeited unless the completion time is extended by the Board.

In the event that construction of the sewer service system is satisfactorily completed within the designated period, the construction bond shall remain in full force and effect until a maintenance bond relating thereto shall be furnished which shall remain in full force and effect until responsibility for the maintenance and operation of the system has been turned over to an operator approved by all government agencies having jurisdiction thereof and said operator has provided a like maintenance bond. In the event the sewer service system is turned over to and made part of a public utility certified by the State Corporation Commission, the like maintenance bond shall not be required.

- 5-7.3 The amount of a construction bond required under this section shall be equal to the estimated cost of the improvement as determined by the Subdivision Agent. The amount of the maintenance bond shall be sufficient to maintain the system for five

years and shall be automatically renewable each year for a subsequent five years. The cash, checks or other collateral supporting the bonds shall accompany the final plat when it is submitted to the Agent for certification of Board approval.

- 5-7.4 In the absence of a construction bond no final plat and/or site plan shall be approved or recorded until the required improvements have been installed and approved by the Subdivision Agent, and until an acceptable maintenance bond has been provided.
- 5-7.5 Before undertaking any sewer service improvements required in this ordinance, the subdivider shall submit four legible copies of proposed plans and specifications to the Commission, and receive written approval by the return of one copy with such approval endorsed thereon by the Subdivision Agent. No such approval shall be given without prior written approval of the Health Department. Said plans and specifications shall have been prepared by a qualified engineer. The Subdivision Agent shall also make or have made such inspections during and after final installation of the sewer service improvements required herein as deemed necessary, and no installation shall be accepted as completed until so certified by the Subdivision Agent.

## 5-8 ELECTRIC SERVICE

- 5-8.1 Where adequate electric service is available, such service shall be extended to each and every lot within the subdivision by the subdivider or developer. All utility and service lines shall be installed in compliance with the plans approved by the service provider. Where such service is not available, alternative provisions for electrical power may be proposed for consideration by the Planning Commission. If the Planning Commission approves such an alternative, notice of the alternative shall be placed as a notice on the final plat. No subdivision or development shall be approved without an acceptable electric service supply plan which provides an adequate electric to each lot intended for sale or development.
- 5-8.2 The Commission shall require that the subdivider make the electric service improvements provided for in this section. They shall be installed at the expense of the subdivider in compliance with the plans approved by the service provider. No subdivider shall commence the construction of any such electric service improvements without first submitting plans and specifications and obtaining the written approval of service provider. Any subdivider commencing any construction in violation of this section shall be guilty of a misdemeanor and shall be punishable as provided in Article II of this ordinance.
- 5-8.3 The subdivider shall furnish construction and maintenance bonds for all electric service improvements required by this ordinance, as set forth here and in Section 5-9 of this Ordinance. Such bonds shall be in the form of cash, certified check or checks payable to the Treasurer of Westmoreland County, surety bonds of approved companies, or other collateral acceptable to the county in an aggregate amount equal to the total construction costs, with provisions made for bonding subsequent maintenance and operation as specified herein.

If construction is not satisfactorily completed within three years from the date of the approval of the final plat, the amount of bond or bonds shall be forfeited, unless the completion time is extended by the Board. In the event construction of the electric service system is satisfactorily completed within the designated period, the construction bond shall remain in full force and effect until a maintenance bond relating thereto shall be furnished which shall remain in full force and effect until responsibility for the maintenance and operation of the system has been turned over to the electric service provider. In the event the electrical service is turned over to and made part of a public utility certified by the State Corporation Commission, the like maintenance bond shall not be required.

- 5-8.4 The amount of the construction bond required under this section shall be equal to the estimated cost of the improvements as determined by the Agent. The amount of the maintenance bond shall be sufficient to maintain the system for five years and shall be automatically renewable each year for a subsequent five years. The cash, checks or other collateral supporting the bonds shall accompany the final plat when it is submitted to the Agent for certification of Board approval.

- 5-8.5 In the absence of a construction bond no final plat and/or site plan shall be approved or recorded until the required electrical service improvements have been installed and approved by the Agent and until an acceptable maintenance bond has been provided.
- 5-8.6 Before undertaking any electrical service improvements required in this ordinance, the subdivider shall submit four legible copies of proposed plans and specifications to the Commission, and receive written approval by return of one copy with such approval endorsed thereon by the Agent. No such approval shall be given without prior written approval of the service provider. Said plans and specifications shall have been prepared by a qualified engineer. The Agent shall also make or have record of such inspections during and after final installation of the electric service improvements required herein as deemed necessary, and no installation shall be accepted as completed until so certified by the Subdivision Agent.

## 5-9 INSURING PERFORMANCE ON IMPROVEMENTS; SECURITY

### 5-9.1 GENERALLY.

Notwithstanding any other provisions of this Ordinance, the following provisions shall apply to insuring performance on improvements. Before the agent will give final approval to any subdivision plat, the developer or subdivider shall be required to insure his performance in accordance with specifications and construction schedules established on certain planned improvements. Performance security in an amount determined by the agent to be sufficient to pay the total cost of the improvements being secured shall be required in all subdivisions for public streets and accompanying drainage construction and for central water and/or sewer, including survey monuments as required in this chapter.

In determining the costs for various improvements the agent may consult an engineer, who shall prepare written construction cost estimates for the agent, or the agent may require that bona fide cost estimates for improvements be furnished by the developer or subdivider. The developer or subdivider may elect to secure all improvements requiring security with one performance security mechanism, or he may elect to utilize different mechanisms simultaneously for the different improvements. Upon receipt of a written request from a developer or subdivider, the agent, after conferring with the county attorney, may waive technical elements of the security guarantee requirements of this ordinance if adequate security is provided to secure completion of the required improvements. The agent's decision shall be final.

### 5-9.2 PERFORMANCE AGREEMENTS AND GUARANTEES.

An agreement supported by a form of security guarantee is required on all projects. This agreement and security guarantee shall obligate the developer or subdivider to construct legally required improvements on approved site plans or subdivision plats in a timely manner and in accordance with applicable standards.

All such security guarantees must be provided by the developer or subdivider in a form acceptable to the county attorney. The security is designed to guarantee the County a fund for completion of required improvements in the event the developer or subdivider fails to discharge the obligations of the performance agreement. The shared obligation of all security guarantees is the payment of the designated funds on demand. The agent shall approve and may amend from time to time, after conferring with the county attorney, standard forms which may be used for any performance agreement and security guarantee.

The developer or subdivider shall furnish the board of supervisors one or more of the following as acceptable performance security guarantees for improvements requiring security, which are the only forms of guarantee-acceptable to the County:

- (1) Cash to be held in escrow and deposited in the county treasury, which shall

bear no interest;

- (2) Corporate Surety Bond made payable to the board of supervisors;
- (3) A contract for construction, with the contractor's bond;
- (4) A bank or savings and loan association's letter of credit.

#### 5-9.3 DISCONTINUING PERFORMANCE SECURITY.

- (1) When the developer has completed, in compliance with the standards of this chapter, all of the improvements secured by either performance security mechanism, the agent shall cancel the performance security guarantee securing completion of the improvements. Where the security was a bond, the agent shall release the developer from the bond. Where the security was cash, deposited with the agent at the time of the recording, the agent shall return it to the developer, their devisees, or assigns.
- (2) Before the agent may cancel any performance security guarantee, he shall receive written notice from the appropriate official that the secured improvements have been completed according to specifications. The health official shall confirm the completion of all secured improvements requiring Virginia Health Department approval. The resident Agent shall confirm the completion of all secured improvements requiring Virginia Department of Transportation approval. The electric service provider shall confirm the completion of all secured electric service improvements.

#### 5-9.4 BOND EXTENSIONS

- (1) When a developer or subdivider enters into an agreement with the County, the necessary physical improvements shall be completed in the period of time specified in the agreement (the performance date). If the noted improvements are not completed within this time period, and an extension has not been obtained, or a replacement agreement and bond has not been submitted and approved with a new expiration date, the agreement is deemed in default. The agent shall follow the procedures set forth in subsection 5-8-7 below.
- (2) Prior to the expiration of the performance date, the developer or subdivider may submit a written request to the agent for an extension of the expiration date. The agent will act to approve, approve with conditions, or deny the request. If the extension is approved, the developer or subdivider shall sign an addendum to the performance agreement reflecting the extension.



- (3) In the event the developer or subdivider does not request and gain approval of an extension, and the project is not completed by the expiration date, the matter shall be reviewed by the agent for appropriate action, including the possibility of referral to the board of supervisors for its action.

#### 5-9.5 BOND REDUCTIONS

- (1) Once at least thirty percent (30%) of the improvements covered by the performance agreement and security guarantee are completed, any form of guarantee subject to this policy may be partially released periodically (i.e. reduced) to an amount not less than the actual cost of completion, plus permitted allowances.
- (2) Reduction requests shall not be approved if the performance agreement is in default.
- (3) Developer or subdivider, seeking partial release of any bond or other form of guarantee shall submit to the agent a written security reduction request, current price list identifying status of completion and items to be completed, and a copy of any proffers or special use permit conditions.
- (4) The agent shall approve, approve with modification, or disapprove all reduction requests submitted within thirty (30) days of receipt. If a request is disapproved, the developer or subdivider shall be notified in writing of the specific reasons for the disapproval.

#### 5-9.6 BOND AND PERFORMANCE AGREEMENT

A final bond release shall be authorized by the agent, provided the following criteria have been met:

- (1) Acceptance of all public facilities by the appropriate state or local government agency, or public authority.
- (2) Acceptance of as-built plans.
- (3) Payment by the developer or subdivider of all required fees.

#### 5-9.7 DEFAULT AND EVALUATION PROCEDURES.

If the developer or subdivider fails to complete the required site improvements in the period of time specified in the agreement or any approved extension, the developer or subdivider is in default. In such instances, the agent shall forward a recommendation to the Board of Supervisors that the project be formally declared in default, together with a recommendation for a course of action in response to default. Such recommendations may include, without limitation, using funds obtained from the security guarantee of the defaulted performance agreement to

complete required public improvements, vacation of all or a portion of the subdivision, subject to the defaulted performance agreement, requiring successors in interest to the original developer or subdivider to provide a substitute performance agreement, and/or requiring lot owners to post a right of entry bond prior to the issuance of building permits.

**ARTICLE 6 – DEFINITIONS****6-1 WORDS AND TERMS**

For the purpose of this Ordinance certain words and terms used herein shall be interpreted and defined as follows: Words used in the present tense include the future tense, and singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not advisory; any reference to this Ordinance includes all amendments or supplements to the same; and all distances and areas refer to measurements in a horizontal plane.

**Agent, Resident Highway:** The Resident Highway Agent serving Westmoreland County, Virginia, of the Department of Transportation of Virginia, or his designated deputy.

**Agent, Subdivision:** The Planning Director of Westmoreland County, or his designee, assigned by the County to administer the Subdivision Ordinance.

**Applicant-Owner:** An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the County of Westmoreland.

**Berm:** A continuous bank of earth designed and placed to block or partially obscure elements of a site (such as a parking area), or of a building (such as a loading dock). Berms typically range in height from two (2) to six (6) feet, with width-to-height ratios of 2:1 to 5:1. Berms are often used in combination with shrubbery and trees.

**Block:** That land abutting on one (1) side of a street extending to the rear lot lines (or, for parcels of land extending through to another street, to a line midway between the two (2) streets) and lying between the nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and boundary of any railroad right-of-way, park, school ground, or unsubdivided acreage or center line of any drainage channel twenty (20) or more feet in width.

**Buffer:** A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or from the roadway or to block noise or other nuisances; land areas reserved for the purpose of providing screening and separation from adjacent, different land uses.

**Clerk:** The Clerk of the Circuit Court of Westmoreland County.

**Commission:** The Planning Commission of the County of Westmoreland, Virginia.

**Covenant:** A formal agreement of legal validity between two (2) or more parties outlining restrictions, rights, or responsibilities concerning the use of property or structures.

**Cul-de-Sac:** A street with only one (1) outlet and having an appropriate turn-around for safe and convenient reverse traffic movement.

**Developer or Subdivider:** An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title for, or authorization from the owner, use any tract of land or parcel of land to be developed in planning, negotiation, or in representing or executing the requirements of the ordinances of the County of Westmoreland.

**Development:** means the construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

**Driveway or Accessway:** That space specifically designated and reserved on the site for movement of vehicles from one (1) location to another on site or from the site to a public street.

**Dustless Surface:** A surface adequately covered in accordance with good construction practice, with a minimum of either two (2) applications of bituminous surface treatment concrete, or bituminous concrete approved by the County, and to be maintained in good condition at all times.

**Easement:** A grant of one (1) or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

**Engineer:** A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration “professional engineer.”

**Geometric Design:** Typical cross-sections used in street design.

**Governing Body:** The Board of Supervisors of Westmoreland County, Virginia.

**Health Department:** The Virginia State Health Department.

**Health Official, Public (Health Officer):** The head of the Westmoreland County Health Department, or designated deputy.

**Highway Resident Agent:** See Agent, Resident Highway.

**Homeowners Association:** A private nonprofit corporation of homeowners for the purpose of owning, operating, developing, and maintaining various common property and facilities. Also: “Property Owners Association.”

**Nonconforming Lot:** An otherwise legally plated lot that does not conform to the minimum requirements of the ordinance for the district in which it is located.

**Lot, Pipestem:** A lot that does not meet the required frontage at the setback line, due to being configured with a narrow panhandle or pipestem portion forming an access corridor to the bulk of the lot which is located behind the bulk of other lots or parcels. (may also be referred to as a flag lot.) Must be created in accord with the requirements of Article 1 of the Zoning Ordinance, and Article 5 of the Subdivision Ordinance.

**Lot of Record:** A lot, a plat or description of which has been recorded in the Clerk's office at the Circuit Court.

**Other Definitions:** All definitions in § 15.2-2201 of the Code of Virginia, 1950, as amended, and in the Westmoreland County Zoning Ordinance are equally applicable to this Ordinance. In the event of a difference, any definitions in the Zoning Ordinance shall take precedence over a definition in the Code of Virginia unless the Code definition is mandatory.

**Nonconforming Structure:** An otherwise legal building or structure that does not conform to the use regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located.

**Public Improvement:** All public utilities and facilities for which the Board of Supervisors may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which Board of Supervisors responsibility is established. Such improvements shall include, but not be limited to, streets, storm and sanitary sewers, water lines, curb, gutter, sidewalks, and street signs. All such improvements shall be properly bonded.

**Parent Parcel:** Any single lot or parcel of record existing on the effective date of this amended Ordinance.

**Plat:** The schematic representation of land divided or to be divided.

**Plat, Final:** A map or plan filed, or to be filed, of record of a subdivision and any accompanying material, as described in this Ordinance.

**Plat, Preliminary:** A preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Administrator for approval.

**Resident Highway Agent:** See Agent, Resident Highway.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special public use and may include a fee simple or easement ownership.

**Road, public:** A highway, street, avenue, boulevard, road, lane or other public right-of-way that is part of the VDOT state road system.

**Road, private:** A highway, street, avenue, boulevard, road, lane or other way that is not part of the VDOT state road system.

**Street:** A strip of land, publicly or privately owned, intended primarily for vehicular traffic and proving the principal means of access to property, including but not limited to a road, lane, drive, avenue, right-of-way, highway, boulevard, trail, court, place, terrace, or other thoroughfare.

**Street, Arterial:** Any existing or future highway, shown as an arterial street on the adopted Comprehensive Plan or defined by the Virginia Department of Transportation as an arterial highway, with a carrying capacity is in excess of eight thousand (8,000) vehicles per lane per day.

**Street, Collector:** Any existing or future street shown as a collector street on the adopted Comprehensive Plan or that carries a volume of through traffic between four hundred (400) and three thousand (3,000) vehicles per day, or as defined by the Virginia Department of Transportation as a collector street.

**Street Right-of-Way Line:** The dividing line between a street or road right-of-way and the contiguous property.

**Street, Service Drive:** A public right-of-way generally parallel with and contiguous to a major, highway. Primarily designed to promote safety by eliminating pernicious ingress and egress to the major safe and orderly points of access to the major highway.

**Street Width:** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and where necessary, utility strips.

**Subdivide:** To divide any tract, parcel, or lot of land into two (2) or more parts for the purpose of transferring ownership of any part or for the purpose of building development on any part. The term 'subdivide' includes the term 'resubdivide' and when appropriate to the context shall relate to the process of subdividing.

**Subdivision:** The process of subdividing land or the result of subdividing land.

**Subdivision Agent.** The person designated by the Westmoreland County Board of Supervisors to act as the administrative officer responsible for operating and enforcing the Land Development Ordinance as provided in § 15.2-2217 of the Code of Virginia, 1950, as amended.

**Surveyor:** A land surveyor licensed by the Commonwealth of Virginia.

**U.S.G.S.:** United States Geological Survey.

**Utility:** (1) A system of facilities provided by any agency which, under public franchise

or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service; (3) the component parts of such facilities, including poles, wires, transformers, underground pipelines or conduits; treatment plants are considered and/or defined as separate items.

**VDOT:** The Virginia Department of Transportation.

**Zoning Ordinance:** Zoning Ordinance of Westmoreland County, Virginia.

**AMENDMENTS**

July 12, 1978

November 15 1978

January 17, 1979

April 18, 1979

August 8, 1979

November 21, 1979

June 19, 1980

January 14, 1981

June 16, 1983

June 13, 1984

July 13, 1988

August 10, 1988

November 9, 1988

February 8, 1989

July 12, 1989

August 1989

September 11, 1991

Amend Section 4-1 Prerequisites for an Exemption, Subsection d, "delete" the wording Highway Department and insert in lieu thereof "Virginia Department of Transportation, "Add" wording "Stormwater management easement" and Amend Section 6-7 Roads, Subsection 6-7-4, add wording "stormwater management, stormwater management structures and "delete" the wording "Highways and" from the Virginia Department of Highways and Transportation.

March 14, 1994

Amend Section 4-1 Prerequisites for an Exemption to and requirements of Article VIII, Water and Sewage Requirements.

August 11, 1997

Amend Section 13-1 to allow for the Administrative Approval of Vacating Certain property Boundary lines in Accordance with recent amendments to the Code of Virginia, by adding a new section under Article XIII - Vacating Plat.

June 8, 1998

Amend Article IV- Exemptions, 4-1g. delete 1., 2., and 3 and insert in lieu thereof "Fees shall be paid to Westmoreland County at the time of submission of an application per the fee schedule established by the Board of Supervisors" and under Article 14 - Fees and Charges 14-1-1 a., b., c., and d and insert in lieu thereof "Fees shall be paid to Westmoreland County at the time of submission of an application per the fee schedule established by the Board of Supervisors".

February 8, 1999

Amend Article VI - General Regulations, Section 6-7-2 to clarify and revise certain existing language regarding the naming and renaming of roads as well as improvement requirements and administrative work associated with such road names.

August 11, 2003

Case # 0308-SA-01 - Amend Article I, Introduction, Section 1-3 - Proposed Use and Zoning Prerequisite- Requires that property be zoned to Residential Zoning Classification prior to being subdivided

September 11, 2003

Case #0308-SA-02 - Amend Article IV - Exemptions, Section 4-2, Exempted Subdivisions of Land, to delete in its entirety subsection Aa". The division of land into parcels of two acres or more and that at least 3/4 of the parcel be 150 feet in width and that no further subdivision of the parcel will be permitted that will create parcels of less than two acres in size@ and to renumber the remaining subsections.

August 9, 2005

Case # 0506-SUB-01 Amended Article IV Exemptions in its entirety and Article VI Roads in its entirety. With this document we have shown the specific deletions and additions to these sections.



December 10, 2006 - CASE #0612-SA-01 SUBDIVISION REGULATIONS AMENDMENTS

Request by the Westmoreland County Board of Supervisors on their own motion to consider adoption of Amendments to the Subdivision Ordinance. This action consists of adopting the Revised Draft Amendments to: Subdivision Ordinance prepared by the Zoning Ordinance Review Committee (ZORC) and dated September 16, 2006, as modified by the report entitled "Proposed Errata and Refinement Sheet for the 9-16-06 Draft Amendments to the Westmoreland County Subdivision Ordinance and Article 9 of the Zoning Ordinance (Site Development Plan)" dated November 8, 2006, which makes modifications to the material prepared by the ZORC. The modifications are refinements and corrections made by the Westmoreland County Planning Commission to the Draft.

The Amended Subdivision Ordinance makes organizational changes to the current Subdivision Ordinance. It modifies the review and approval process, and changes the provisions for exempt subdivisions. It generally updates the Subdivision Ordinance to conform to the current State Code and current County policies. Becomes effective on January 10, 2007.

January 10, 2011 – Case # 1012-ZA-02 Amendment to plat approvals in Article 3 of the Subdivision Ordinance (as well as site plan approvals in Article 9 and special exception approvals in Article 10 of the Zoning Ordinance)

Article 3 of the Subdivision Ordinance was amended to comply with Code of Virginia section 15.2-2209.1. Article 9-9 (Final Approval – Term of Validity) and Article 10-3-12 (Special Exception Permit) were also amended. The amendment allows for certain approvals to be extended beyond their standard deadlines, provided the approvals were valid on January 1, 2009.

December 12, 2011 – Case #1112-ZA-03 Amendment to the Subdivision Ordinance intended to require that when subdividing land, the subdivider would be responsible for the installation of electric service for the future connection of each lot in the subdivision.

Article 3-2 was amended so that plans address utilities. Article 4-1 was amended to add related requirements to an application. A new article 5-8 regarding electric service was added. Article 5-8 was renumbered 5-9 and amended to include security provisions for electrical utilities. Article 2-7 was amended to include requirements for electrical utilities for family subdivisions. Article 2-6 was amended to include requirements for electrical utilities for exempt subdivisions.

December 14, 2015 – Case # 1512-SUB-01 Amendment to the Subdivision Ordinance to require notice on the face of plats stating that 100% reserve drainfield locations shall be protected from development (except for lots connected to public sewer) and any onsite sewage treatment system shall be pumped every 5 years.

To enact this amendment, the new subsection '26' was added to Article 4-2.1(d); the new subsection 'j' was added to Article 2-6.1 PREREQUISITES FOR AN EXEMPTION; and additional text was added to end of the third paragraph under Article 2-7 FAMILY SUBDIVISIONS.

November 16, 2016 – Case # 1611-SUB-01 Amendment of the Subdivision Ordinance in response to changes to Virginia Code 15.2-2260, establishing an administrative review process for subdivisions of 50 or fewer lots when applicants choose not to use the existing preliminary plat process.

To enact this amendment, the new subsection 3-1.11 was added and text was amended/added to Sections 2-1, 3-1.1, 3-1.2, and 3-4, as well as the title of section 3-2.