

Town of Charlotte Court House, Virginia
Subdivision Ordinance Adopted by Town Council December 10, 2018

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Article 1. Title, Authority, Applicability, Purpose, and Effective Date

Sec. 1-1. Title and authority

This ordinance shall hereafter be known, cited and referred to as the Subdivision Ordinance of the “Town of Charlotte Court House.” This subdivision ordinance is enacted pursuant to the authority granted by the Code of Virginia, Title 15.2, Chapter 22, § 15.2-2200 et seq., including but not limited to § 15.2-2240 to 15.2-2279.

Sec. 1-2. Applicability

This chapter shall apply to all divisions, re-divisions, and consolidations of land, the vacation of recorded subdivision plats or parts thereof, and the relocation of boundary lines within the town. This chapter does not apply to divisions of land resulting from an order entered by a court of jurisdiction requiring that land be partitioned, or from the exercise of the power of eminent domain by any public agency.

Sec. 1-3. Purpose

The purpose of this subdivision ordinance, and the regulations set forth herein, is to assure the orderly subdivision of land and its development, and the public health, safety and general welfare. These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the town, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the town in meeting these responsibilities.

Sec. 1-4. Requirements after effective date.

After the adoption of this subdivision ordinance, the following provisions shall be effective, in accordance with Sec. 1-2 (Applicability):

1-4-1 Subdivision. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this subdivision ordinance and other applicable requirements of the town and VDOT.

1-4-2 Recording plat. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the zoning administrator.

1-4-3 Land sale. 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 prior to the adoption of the applicable subdivision ordinance. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title between the parties to the instrument.

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Sec. 1-5. Effective date

The effective date of this ordinance shall be from the date of its enactment and each of its provisions shall be in force thereafter until amended or repealed.

Article 2. Definitions

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sec. 2-1. Alley. A thoroughfare, whether dedicated to public use or privately owned, that provides access for persons and vehicles to the rear and/or side lot lines of properties from abutting public streets or private roads.

Sec. 2-2. Approve. The word "approve" shall be considered to be followed by the words "or disapprove."

Sec. 2-3. Board of zoning appeals. The board of zoning appeals of the Town of Charlotte Court House, Virginia.

Sec. 2-4. Building. Any structure having a roof supported by columns or walls, for housing or enclosure of persons, animals, or goods.

Sec. 2-5. Building setback line. A line establishing the minimum required distance between any part of the structure and the lot line or edge of the street or road.

Sec. 2-6. Circuit court. The circuit court of Charlotte County, Virginia.

Sec. 2-7. Cul-de-sac. A street with only one (1) outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Sec. 2-8. Easement. A grant, or reservation, running with the land, by a property owner for the use of land for a specific purpose.

Sec. 2-9. Highway engineer. An engineer designated by and representing the VDOT.

Sec. 2-10. Lot. A parcel of land either shown on a plat of record within the land records of the circuit court, or described by metes and bounds or other legal description within a deed of record.

Sec. 2-11. Lot, corner. A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Sec. 2-12. Lot, flag. A lot that is in compliance with the minimum requirements for lot area but does not meet the required frontage at the setback line, due to being configured with a narrow panhandle, flag or pipestem providing access to the bulk of the lot, which is located behind the bulk of one (1) or more other lots or parcels.

Sec. 2-13. Lot, width of. The average horizontal distance between the side lot lines.

Sec. 2-14. May. The word "may" is permissive.

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Sec. 2-15. Person. An individual, a partnership, corporation, or other legal entity by whatever term customarily known.

Sec. 2-16. Physical improvements. Any structure such as drainage structures, central water systems, central sewage disposal systems, bridges, and such other improvements as the zoning administrator may designate.

Sec. 2-17. Planning commission. The planning commission of the Town of Charlotte Court House, Virginia.

Sec. 2-18. Plat. A drawing of a survey of a tract or parcel of land prepared by a surveyor.

Sec. 2-19. Plat, plat of subdivision. The schematic representation of land divided or to be divided and information in accordance with the provisions of this ordinance and other applicable statutes.

Sec. 2-20. Plat, proposed. A subdivision plat that has been submitted to the town in accordance with this ordinance.

Sec. 2-21. Shall. The word "shall" is mandatory and not discretionary.

Sec. 2-22. Street. The principal means to enter any lot within a subdivision. The term "street" shall include road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare used for a similar purpose.

Sec. 2-23. Street, private. A street owned by one (1) or more people, which may be restricted for the exclusive use by the owners of the subdivided land or their guests, and not maintained by the Virginia Department of Transportation.

Sec. 2-24. Street, public. A street maintained by VDOT or one intended by the subdivider for acceptance into the state's secondary highway system.

Sec. 2-25. Subdivider. Any person who owns a tract or parcel of land to be subdivided.

Sec. 2-26. Subdivision. The division of a tract or parcel of land into two (2) or more lots, parcels, or other division for the purpose of immediate or future sale, lease, transfer of ownership, or building development, or, when a new street or a change in existing street is involved. Exceptions and exclusions of this definition are:

(a) Any bona fide division or partition of agricultural land for agricultural purposes, where a new street is not to be constructed.

(b) The straightening or rearranging of property lines of adjoining parcels.

(c) Any division of land by court order or approval of court of jurisdiction,

Sec. 2-27. Subdivision ordinance. The subdivision ordinance of the Town of Charlotte Court House, Virginia.

Sec. 2-28. Surveyor. A land surveyor licensed to do business in Commonwealth of Virginia.

Sec. 2-29. Town. The Town of Charlotte Court House, Virginia.

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Sec. 2-30. Town council. The town council of the Town of Charlotte Court House, Virginia.

Sec. 2-31. VDH. The Virginia Department of Health.

Sec. 2-32. VDOT. The Virginia Department of Transportation.

Sec. 2-33. 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, the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the words "plot" and "parcel," any reference to this Ordinance includes all ordinances amending or supplementing the same; and all distances and areas refer to measurements in a horizontal plane

Sec. 2-34. Zoning administrator. The zoning administrator duly appointed by the town council of the Town of Charlotte Court House, Virginia.

Sec. 2-35. Zoning ordinance: The zoning ordinance of the Town of Charlotte Court House, Virginia.

Article 3. Administration

Sec. 3-1. Generally

3-1-1. Town council. The administration and enforcement of this subdivision ordinance shall be vested with the town council. The town council shall administer and enforce the ordinance with the assistance of the planning commission and the zoning administrator.

3-1-2 Zoning administrator. The town council shall appoint a zoning administrator who is delegated to administer this ordinance. In so doing, the zoning administrator shall be considered the agent of the town, and approval or disapproval by the zoning administrator shall constitute approval or disapproval as though it were given by the town council. The zoning administrator may consult with the planning commission on matters contained herein.

3-1-2. Duties. The zoning administrator shall perform the delegated duties regarding subdivisions and subdividing in accordance with the delegations by town council, this ordinance, and the Code of Virginia, as amended.

3-1-3. Additional authority. In addition to the requirements herein for the platting of subdivisions, the zoning administrator may, from time to time, establish any additional reasonable administrative procedures deemed necessary for the proper administration of this ordinance.

Sec. 3-2 Approval Process

3-2-1 Zoning administrator approval. The zoning administrator may approve a vacation of plats as described in Sec. 6-6 (Vacation of plats) and may approve a subdivision which meets all of the following criteria:

- (a) No new public or private streets, roads, or right-of-ways are created and all lots join an existing public street;
- (b) No extension of water or sewer will be required; and
- (c) The number of lots created is five (5) or less.

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- 3-2-2 *Town council approval.* A subdivision not meeting all of the criteria in Sec. 3-2-1 (Zoning administrator approval), shall be reviewed by the zoning administrator and planning commission. The planning commission, after consideration of the zoning administrator's review and holding a public hearing, shall recommend approval or disapproval to the town council. The town council, after holding a public hearing, shall either approve or disapprove such subdivision. Notice of the time and place of the hearings shall have been given in accordance with Code of Virginia, § 15.2-2204.
- 3-2-3 *Approval time frame.* The zoning administrator or town council, as applicable, shall act on approval within sixty (60) days of the zoning administrator's acceptance of a submission as complete. This 60-day time frame may be extended by mutual agreement between the zoning administrator and the subdivider.
- 3-2-4 *Notice of accepted requests.* Within five (5) days of acceptance of a subdivision request as complete, the zoning administrator shall notify the town clerk of the request and the date accepted as complete. The town clerk shall promptly send notice to the members of the planning commission and town council, and post a public notice on the town bulletin board.

Sec. 3-3. Appeal Process

- 3-3-1 *Town's failure to act promptly.* If the zoning administrator or town council fails to approve or disapprove the final plat within sixty (60) days or such longer period as may have been agreed upon pursuant to Sec. 3-2-3 (Approval time frame) after it has been accepted as a complete submission, the subdivider, after ten (10) days' written notice to the planning commission and town council, may petition the circuit court to decide whether the plat should or should not be approved as provided in Code of Virginia § 15.2-2259.C.
- 3-3-2 *Appeal of disapproval.* If the zoning administrator or town council disapproves a plat and the subdivider contends that such disapproval was not properly based on this ordinance, or was arbitrary or capricious, the subdivider may appeal to the circuit court within sixty (60) days of the written disapproval as provided in Code of Virginia § 15.2-2259.D.

Sec. 3-4. Interpretation

- 3-4-1. *Requirements.* In their interpretation and application, the provisions of this ordinance are declared to be the minimum requirements for the promotion of public safety, health, and general welfare.
- 3-4-2. *More restrictive standards govern.* Where the conditions imposed by any provisions of this ordinance upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule, or regulation, the requirements that are more restrictive or impose higher standards or regulations shall govern.
- 3-4-3. *Requirements govern easements.* No easement, covenant, or any other private agreement shall supersede the requirements of this ordinance.

Sec. 3-5. Fees and Charges

Fees and charges for the examination of every subdivision plat are collected with the filing of the preliminary plat or if no preliminary plat is filed, with the filing of the final plat. No refunds will be made if the subdivision is not approved.

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3-5-1 *Zoning administrator approval.* The fee for subdivisions which may be approved by the zoning administrator under Sec. 3-2-1 (Zoning administrator approval) shall be one-hundred and fifty dollars (\$150).

3-5-2 *Planning commission approval.* The fee for subdivisions which require approval by the planning commission under Sec. 3-2-2 (Planning commission approval) shall be six-hundred dollars (\$600).

Sec. 3-6. Transfers, Sales, and Permits to Build

No property in a subdivision shall be transferred or offered for sale, nor shall a permit be issued for a structure thereon, until a final plat of such subdivision shall have been approved, as stated herein, and recorded within the land records of the circuit court.

Sec. 3-7. Exemptions

3-7-1. *General.* The creation of a subdivision shall in no way exempt the land included within it from the requirements set forth by other ordinances or laws, including but not limited to the zoning ordinance.

3-7-2. *No one exempt.* No person shall subdivide any tract of land located within the town except in conformity with the provisions of this subdivision ordinance.

Sec. 3-8. Permits

All officials and public employees of the town vested with the duty or authority to issue permits or licenses shall conform to the provisions of a town ordinance and shall not issue such permit or license for uses, structures or purposes where the same would be in conflict with the provisions of said ordinance, and any such permit or license, if issued in conflict with the provisions of said ordinance, shall be null and void.

Article 4. Improvements and Standards

Sec. 4-1. Mutual responsibility

There is a mutual responsibility between the subdivider and the town to divide the land so as to improve the general use pattern of the land being subdivided.

Sec. 4-2 Land must be suitable

The approving authority shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. In this connection the zoning administrator may require the subdivider to furnish topographical maps, elevations, flood profiles or other relevant data.

Sec. 4-3. Flooding

Land subject to flooding and land deemed to be topographically unsuitable may be platted for residential occupancy, subject to the approval of the zoning administrator. Such land within the subdivision subject to

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severe flooding shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

Sec. 4-4. Subdivider's responsibility

All physical improvements in a subdivision shall be installed by the subdivider at the subdivider's cost, except the subdivider shall not be required to install individual septic tanks. In cases where specifications for improvements have been established either by the VDH for central sewer systems, or by VDOT, or this chapter for streets and drainage facilities, such specifications shall be followed in the design and construction of these improvements.

Sec. 4-5. Dedication and reservation

Each subdivision plat shall include dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof: any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and to be maintained by the town, the Commonwealth, or other public agency following construction.

In accordance with Code of Virginia § 15.2-2241(A)(5), each subdivision plat shall also include the provision of site-related improvements required by any town ordinance, for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed, in whole or in part, by private funds.

Where the size of the subdivision warrants, the subdivider shall dedicate to the town such reasonable amount of land for parking lots, parks, and playgrounds as determined necessary to protect the safety (fire and traffic hazards considered) and the general public welfare of the area. The size, location, and character of the land dedicated, if any, shall be determined by the zoning administrator after consideration of: (a) the purpose of this ordinance; (b) any related objective approved by the town council; and (c) the town's officially adopted Comprehensive Plan.

Sec. 4-6. Lots and building sites

Lots shall be arranged in order that the following considerations are satisfied:

- 4-6-1. Minimum acreage.* Every lot shall comply with the minimum acreage requirements set forth within the zoning district regulations for the district within which the lot is situated.
- 4-6-2. Shape.* The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to the requirements of this ordinance and the zoning ordinance. Lots shall not contain elongations solely to provide necessary square footage of area that would be unusable for normal purposes.
- 4-6-3. Location.* In cases where lots abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street that has become public by right of use, the subdivider shall make provisions in the deeds to all lots and on the subdivision plat for all buildings to be constructed so as to permit the widening by dedication of such roads or streets to a right-of-way width of 50 feet, if the existing streets are not at least that width.

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- 4-6-4. *Corner lots.* Corner lots shall have extra width sufficient for maintenance of any required lines on both streets as determined by the zoning administrator.
- 4-6-5. *Side lines.* Side lines of lots shall be approximately at right angles, or radial to the street line.
- 4-6-7. *Business or industrial.* Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
- 4-6-8. *Remnants.* All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.
- 4-6-9. *Separate ownership.* Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be recorded in the circuit court, at the same time as the plat.
- 4-6-10. *Parcels without access.* No parcel of land shall be divided in such a way as to leave a portion or portions thereof without direct access to a public road or private street. Direct access is the provision of at least 50 feet of lot width along the boundary between a lot and a public road or private street which connects ultimately to the public street system.

Sec. 4-7 Improvements

All required improvements shall be installed by the subdivider at the subdivider's cost. In cases where specifications have been established either by VDOT for streets, curbs, etc., the VDH, or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer.

Sec. 4-8. Construction requirements for public streets

All public and private streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the town.

- 4-8-1 *VDOT approval.* No subdivider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of VDOT for acceptance into the state system in accordance with the current VDOT Secondary Street Acceptance Requirements.
- 4-8-2 *Subdivider responsibility.* All proposed streets shall be constructed at the expense of the subdivider to meet the applicable minimum standards of VDOT Secondary Street Acceptance Requirements. In cases where VDOT specifications are less restrictive than the requirements of this ordinance, this ordinance shall prevail. The design of streets submitted on subdivision plans shall be approved by the zoning administrator upon recommendation of VDOT prior to final action by the zoning administrator.

Sec.4-9 Streets

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the town:

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- 4-9-1 *Alignment and layout.* The arrangement of streets in new subdivisions shall make the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the zoning administrator, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. Offsets and jogs shall be avoided.
- 4-9-2. *Service drives.* Whenever a proposed subdivision contains or is adjacent to a state primary highway, provision may be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare.
- 4-9-3. *Approach angle.* Major streets shall approach major or minor streets at an angle of not less than eighty (80) degrees, unless the zoning administrator, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing development patterns.
- 4-9-4. *Minimum widths.* The minimum width of proposed streets, measured from lot line to lot line, shall be specified by VDOT for acceptance into the State Secondary Road System, but not less than fifty (50) feet.
- 4-9-5 *Street width.* When lots in a subdivision abut on one side of any street which has been included in the State Secondary Street System, the subdivider shall be required to dedicate enough land so that one-half the width of such street, as measured from the center line to the subdivision property line, shall be twenty-five (25) feet or one-half the standard width of such highway, whichever is greater, but he shall not be responsible for grading or surfacing said existing street or highway.
- 4-9-6. *Street construction.* Streets shall be constructed in compliance with the requirements of VDOT.
- (a) 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 streets and adjoining properties.
 - (b) Street signs shall be installed at all street intersections in any subdivision by the subdivider. The grades of streets submitted on subdivision plats shall be approved by the zoning administrator upon recommendation of the highway engineer prior to final action by the zoning administrator.
- 4-9-7 *Cul-de-sacs.* Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be terminated by a turn-around of not less than one hundred (100) feet in diameter.
- 4-9-8. *Private streets and reserve strips.* There shall be no private streets platted in any subdivision. Every subdivision property shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets.
- 4-9-9. *Names.* Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the preliminary and final plats, and

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shall be approved by the zoning administrator. Names of existing streets shall not be changed except by approval of the governing body.

4-9-10. Identification signs. Street identification signs of a design approved by VDOT shall be installed at all intersections readable from either side.

Sec.4-10. Monuments

As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the zoning administrator are clearly visible for inspection and use. Such monuments shall be inspected and approved by the zoning administrator before any improvements are accepted by the governing body.

4-10-1. Location—Concrete. Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with finished grade.

4-10-2. Location—Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and thirty (30) inches long and driven so as to be flush with the finished grade.

4-10-3 Monument inspection and replacement. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this ordinance are clearly visible for inspection and use. Such monuments shall be inspected and approved by the zoning administrator before any improvements are accepted. The replacement of any monuments removed or destroyed during the development of the subdivision shall be the responsibility of the subdivider.

Sec.4-11. Water facilities

Public water connections shall be extended from the designated main to all lots within a subdivision and all fire hydrants, by the subdivider at no expense to the town in accordance with the design standards and specifications for water construction and improvement in the town, and meeting the approval of the zoning administrator. Individual wells shall not be permitted.

Sec.4-12. Storm drainage facilities

The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices and such improvements shall not adversely affect the hydrology or surface water of adjacent properties. The subdivider shall also provide plans for all such improvements together with a properly qualified certified engineer's or surveyor's statement that such improvements when properly installed will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.

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Sec.4-13. Street lights

Installation of street lights shall be required in accordance with design and specification standard approved by VDOT as deemed appropriate.

Sec.4-14. Fire protection

Adequate fire hydrants in a subdivision at locations approved by the zoning administrator shall be required. The location of the fire hydrants shall meet the National Board of Fire Underwriters specifications.

Sec.4-15. Utility easements plans and specifications

Easements of not less than twelve (12) feet shall be provided through the subdivision property for power lines, water, sewer and other utilities when providing these utilities is planned and would be made difficult without easements. A larger easement width may be required if determined necessary by the zoning administrator. If the owners of any subdivision desire to construct in, on or under any streets or alleys located in such subdivision any gas, water, sewer or electric light or public works, pipes, wires, fixtures or systems, they shall present plans or specifications therefore to the zoning administrator for approval in accordance with Code of Virginia § 15.2-2269.

Sec.4-16. Plans and specifications

Unless a lower quantity is approved by the zoning administrator, five (5) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by an engineer and shall be submitted to the zoning administrator for approval or disapproval within forty-five (45) days. If approved one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, papers shall be returned to the subdivider with the reason for disapproval in writing. The zoning administrator may retain one (1) copy for the town's records.

Article 5. Bonds

Sec. 5-1. General provisions.

The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company, or a certified check payable to the town in an amount equal to the total cost, including maintenance, as determined by the zoning administrator so as to guarantee the improvements will be installed within a reasonable length of time in a manner acceptable to the zoning administrator and that the street will be maintained until VDOT accepts into their system. The bond determined by the zoning administrator may be a single bond or separate bonds corresponding to different components of the subdivision (e.g., street construction, street maintenance, erosion and sediment control, and water system). Said bond or check shall be submitted to the zoning administrator prior to the zoning administrator signing approval on the plat. In the absence of a performance bond or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the zoning administrator.

Sec. 5-2. Bond amount determination.

In determining the cost of required improvements and the amount of the performance bond, the zoning administrator may consult with a duly licensed engineer who shall prepare this data for the zoning administrator or preferably may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

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Sec. 5-3. Bond release.

5-3-1. *Partial or final release.* The zoning administrator shall approve a partial or final complete release of any performance security guarantee within thirty (30) days after receipt of written notice by the subdivider of completion of part or all of any public facilities required to be constructed under the guarantee unless the zoning administrator, within the 30-day period, determines that an applicable state agency has not approved the construction or there are defects or deficiencies in the construction, in which case the zoning administrator shall suggest corrective measures. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail return receipt to the zoning administrator.

5-3-2 *Final completion and acceptance.* Upon final completion and acceptance of the public facilities, the zoning administrator shall release any remaining guarantee to the subdivider. For the purpose of final release, the term "acceptance" means when the public facility is accepted by and taken over for operation and maintenance by the state agency, town department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

Sec. 5-4. Bond extensions.

5-4-1. *Agreement.* When a subdivider enters into an agreement with the town, the necessary physical improvements shall be completed in the period of time specified in the agreement (the performance date).

5-4-2 *Request for extension.* Prior to the expiration of the performance date, the subdivider may submit a written request to the zoning administrator for an extension of the expiration date. The zoning administrator shall act to approve, approve with conditions, or deny the request. If the extension is approved, the subdivider shall sign an addendum to the performance agreement reflecting the extension.

5-4-3. *Zoning administrator review.* 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 and the zoning administrator shall follow the procedures set forth in Sec. 5-5 (Default procedures).

5-5. Default procedures.

If the subdivider fails to complete the required site improvements in the period of time specified in the agreement or any approved extension, the subdivider is in default. In such instances, the zoning administrator shall forward a recommendation to the town council 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 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.

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Article 6. Plats

Sec. 6-1. Platting required

Any owner or subdivider of any tract of land situated within the town who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the circuit court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the zoning administrator in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.

Sec. 6-2 Draw and certify

Every such plat shall be prepared by a surveyor or engineer duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.

Sec. 6-3. Owner's statement

Every such plat, or the deed of dedication to which such plat is attached, shall contain in addition to the surveyor's or engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any," which shall be signed by the owners, proprietors, and trustees, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the circuit court, and indexed under the names of the land owners signing such statements and under the name of the subdivision.

Sec. 6-4 Necessary changes

No changes, erasures or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the zoning administrator has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the zoning administrator.

Sec. 6-6. Vacation of plats

Any proposed vacation of an approved final subdivision plat that has been recorded shall be subject to the provisions of Code of Virginia § 15.2-2271 and § 15.2-2272, as applicable.

Sec. 6-7. Acceptance of improvements

The subdivider shall dedicate to the town, where applicable, all land required for streets, easements and alleys and other public facilities as required in this ordinance. The town will request VDOT to accept and maintain the improvements. The zoning administrator and VDOT, where applicable, shall make such inspections during and after final installation of the improvements required herein as shall be deemed necessary, and no installation shall be accepted as completed until approved by the zoning administrator, and VDOT, where applicable, except as otherwise provided for in Article 5 (Bonds).

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Sec. 6-8. Approval required before sale

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or their agent shall apply in writing to the zoning administrator for the approval of the subdivision plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded as prescribed by this ordinance.

Sec. 6-9. Preliminary sketch

The subdivider may choose to submit to the zoning administrator a preliminary sketch of the proposed subdivision prior to the subdivider preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the zoning administrator to advise the subdivider whether the plans in general are in accordance with the requirements of this ordinance. The zoning administrator, upon submission of any preliminary sketch, shall study it, and advise the subdivider wherein it appears that changes would be necessary. The zoning administrator may mark the preliminary sketch indicating necessary changes. The preliminary sketch shall be as follows:

- 6-9-1. *Specifications, contents.* It shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to a scale of one hundred (100) feet to the inch. It shall show the name, location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
- 6-9-2. *Part of tract.* Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the town.

Sec.6-10. Preliminary plat

The subdivider shall present to the zoning administrator five (5) prints of a preliminary layout at a scale of one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

- (a) Name of subdivision (the name shall not duplicate nor too closely approximate that of any existing subdivision in this or neighboring counties), owner, subdivider, surveyor or engineer, date of drawing, number of streets, north point and scale. If true north is used, method of determination must be shown.
- (b) Location of proposed subdivision by an insert map at a scale of not less than two (2) inches equal one (1) mile showing adjoining streets and roads, their names and number, subdivisions and other landmarks, if any, within 2,000 feet.
- (c) The boundary survey or existing survey or record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings with the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- (d) All existing, platted and proposed streets, their names, numbers, and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.

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- (e) The complete drainage layout, including all pipe size, types, drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage.
- (f) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- (g) A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith.
- (h) Location of each proposed lot line showing dimensions.
- (i) The proposed building setback lines shown as dotted lines, to scale with dimensions to front property or street center lines.
- (j) Proposed block and lot numbers and the area of each lot.
- (k) Proposed deed covenants, by reference to outlines of same which shall accompany the preliminary plat.
- (l) A location map tying the subdivision into our present street or road system, either by aerial photographs or topographic maps of the U. S. Department of Interior.
- (m) Proposed connections with existing sanitary sewers and town water system or alternate means of sewage disposal.
- (n) All parcels of land to be dedicated for public use and the condition of such dedication.

Sec.6-11. Items to accompany preliminary plat

The following items shall accompany the preliminary plat at the time it submitted to the zoning administrator, or, in any event, not later than twelve (12) days thereafter.

- (a) Statement by the Health Official of VDH that the subdivider has consulted with VDH with respect to the certificate which will be required before the final plat can be approved.
- (b) Statement by the subdivider acknowledging that any percolation tests, topographic studies or other requirements of the VDH will be carried out at the expense of the subdivider.
- (c) Any streets or parking areas included in the subdivision, specifications, drainage system, and any special treatment which will be required in their construction.
- (d) Check payable to the town to cover fees required.

Sec.6-12. Procedure

The zoning administrator shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. The subdivider shall then be advised in writing within sixty (60) days, which may

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be by formal letter or by legible markings, on the subdivider's copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and estimate of the cost of construction of improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat.

Sec.6-13. No guarantee

Approval by the zoning administrator of the preliminary plat does not constitute a guarantee of approval of the final plat.

Sec.6-14. Six-month limit

The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the zoning administrator a final subdivision plat in accordance with this ordinance. Failure to do so shall make preliminary approval null and void. The zoning administrator may, on written request by the subdivider, grant an extension of this time limit.

Sec.6-15. Final plat

The subdivision plat submitted for final approval by the zoning administrator and subsequent recording shall be clearly and legibly drawn in ink at a scale of one hundred (100) feet to the inch on sheets having a size of fifteen (15) inches by twenty (20) inches or size of plat book. In addition to the requirements of the preliminary plat the final plat shall include the following:

- (a) A blank oblong space three inches by five inches shall be reserved for the use of the approving authority.
- (b) Certificates signed by surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- (c) A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.
- (d) When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.
- (e) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines both within the boundary of the subdivision and adjoining said boundaries.
- (f) Distances and bearings must balance and close with an accuracy of not less than one in ten thousand.

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- (g) The data of all curves along the street frontage shall be shown in detail on the curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

Sec.6-16. Items to accompany final plat

The following items shall accompany the final plat at the time it submitted to the zoning administrator.

- (a) Approval from VDH that all lots in the subdivision meet all VDH requirements.
- (b) Approval from VDOT for any streets or parking areas included in the subdivision.

Sec.6-17. Conditions

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the zoning administrator. Approval of final plat shall be written on the face of the plat by the zoning administrator. The subdivider shall record plat with the circuit court within six (6) months after final approval; otherwise zoning administrator shall mark plat "void" and return same to subdivider.

6-17-1. Filing with Commissioner of the Revenue. Within sixty (60) days after recordation of the approved final plat, the subdivider shall file a copy thereof in the office of the Charlotte County Commissioner of the Revenue pursuant to the Virginia Land Subdivision Act.

6-17-2. Acceptance by town. Recordation of the final plat of a subdivision shall not be deemed to be the acceptance by the town of any street or road or other public place shown on the plat for maintenance, repair, or operation thereof.

Article 7. Effectual Clauses

Sec. 7-1 Penalties

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) for each lot or parcel of land so subdivided or transferred or sold; and every day thereafter shall constitute a separate offense; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The clerk of the circuit court shall not file or record a plat of a subdivision, until such plat has been approved as required herein.

Sec. 7-2 Validity

Should any article, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

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Sec. 7-3. Amendments

This ordinance may be amended in whole or in part by the town council provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the planning commission and the town council. Notice of the time and place of the hearing shall have been given in accordance with Code of Virginia, § 15.2-2204.

Sec. 7-4 Applicable subdivision ordinance

All approved subdivisions will be subject to the subdivision ordinance in effect on the date of recordation. Any new division of property will be subject to the current subdivision ordinance.