



**AGENDA
POWHATAN COUNTY BOARD OF SUPERVISORS
SPECIAL MEETING
AUGUST 15, 2016
4:00 PM CALL TO ORDER**

- 1. Call to Order**
- 2. Invocation**
- 3. Pledge of Allegiance**
- 4. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation**
- 5. Formal Approval of Agenda**
- 6. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)**
- 7. Discussion Items (estimated discussion times)**
 - a. Compensation of members of Boards, Committees, and Commissions (10 minutes) Page 3
 - b. Purchase Order System as a Cost Savings Initiative (10 minutes) Page 5
 - c. Sale of Fireworks Current Code and Burn Ordinance (45 minutes) Page 7
 - d. Proffer Refunds in Approved Proffer Reduction Cases (15 minutes) Page 13
 - e. Subdivision Ordinance (30 minutes) Page 15
 - f. Zoning Ordinance Amendments (30 minutes) Page 133
 - g. 2017 Draft Legislative Agenda (30 minutes) Page 161
- 8. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)**
- 9. County Administrator Comments**
- 10. Board Comments**

11. ~~Closed Meeting, as authorized by the Code of Virginia, Section 2.2-3711(A), to discuss the following matter(s):~~

~~Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. — §2.2-3711(A)(7) of the Code of Virginia.~~

12. ~~Closed Meeting Certification~~

13. Adjournment

Powhatan County
Schedule of Paid Boards and Commissions

Board	FY 2016 Budget	FY 2016 Compensation	FY 2017 Budget
RRPDC	\$ 1,550.00	\$ 990.38	\$ 1,550.00
Board of Equalization	5,000.00	4,521.30	5,000.00
Board of Elections *	8,260.00	8,257.95	8,425.00
CSB	3,230.00	1,399.51	3,230.00
Social Services	5,160.00	2,314.52	5,160.00
Zoning Appeals	1,260.00	-	1,260.00
Planning	10,011.00	10,011.45	10,011.00
Total	\$ 34,471.00	\$ 27,495.11	\$ 34,636.00

* Required by State and reimbursed at 80.25%

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Department of Finance

Charla W. Schubert, Director



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TO: Board of Supervisors
FROM: Charla W. Schubert, Director of Finance *CWS*
SUBJECT: Purchase Orders as a Cost Savings Initiative

The definition of a purchase order is a written authorization from a buyer to acquire goods or services. The document authorizes a supplier to deliver to the buyer at the price, quality level, delivery date, and certain other terms specified in the agreement. A purchase is legally binding after the supplier countersigns it.

In local government purchase orders are generally used as a budgetary or spending control for departments. Currently the administrative assistant or the employee making the purchase would have to prepare a purchase order. The purchase order would then need to be approved by the department head. Once a purchase order has been approved by the department heads it would be entered into the system and the accounting system would encumber or earmark those funds as spent. The purchase order would be attached to the invoice when sent to Finance for payment. Finance would verify that the purchase order has been properly entered into the system prior to processing the invoice for payment.

Due to the current size of our County the purchase order would not be a cost savings. Expenditure summaries are sent to department heads each month for review. Expenditure summaries are also sent multiple times in June to ensure that spending levels are within the department's approved budget.

Currently the only department that issues purchase orders is the CSA department. They are required by the State to issue and record purchase orders to their vendors each year.

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Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 15, 2016

Agenda Item Title: Ordinance O-2016-30 Amending Chapter 46, Article II. - Fire Prevention Code - of the Code of the County of Powhatan to revise the provisions related to Open Burning and site inspections prior to the sale of permissible fireworks.

Motion:

Dates Previously
Considered by Board:

Summary of Item: The ordinance provides a review and update to Chapter 46, Article II. - Fire Prevention Code, of Powhatan County Code of Ordinance. These measures bring Article II. Sec 46-46 Open Burning in compliance with the Department of Environmental Quality model code detailed in §9VAC5 CHAPTER 130 REGULATION FOR OPEN BURNING.

The ordinance also amends Sec 46-47. Fire Permits, allowing for the inspection and permitting of businesses selling permissible fireworks within the county.

Staff: Approve Disapprove See Comments

Commission/Board: Approve Disapprove See Comments

County Administrator:
Comments: Approve Disapprove See Comments

Budget/Fiscal Impact: Projected increase of county funds of >\$1000 from collect of permitting fees for permissible fireworks sales.

Attachments:

Staff/Contact: C. David Throckmorton, Fire Marshal, 804-598-5646; dthrockmorton@powhatanva.gov
Steven A. Singer, Fire and Rescue Chief, 804-598-5646; ssinger@powhatanva.gov

Sec. 46-46. - Open burning.

This section shall be known as the Powhatan County, VA Ordinance for the Regulation of Open Burning.

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A. Purpose. The purpose of this section is to protect public health, safety, and welfare by regulating open burning within Powhatan County, VA to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This article is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.

B. Definitions. For the purpose of this section and subsequent amendments or any orders issued by Powhatan County, VA, the words or phrases shall have the meanings given them in this section.

"Automobile graveyard" means any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and that it would not be economically practical to make operative, are placed, located or found.

"Built-up area" means any area with a substantial portion covered by industrial, commercial or residential buildings.

"Clean burning waste" means waste that is not prohibited to be burned under this ordinance and that consists only of (i) 100% wood waste, (ii) 100% clean lumber or clean wood, (iii) 100% yard waste, or (iv) 100% mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.

"Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

"Clean wood" means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, by-products of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.

"Construction waste" means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials

of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

"Debris waste" means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

"Demolition waste" means that solid waste which is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.

"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"Hazardous waste" means a "hazardous waste" as described in 9VAC20-60 (Hazardous Waste Management Regulations).

"Household waste" means any waste material, including garbage, trash and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by state agencies.

"Industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Junkyard" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.

"Open burning" means the combustion of solid waste without:

1. Control of combustion air to maintain adequate temperature for efficient
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion;

and

3. Control of the combustion products' emission.

"Open pit incinerator" means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion byproducts emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and over draft incinerators.

"Refuse" means all solid waste products having the characteristics of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean-up of spills or contamination or other discarded materials.

"Salvage operation" means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.

"Sanitary landfill" means an engineered land burial facility for the disposal of household waste that is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction, demolition, or debris waste and nonhazardous industrial solid waste. See 9VAC20-81 (Solid Waste Management Regulations) for further definitions of these terms.

"Smoke" means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

"Special incineration device" means an open pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

"Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

1. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
2. Construction, renovation, or demolition wastes.

3. Clean lumber.

"Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.

C. Exemptions. The following activities are exempted to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution:

1. Open burning for training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house firefighting personnel;
2. Open burning for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;
3. Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack;
4. Open burning for forest management and agricultural practices and highway construction and maintenance programs approved by the State Air Pollution Control Board; and
5. Open burning for the destruction of classified military documents.

D. Debris Waste Open burning of debris waste and yard waste shall be allowed without a permit provided the following conditions are met:

- (1) The debris or yard waste was generated on the property where burning takes place; and
- (2) The location of the burning is not less than 300 feet from any occupied building unless the occupants or owners have given prior permission, other than a building located on the property on which the burning is conducted; and
- (3) Any burn pile size shall not exceed eight feet by eight feet by four feet or 256 cubic feet, whichever is larger, and there will be no more than two (2) piles burning at any time; and
- (4) A competent person shall constantly attend any fire from time of ignition until completely extinguished. The attendant shall have fully functioning and adequate fire-extinguishing equipment readily available for use at all times during the burning.
- (5) Burning shall be conducted only when winds will not carry ash to another person's dwelling, structure, or the roadway. The burning of debris waste shall require a permit issued by the fire code official when any of the conditions listed above are not met.

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(6) *Construction and demolition waste.* Open burning of construction waste and demolition waste shall require a permit issued by the fire official, except as allowed in subsection 46-47(4).

Sec 46-47. Fire Permits

Persons engaging in any of the following activities shall first obtain a permit from the fire official before commencement of the activities. The fire official shall follow the VSFPC in reviewing and issuing any permit to ensure public safety.

(1) **Fireworks displays:** A permit shall be required for the display of fireworks other than those defined by the VSFPC as "permissible fireworks". Application for fireworks display permits shall be made in writing at least 15 working days in advance of the date of the display or discharge of fireworks.

Fireworks sales: A permit shall be required for the sale of any fireworks within the county.

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(2) **Explosives:** A permit is required for the manufacture, storage, handling, or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of the VSFPC, with the exception of those fireworks defined as "permissible fireworks".

(3) **Burn permits:** Unless excepted in subsection (4) below, a permit is required for the kindling or maintaining of an open fire on any property, public or private, for burning of debris waste, construction waste or demolition waste as defined herein. Failure to adhere to the instructions, conditions or stipulations of the permit shall be a violation of this article.

(4) **Exceptions:**

(a.) Open burning of debris, construction or demolition waste to be conducted by any person as part of lot clearing or construction operations upon any residentially zoned land which has been recorded as a subdivision shall be prohibited, and no permit shall be issued therefor.

(b.) A permit shall not be required for the burning of debris, construction or demolition waste that occurs on land zoned agricultural when the burning is directly associated with agricultural activities on the same parcel.



Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 15, 2016

Agenda Item Title: Proffer Refunds in Approved Proffer Reduction Cases

Motion: N/A

Dates Previously
Considered by Board:

Summary of Item: The County received a request from a property owner for a refund of the difference in the amount of the cash proffer that was paid to the County upon the issuance of the Certificate of Occupancy (CO) for a house and the revised cash proffer amount approved by the Board of Supervisors. The parcel in question was included as part of the cash proffer reduction request submitted for Appomattox Trace Subdivision (15-08-REZC). Powhatan Properties, LLC applied for the reduction of the proffer on October 16, 2015. The Planning Commission conducted a public hearing on the request January 5, 2016 and deferred action on the request for two (2) months. At the March 1, 2016 meeting, the Commission recommended denial of the request. On March 15, 2016, the property owner paid the cash proffer of \$8,497.57 in order to receive the CO for the house. The Board of Supervisors conducted a public hearing and approved the request to reduce the cash proffer amount to \$2,000.00 on March 28, 2016.

Policy question: Should a property owner receive a refund of the difference between the cash proffer amount paid and the reduced cash proffer amount, if the proffer is paid during the time that the proffer reduction request is being considered?

Staff: Approve Disapprove See Comments

Planning
Commission/Board: Approve Disapprove See Comments

County Administrator: Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: None

Staff/Contact: March Altman, Deputy County Administrator – Community Development,
804-598-5605 maltman@powhatanva.gov

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Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 15, 2016

Agenda Item Title: Ordinance O-2014-24 Amending and reenacting provisions of the Powhatan County Subdivision Ordinance (Chapter 68 of the Powhatan County Code of Ordinances) to revise and clarify procedures and standards of the Subdivision Ordinance, and to establish compliance with the Code of Virginia

Motion: N/A

Dates Previously Considered by Board:

- September 15, 2014 – Discussion Item, Regular Meeting
- November 3, 2014 – Workshop Discussion
- December 15, 2014 – Public Hearing
- February 17, 2015 – Workshop Discussion
- April 20, 2015 – Discussion Item, Deferred Action to May 18, 2015
- May 4, 2015 – Public Hearing, Deferred Action to June 1, 2015
- May 18, 2015 – Workshop Discussion
- June 1, 2015 – Action Item (Deferred Action)
- July 13, 2015 – Workshop Discussion

Summary of Item: The proposed amendment revises and clarifies procedures and standards for the subdivision of property within Powhatan County, and establishes compliance with the Code of Virginia. The Planning Commission conducted workshops in June, July and August of 2014 to discuss the proposed ordinance with staff and the County Attorney. The Commission conducted a public hearing to solicit public comment on the proposed ordinance amendment at their September 2, 2014 meeting, and voted 5-0 to recommend approval of the proposed ordinance. One (1) citizen spoke during the public hearing. The Commission made minor changes to the proposed ordinance and those items are shown in ~~strikethrough~~ and underline, and are footnoted¹.

Attached is a copy of the review of issues raised by the development/engineering community with staff recommendations.

Staff: Approve Disapprove See Comments

Planning Commission/Board: Approve Disapprove See Comments
9/2/2014 (5-0)

County Administrator: Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Staff Report, Amended Ordinance Text; Concerns/Issues List

Staff/Contact: March Altman, Deputy County Administrator – Community Development, 804-598-5605 maltman@powhatanva.gov



Subdivision Ordinance Amendment (O-2014-24) – Amending and re-enacting Chapter 68, Subdivision, of the Powhatan County Code

Staff Report prepared for the Board of Supervisors Public Hearing

This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.

I. PUBLIC HEARINGS

Planning Commission	May 6, 2014	Workshop
Planning Commission	June 2, 2014	Workshop
Planning Commission	July 1, 2014	Workshop
Planning Commission	August 5, 2014	Workshop
Planning Commission	September 2, 2014	Recommended Approval
Board of Supervisors	September 15, 2014	Discussion Item
Board of Supervisors	November 3, 2014	Workshop
Board of Supervisors	December 15, 2014	Public Hearing
Board of Supervisors	February 17, 2015	Workshop
Board of Supervisors	April 20, 2015	Discussion Item
Board of Supervisors	May 4, 2015	Public Hearing
Board of Supervisors	May 18, 2015	Workshop
Board of Supervisors	June 1, 2015	Action Item
Board of Supervisors	July 13, 2015	Workshop

II. EXECUTIVE SUMMARY

Attached is the proposed revision of the Powhatan County Subdivision Ordinance, incorporating revisions suggested by Staff and the County Attorney, items discussed by the Planning Commission, and amendments discussed by the Board of Supervisors at multiple meetings. We have also incorporated items from our current ordinance that Clarion either did not include or removed to an appendix. These items have been added after a comparative review of the current and proposed ordinances by Staff to ensure pertinent language was not left out.

Also attached for your review are copies of the items/issues raised at the Board of Supervisors public hearing December 15, 2014 with staff review of the issue and recommendation on each item; and a review of Subdivision Ordinance language related to flag lots from various Counties in the Richmond region and the Commonwealth.

The Planning Commission and County Staff began the renewed effort to revise the County's Subdivision Ordinance with a series of workshops that began in May 2014 and culminated with the Planning Commission conducting a public hearing on the proposed ordinance at their September 2, 2014 meeting. During the public hearing one citizen spoke. After closing the public hearing, the Commission voted 5-0 to recommend approval of the ordinance to the Board of Supervisors. With this recommendation, the Commission completed an effort that has spanned more than two (2) years.

NOTE: The proposed amendments to this ordinance are shown in the text of the ordinance. Deleted language is shown with a ~~strike through~~ and added language is underlined.

The two issues that have drawn the most comment/concern from the development community are the elimination of flag lots and the exemption of large lot development. The current ordinance allows for both, but the ordinance as proposed does not allow flag lots, and does not exempt large lot development from the provisions of the ordinance.

Staff does not support the creation of flag lots as a general practice. There are instances where "flag lots" by definition should be allowed, such as cul-de-sac lots. Additionally, the provisions of 68-200-B provide for family divisions to only have 30' of frontage. Staff feels that this provision should be maintained.

The issue of large lot development is the second that has drawn the most comment. The proposed ordinance no longer exempts large lot development from the subdivision ordinance requirements. The elimination of the exempt places the same requirements on large lot development as for standard subdivision development. Staff has prepared a comparison of the requirements under the current ordinance and the proposed ordinance (see attached). The development community has expressed concern with the additional requirements, feels that they are unnecessary, and that large lot development is part of the rural nature of the community.

In addition to flag lots and large lot development, the following issues need to be addressed by the Board:

- Private Roads – keep current private roads standards or eliminate private road construction.

The Planning Commission has recommended maintaining the current private road standards as that are an important element of rural character of the County. The County must also consider that removal of private road standards from the ordinance would eliminate residential development, such as Greywalls, and service roads in commercial developments, such as Stavemill Crossing.

- Access Management Standards – Maintain current County standards or adopt VDOT's Access Management Standards.

The Economic Development Strategic Plan recommends reviewing the County's Access Management Standards and consider adopting standards that more closely align with VDOT's standards.

- Pavement Standard – two-layer pavement design v. three-layer pavement design.

Maintaining the language in §68-175-E-8-a(i), requiring a minimum 3-layer pavement. This pavement design exceeds the requirements of VDOT and will provide an extend life cycle saving the taxpayer dollars related to the frequency of repaving.

- Lot Size – inclusive of floodplain area.

These are policy issues that the Board will need to decide. The previous Board discussed these issues at the July 13, 2015 workshop.

Staff has recommended approval of the ordinance has presented with some minor changes listed below.

III. STAFF RECOMMENDATION:

The staff recommends approval of the ordinance amending and reenacting Chapter 68, Subdivision, of the Code of Powhatan County, also known as the Powhatan County Subdivision Ordinance with the following changes:

- Amend §68-155 to address appeals of plat denial to Circuit Court per §15.2-2259 of the Code of Virginia.

- Delete §68-170-B-8, as follows:

Subdivisions with 50 or more lots shall have at least two vehicular access points into the subdivision. Subdivisions with 250 or more lots shall have at least three vehicular access points into the subdivision. ~~For purposes of this standard, a divided boulevard street may count as two access points if the street is constructed as a divided boulevard between its entrance into the subdivision and its nearest intersection with another street.~~ These access points shall be separated by at least 200 feet or one block length, whichever is greater

- Delete §68-195, as follows requiring solid waste receptacles in subdivisions;

~~“All development shall provide receptacles for the deposit of garbage and recyclables, and shall provide for the collection and disposal of deposited garbage and recyclables in accordance with [Chapter 66, Solid Waste](#), of the Code of the County of Powhatan, Virginia.”~~

- Add §68-206, requiring the placement of iron pins at all accessible points on the subdivision boundary line and lot corners.

“Iron pins will be placed at all accessible points on the subdivision boundary lines where there is a change of direction and at all lot corners. A guard stake will be

placed next to each pin with the lot number and the number of the adjoining lot plainly lettered on the flat faces of the stake.”

- Maintain the language in §68-175-E-8-a-(i), requiring a minimum 3-layer pavement.

“Pavement of streets shall be designed with at least six inches of base stone, three inches of base asphalt, and one and one-half inches of surface asphalt.”

The 3-layer pavement system is an enhanced design, beyond the VDOT “minimum” 2-layer system, that provides a more durable road section at construction that can hold up to traffic levels and can reduce maintenance costs to the citizens over the life of the road. The 3-layer system allows for the residents of the subdivision to drive on base layer pavement during the development of the subdivision until the top coat is applied for VDOT acceptance of the road section. If the County decides to use the 2-layer VDOT system residents will drive on a gravel layer of pavement during the development of the subdivision until the top layer is applied before VDOT acceptance.

- Flag Lot Proposal Submitted by Mr. Bradbury (Item 56 on the Concerns/Issues List)

I have reviewed the proposal submitted by Mr. Bradbury to allow flag lots based on the functional classification of a road. Appendix E of the current subdivision ordinance is the listing of the road in Powhatan by functional classification:

Category	Road Type
1	Interstate and Limited Access/Primary Systems
2	Major Arterials
3	Minor Arterials
4	Rural Collectors
5	Local Road (excluding Subdivision Streets)

The concern with using the “Road Classification Category” as suggested by Mr. Bradbury is that the road classifications will change over time due to growth and increased traffic volume. Of the nine Category 3 roads six of the roads are in or have a portion of the road segment in one of the County’s Village Growth Areas.

The concern with the Category 4 roads are some of these roads currently have a significant role connecting the main travel roads in the County – Huguenot Springs Road, Judes Ferry Road, Red Lane Road, Manakintown Ferry Road; and there is one Category 4 road that is partially in (Judes Ferry Road) and 4 roads that are completely within the Rt. 60 Corridor East Village Area – Page Road, Urbine Road, Batterson Road, and Rocky Oak Road. Additionally, two roads – Page Road and Urbine Road – have been discussed as parallel roads to relieve traffic congestion on Rt. 60.

Category 5 roads are the only roads that could be considered, but there are public safety concerns with the length of driveways and the ability to Fire/Rescue empty to the residence to be considered.

Flag lots are not a favored planning practice. Based on the flag lot language provided to the Board of Supervisors from other communities in the region it is apparent that flag lot development is not a permitted practice and it does not promote the orderly growth and development of the community.

The question at hand is, why would a County want to promote flag lot development which allows the stripping of road frontage and multiple driveway/road conflicts in an area that the Comprehensive Plan is directing growth? The zoning and subdivision ordinance are the implementation tools of the Long-Range Comprehensive Plan. It seems that we are compromising sound planning principals in the short-time without regard for the long-term planning implications.

It was suggested and the Board agreed at the July 15, 2015 workshop that the County should use the language that Chesterfield County has in their subdivision ordinance to regulate flag lots. It is staff's recommendation to move forward with the Chesterfield County language limiting the use of flag lots.

IV. PLANNING COMMISSION RECOMMENDATION:

In accordance with Section 9.3, of the Powhatan Subdivision Ordinance, the authority provided by the Code of Virginia, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission on a vote of 5-0 recommends **approval** of the request submitted by the County of Powhatan to amend and reenact the provisions of Chapter 68, Subdivision, of the Code of the County of Powhatan.

V. PROPOSED RESOLUTION:

In accordance with Section 9.3, of the Powhatan Subdivision Ordinance, the authority provided by the Code of Virginia, and in accordance public necessity, convenience, general welfare and good zoning practice, the Board of Supervisors (*approves / denies / defers*) the request submitted by the County of Powhatan to amend and reenact the provisions of Chapter 68, Subdivision, of the Code of the County of Powhatan.

Attachment(s):

1. Proposed Subdivision Ordinance Amendment
2. Subdivision Ordinance – Proposed Revisions, Issues Raised by the Board of Supervisors and Citizens dated August 6, 2015.

AN ORDINANCE AMENDING AND REENACTING PROVISIONS OF THE POWHATAN COUNTY SUBDIVISION ORDINANCE (CHAPTER 68 THE POWHATAN COUNTY CODE OF ORDINANCES) TO REVISE AND CLARIFY PROCEDURES AND STANDARDS OF THE SUBDIVISION ORDINANCE, AND TO ESTABLISH COMPLIANCE WITH THE CODE OF VIRGINIA.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, Section 15.2-2240 of the Code of Virginia mandates each local governing body to adopt a subdivision ordinance, pursuant to Sections 15.2-2240 through 15.2-2279 (Land Subdivision and Development) to assure the orderly subdivision of land and its development; and

WHEREAS, the proposed amendments detail procedures and standards relating to the division of land within the County for development purposes, as well as standards for access, circulation, streets, and other infrastructure provided as part of subdivisions or other new development; and

WHEREAS, the proposed amendments are intended to ensure that subdivisions and other development promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the County; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that the Subdivision Ordinance of the County of Powhatan is amended and re-enacted as follows:

- 1. The Powhatan County Subdivision Ordinance (Chapter 68 of the Powhatan County Code) is hereby amended as follows:**

Articles 1 through 11. Repealed

Minimum Lot Size Reference Chart. Repealed

Appendix A. County Thoroughfare Plan Map. Repealed

Appendix B. Access Design Standards. Repealed

Appendix C. Spacing Diagram. Repealed

Appendix D. Auxiliary Lane Analysis. Repealed

Appendix E. Local Road Classifications. Repealed

ARTICLE I. GENERAL PROVISIONS

Sec. 68-100. Purpose

The purpose of this chapter is to establish procedures and standards relating to the division of land within the county for development purposes, as well as standards for access, circulation, streets, and other infrastructure provided as part of subdivisions or other new development. More specifically, this chapter is intended to ensure that subdivisions and other development promote the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the county by providing:

- A. For the orderly and harmonious growth and development of the county;
- B. Wholesome living environments, including sound building sites, for county inhabitants;
- C. For the coordination of streets within and contiguous to proposed subdivisions with other existing or planned streets in the general area, and with the county's comprehensive plan and the state highway system;
- D. For site-related improvements necessary to minimize congestion and overcrowding of streets and accommodate vehicular ingress and egress, including traffic signalization and control;
- E. For improvements of streets and installation of water, sanitary sewerage, stormwater management, and other public utilities or community facilities;
- F. For drainage and flood control, failure of impounding structures, and impacts within dam break inundation zones;
- G. For identifying soil characteristics and structures necessary to ensure stability of critical slopes;
- H. Adequate open space for light, air, and recreation;
- I. For conservation of natural, agricultural, historical, scenic, and recreational areas;
- J. For the acceptance of rights-of-way, easements, streets, curbs, gutters, sidewalks, bikeways, drainage facilities, waterlines, sewerage facilities, and other improvements dedicated for public use and maintenance by the county, state, or other public agency;
- K. For the conveyance of easements to franchised operators and public service corporations furnishing cable television, gas, telephone, and electric service to proposed subdivisions;
- L. For installation of monuments establishing street and property lines; and
- M. For administration and enforcement of these subdivision regulations.

Sec. 68-101. Applicability

The procedures and standards in this chapter shall apply to all subdivisions and to all other development in respect to access and circulation and infrastructure.

Sec. 68-102. General Authority to Adopt Subdivision Ordinance

The subdivision ordinance establishes the county's subdivision regulatory authority as authorized by the Code of Virginia, and is adopted in accordance with:

- A. The enabling authority contained in Chapter 22 of Title 15.2 and, most specifically, in § 15.2-2240 et seq., VA Code Ann; and
- B. All other relevant laws of the Commonwealth of Virginia.

Sec. 68-103. Director of Community Development (Director)

The Director is designated by the County Administrator to administer and enforce the provisions of the Subdivision Ordinance. The Director, or his designee, shall have the following powers and duties under this Subdivision Ordinance:

A. General

To review and decide applications for the following:

- 1. Preliminary Subdivision Plats;
- 2. Subdivision Construction Plans;
- 3. Final Subdivision Plats;
- 4. Single-Cut Subdivision Plats;
- 5. Large Lot Subdivisions;
- 6. Family Divisions;
- 7. Subdivision Exceptions; and
- 8. Interpretations of Chapter 68: Subdivisions; and

B. Recommendation

To review and make recommendations on applications for the following:

- 1. Charitable Subdivisions;
- 2. Exception Permits (Subdivision); and
- 3. Appeals (Subdivision)

Sec. 68-104. Reserved

ARTICLE II. SPECIFIC REVIEW PROCEDURES

Sec. 68-105. Overview

A. General

This article sets forth supplemental procedures, standards, and related information for each of the specific subdivision review procedures under this Ordinance. They apply in addition to, or instead of, the standard procedures set forth in [Sec. 83-122, Standard Procedures](#) of the Powhatan County Zoning Ordinance (Chapter 83)

B. Structure of Procedures

For each type of subdivision application reviewed under this Ordinance, the following sections state the purpose of the application and whether each of the steps in the standard procedure set forth in [Sec. 83-122, Standard Procedures](#), is applicable, optional, or not applicable. They also include, for each step, any variations of, or additions to, the standard procedures. This is followed by the review standards for the application type and provisions addressing expiration and amendment of approvals.

Sec. 68-106. Applicability

No division of land in the county may be recorded with the Clerk of the Circuit Court, and no lot or parcel created by such division of land may be sold or developed, unless the division is expressly exempted from this section or has received final approval in accordance with the procedures of this section.

Sec. 68-107. Minimum Lot Size

Minimum Lot Size Reference Chart	
Scenario	Result
Minimum Lot Size (A-10 District)	10 acres
Lot Line Adjustment (A-10 District)	2 acres for parent tract on a public road; 10 acres for all other parcels; the result of the lot line adjustment may not create any additional non-conforming parcels
Lot Line Adjustment (RR District)	10 acres; parcels less than 10 acres may be increased but not decreased in size by the lot line adjustment
Single cut subdivision exception; main parcel on public road (A-10 District)	2 acres for the single cut parcel plus 2 acres for the residual parcel (4 acres total)
Single cut subdivision exception; main parcel on private road (A10 District)	2 acres for the single cut parcel plus 10 acres for the residual parcel (12 acres total); private road must be upgraded to state specifications from the state road to the single cut parcel; minimum lot size to be computed outside the 50' right of way
Family member division; main parcel on public road, or access provided to public road via main parcel (A-10 District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)
Family member division; main parcel on private road in Large Lot development (A-10 District)	2 acres for the family member division plus 10 acres for the residual parcel (12 acres total); must have consent from property owners that access the private road; minimum lot size to be computed outside the 50' right of way; private road must be upgraded to state specifications if private road serves more than ten (10) lots
Family member division (RR District)	2 acres for the family division parcel plus 10 acres for the residual parcel (12 acres total)

Minimum Lot Size Reference Chart	
Scenario	Result
Family member division (R-2 District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)
Family member division (R-U District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)
Large lot subdivision exception (A-10 District)	10 acre minimum lot size; if on a private road, minimum lot size is to be computed outside the 50' right of way
Charitable exception (A-10 District)	2 acres for the charitable exception parcel plus 10 acres for the residual parcel
Second dwelling for family member (per conditional use permit in A-10 District); main parcel on public road	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling for guest house or non-family member (per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling on 2 lot private road (regardless of occupant, per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling on 3-10 lot private road (regardless of occupant, per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member
Second dwelling on lot in any private road subdivision that is eligible for a single cut (per conditional use permit in A-10 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member

Secs. 68-108 — 68-109. Reserved

Sec. 68-110. Primary Subdivisions

Approval of a Primary Subdivision (see [Article V, Definitions](#) for a description of a Primary Subdivision) involves a three-step process that includes the review and approval of a Preliminary Plat, Construction Plans, and a Final Plat in accordance with the following subsections.

A. Preliminary Plat

1. Purpose

The purpose of this subsection is to establish the procedure and standards for review of Preliminary Plats. Preliminary Plat review is intended to ensure that the layout and general design of streets, other infrastructure, blocks, and lots in a proposed primary subdivision comply with all applicable standards in this Ordinance and all other applicable county and state regulations. A preliminary plat is required on any subdivision involving greater than fifty (50) lots.

2. Preliminary Plat Review Procedure

a) Pre-Application Conference

Applicable (see [Sec. 83-122\(B\) of the Zoning Ordinance](#)).

b) Neighborhood Meeting

Not Applicable.

c) Application Submittal and Acceptance

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)).

d) Staff Review and Action

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)). The Director shall refer the application to VDOT and other appropriate state, county and local agencies for review, and shall decide the application in accordance with [Sec. 83-122\(E\)\(4\) of the Zoning Ordinance, Applications Subject to Decision by Director or Administrator](#), and [Sec. 68-110\(A\)\(4\), Preliminary Plat Review Standards](#).

e) Public Hearing Scheduling and Public Notification

Not applicable.

f) Advisory Body Review and Recommendation

Not applicable.

g) Decision-Making Body Review and Decision

Not applicable.

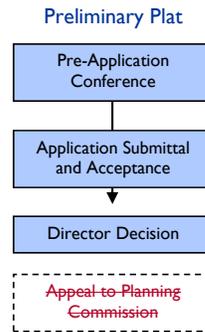


Fig. 68-110 (A)

3. Time Limit for Action on Preliminary Plat Applications

The Director shall decide an application for Preliminary Plat approval within 90 days after the date the application is accepted as complete in accordance with [Sec. 83-122\(D\)\(6\) of the Zoning Ordinance, Determination of Application Completeness](#). If the Director fails to approve or deny the application within 90 days after the date the application is accepted as complete, the applicant may petition the Circuit Court of Powhatan County to enter an order regarding the application, in accordance with § 15.2-2260.D VA Code Ann.

4. Preliminary Plat Review Standards

An application for a Preliminary Plat approval shall be approved upon a finding the applicant has demonstrated the proposed development:

- a) Complies with the applicable standards in [Article III, Subdivision Standards](#);
- b) Complies with all other applicable standards of this Ordinance;
- c) Complies with other applicable county regulations;
- d) Complies with applicable state regulations;

- e) Complies with requirements of utility entities that will maintain proposed public infrastructure improvements; and
- f) Complies with all standards, conditions, and proffers of any prior applicable permits or development approvals.

~~5. Appeal~~

~~A decision of the Director on an application for Preliminary Plat approval may be appealed to the Planning Commission in accordance with Sec. 68-155, Appeal.~~

6.5. Effect

- a) Preliminary Plat approval authorizes the subdivider to submit an application for Construction Plans approval in accordance with [Sec. 68-110\(B\), Construction Plans](#), for public infrastructure improvements (e.g., streets, sidewalks, bikeways, stormwater management facilities, water distribution facilities, fire hydrants, sewage collection and disposal facilities, street trees, street signs) proposed to serve the subdivision or an approved phase of the subdivision (see [Sec. 68-210, Phasing](#)), and to obtain Land Disturbance Permit ([Chapter 42, Article III](#) of the Code of Powhatan) and approval of private utilities (e.g., electrical, gas, telephone, and cable distribution facilities) from appropriate agencies.
- b) Preliminary Plat approval also authorizes the subdivider to submit an application for Final Plat approval for the subdivision or an approved phase of the subdivision (see [Sec. 68-210, Phasing](#)) in accordance with [Sec. 68-110\(C\), Final Plat](#), provided Construction Plans for all public infrastructure improvements required to serve the subdivision has been approved and either the improvements have been constructed and accepted or performance and maintenance guarantees ensuring such construction have been approved in accordance with [Sec. 68-215, Performance Guarantees](#).

7.6. Expiration

- a) Preliminary Plat approval shall expire if an application for Final Plat approval for the subdivision or an approved phase of the subdivision is not submitted within three years after the date of Preliminary Plat approval, or an extension of this time period granted.
- b) Preliminary Plat approval shall expire where a Final Plat for a phase of the subdivision is recorded and infrastructure improvements serving the phase are constructed and accepted or performance and maintenance guarantees ensuring such construction have been provided, but applications for approval of the remaining phases of the subdivision are not submitted within five years after recordation of the Final Plat for the first phase, or an extension of this time period granted.

8.7. Minor Deviations from Approved Preliminary Plat

Subsequent applications for Construction Plans approval or Final Plat approval for development subject to a Preliminary Plat approval may include minor deviations from the approved plans and conditions, without the need to amend the Preliminary Plat approval, provided such deviations are limited to changes that the Director determines would not:

- a) Increase the number of lots by more than five percent, up to the maximum number of lots allowed in the zoning district;
- b) Decrease the amount of open space;
- c) Substantially change the location or dimensions of open space;
- d) Materially alter the drainage, streets, or other engineering design;
- e) Adversely impact the management of stormwater quality or quantity;
- f) Substantially change any approved phasing plan;
- g) Substantially affect the terms of the original approval; or
- h) Result in significant adverse impacts on the surrounding properties, or the county at large.

9-8. Amendments

Applicable to any modification of development subject to Preliminary Plat approval other than the minor deviations authorized by [Sec. 68-110\(A\)\(87\)](#), [Minor Deviations from Approved Preliminary Plat](#).

B. Construction Plans

1. Purpose

The purpose of this subsection is to establish the procedure and standards for review of Construction Plans. Construction Plans review is intended to ensure that the infrastructure improvements in a proposed primary subdivision comply with all applicable standards in this Ordinance and all other applicable regulations of the county, state, and utility entities.

2. Construction Plans Review Procedure

a) **Pre-Application Conference**

Optional. Pre-application conferences with VDOT and other appropriate state agencies and utility entities are recommended.

b) **Neighborhood Meeting**

Not Applicable.

c) **Application Submittal and Acceptance**

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)).

d) **Staff Review and Action**

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)). The Director shall decide the application in accordance with [Sec. 83-122\(E\)\(4\) of the Zoning Ordinance](#), [Applications Subject to Decision by Director or Administrator](#), and [Sec. 68-110\(B\)\(3\), Construction Plans Review Standards](#).

e) **Public Hearing Scheduling and Public Notification**

Not applicable.

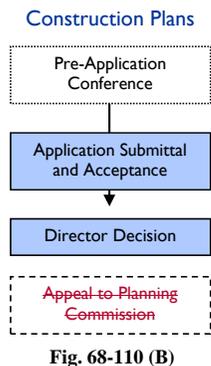


Fig. 68-110 (B)

f) **Advisory Body Review and Recommendation**

Not applicable.

g) **Decision-Making Body Review and Decision**

Not applicable.

3. Construction Plans Review Standards

An application for Construction Plans approval shall be approved on a finding the applicant has demonstrated the proposed development:

- a) Is in substantial conformity with the Preliminary Plat approval (see [Sec.68-110\(A\)\(87\)](#) for allowed deviations from the Preliminary Plat approval);
- b) Complies with the applicable standards in [Article III. Subdivision Standards](#)
- c) Complies with all other applicable standards of this Ordinance;
- d) Complies with other applicable county regulations;
- e) Complies with applicable state regulations;
- f) Complies with requirements of utility entities that will maintain proposed public infrastructure improvements; and
- g) Complies with all standards, conditions, and proffers of any prior applicable permits or development approvals.

~~**4. Appeal**~~

~~A decision of the Director on an application for Construction Plans approval may be appealed to the Planning Commission in accordance with Sec. 68-155, Appeal.~~

5.4. Effect

Construction Plans approval authorizes the subdivider to start construction or installation of infrastructure improvements in accordance with the approved plans.

6.5. Expiration

Construction Plans approval shall expire if the authorized construction is not started within ~~two~~ five years after the date of the Construction Plans approval, or an extension of this time period granted.

C. Final Plat

1. Purpose

The purpose of this subsection is to establish the procedure and standards for review of Final Plats. All subdivisions shall require the submission of a final plat. Final plat review is intended to ensure that the lots, the open space areas, and the rights-of-way and easements for streets, utilities, drainage, and other infrastructure proposed are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.

2. Final Plat Review Procedure

a) **Pre-Application Conference**

Not applicable.

b) **Neighborhood Meeting**

Not Applicable.

c) **Application Submittal and Acceptance**

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)). An application for Final Plat approval may be submitted only after the Director has determined that construction or installation of all public infrastructure improvements required to serve the area covered by the Final Plat is completed or that such completion is ensured by performance and maintenance guarantees approved by the county in accordance with [Sec. 68-215, Performance Guarantees](#).

d) **Staff Review and Action**

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)). The Director shall decide the application in accordance with [Sec. 83-122\(E\)\(4\) of the Zoning Ordinance, Applications Subject to Decision by Director or Administrator](#), and [Sec. 68-110\(C\)\(4\), Final Plat Review Standards](#).

e) **Public Hearing Scheduling and Public Notification**

Not applicable.

f) **Advisory Body Review and Recommendation**

Not applicable.

g) **Decision-Making Body Review and Decision**

Not applicable.

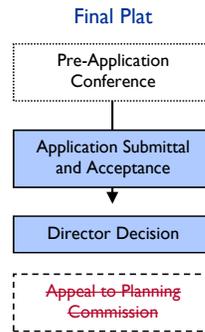


Fig. 68-110 (C)

3. Time Limit for Action on Final Plat Applications

The Director shall decide an application for Final Plat approval within 60 days after the date the application is accepted as complete in accordance with [Sec. 83-122\(D\)\(6\) of the Zoning Ordinance, Determination of Application Completeness](#). This time period may be extended as necessary to accommodate any required review and approval by a state department or agency, in accordance with § 15.2-2259(A), VA Code Ann.

4. Final Plat Review Standards

An application for Final Plat approval shall be approved on a finding the applicant has demonstrated the proposed Final Plat:

- a) Is in substantial conformity with the Preliminary Plat approval (see [Sec. 68-110\(A\)\(8Z\)](#) for allowed deviations from the Preliminary Plat approval);
- b) Complies with the applicable standards in [Article III, Subdivision Standards](#);
- c) Complies with all other applicable standards of this Ordinance;

- d) Complies with other applicable county regulations;
- e) Complies with applicable state regulations;
- f) Complies with requirements of utility entities that will maintain proposed public infrastructure improvements;
- g) Complies with all standards, conditions, and proffers of any prior applicable permits or development approvals; and
- h) Includes all required certificates.

5. Appeal

A decision of the Director on an application for Final Plat approval may be appealed ~~to the Planning Commission~~ in accordance with [Sec. 68-155, Appeal](#).

6. Certification

If the Final Plat application is approved, the Director shall enter on the plat a signed certification that the plat is approved by the county in accordance with this Ordinance and ready for recordation, as well as any other certifications as may be appropriate.

7. Recordation

The subdivider shall file an approved and certified Final Plat with the Office of the Clerk of the Circuit Court, and shall provide proof of recording to the Director.

8. Effect

Final Plat approval, certification, and recordation allow the subdivider to proceed with conveying the platted lots by reference to the recorded plat.

9. Expiration

Final Plat approval shall expire if the Final Plat is not recorded with the Office of the Clerk of the Circuit Court:

- a) within six months after the date of the Final Plat approval; or
- b) where construction or installation of public infrastructure improvements required to serve the area covered by the Final Plat has commenced in accordance with Construction Plans approval and their completion is ensured by a performance guarantee in accordance with [Sec. 68-215, Performance Guarantees](#), within one year after the date of the Final Plat approval or such further time period specified in the performance guarantee; or
- c) within an extension of the applicable time period established by [subsection a\) or b\)](#) above.

D. Limitation on Building Permits Pending Public Street Acceptance

Building Permits shall not be issued on more than 80 percent of the lots shown on a recorded final plat for a primary subdivision, or phase thereof, unless and until all public streets serving the subdivision or phase have been constructed, dedicated, and accepted in accordance with VDOT's secondary street acceptance requirements.

Secs. 68-111 — 68-114. Reserved

Sec. 68-115. Single-Cut Subdivision

A. Purpose

The purpose of this section is to establish the procedure and standards for review of Single-Cut Subdivisions (see [Article V, Definitions](#) for a description of a Single-Cut Subdivision) Single-Cut Subdivision review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.

B. Single-Cut Subdivision Review Procedure

1. Pre-Application Conference

Not applicable.

2. Neighborhood Meeting

Not Applicable.

3. Application Submittal and Acceptance

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)).

4. Staff Review and Action

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)). The Director shall decide the application in accordance with [Sec. 83-122\(E\)\(4\) of the Zoning Ordinance, Applications Subject to Decision by Director or Administrator](#), and [Sec. 68-115\(D\), Single-Cut Subdivision Review Standards](#).

5. Public Hearing Scheduling and Public Notification

Not applicable.

6. Advisory Body Review and Recommendation

Not applicable.

7. Decision-Making Body Review and Decision

Not applicable.

C. Time Limit for Action on Single-Cut Subdivision Applications

The Director shall decide an application for Single-Cut Subdivision approval within 30 days after the date the application is accepted as complete in accordance with [Sec. 83-122\(D\)\(6\) of the Zoning Ordinance, Determination of Application Completeness](#). This time period may be extended as necessary to accommodate any required review and approval by a state department or agency, in accordance with § 15.2-2259(A), VA Code Ann.

D. Single-Cut Subdivision Review Standards

An application for Single-Cut Subdivision approval shall be approved on a finding the applicant has demonstrated the proposed Single-Cut Subdivision:

1. Results in at least one lot having frontage on a public street and each lot ~~having either at least 30 feet of frontage along a public street or access to a public street via an access easement at least 30 feet wide meeting the minimum standards of the district set forth in Chapter 83 (Zoning Ordinance);~~

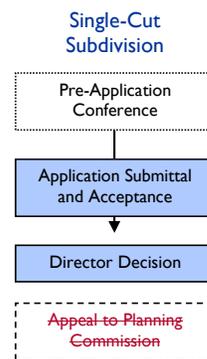


Fig. 68-115

2. Complies with the Minimum Lot Size standards in [Sec. 68-107, Minimum Lot Size Reference Chart](#).
3. Complies with the applicable standards in [Article III, Subdivision Standards](#);
4. Complies with all other applicable standards of this Subdivision Ordinance and the Zoning Ordinance;
5. Complies with other applicable county regulations;
6. Complies with applicable state regulations;
7. Complies with requirements of utility entities that will maintain proposed public infrastructure improvements;
8. Complies with all standards, conditions, and proffers of any prior applicable permits or development approvals; and
9. Includes all required certificates.

~~E. Appeal~~

~~A decision of the Director on an application for Single-Cut Subdivision approval may be appealed to the Planning Commission in accordance with Sec. 68-155, Appeal.~~

F.E. Certification

If the Single-Cut Subdivision application is approved, the Director shall enter on the plat of the subdivision a signed certification that the plat is approved by the county in accordance with this Ordinance and ready for recordation, as well as any other certifications as may be appropriate.

G.F. Recordation

The subdivider shall file an approved and certified Single-Cut Subdivision plat with the Office of the Clerk of the Circuit Court, and shall provide proof of recording to the Director.

H.G. Effect

Single-Cut Subdivision approval and certification and recordation of the Single-Cut Subdivision plat allow the subdivider to proceed with conveying the platted lots by reference to the recorded plat.

I.H. Expiration

Single-Cut Subdivision approval shall expire if the Single-Cut Subdivision plat is not recorded with the Office of the Clerk of the Circuit Court:

1. within six months after the date of the Single-Cut Subdivision approval; or
2. where construction or installation of public infrastructure improvements required to serve the area covered by the Single-Cut Subdivision plat has commenced in accordance with the Single-Cut Subdivision approval and their completion is ensured by a performance guarantee in accordance with [Sec. 68-215, Performance Guarantees](#), within one year after the date of the Single-Cut Subdivision approval or such further time period specified in the performance guarantee; or
3. within an extension of the applicable time period established by [Sec. 68-110\(C\)\(98\)\(a\)](#) or (b).

Secs. 68-116 — 68-119. Reserve

Sec. 68-120. Large Lot Subdivision

A. Purpose

The purpose of this section is to establish the procedure and standards for review of Large Lot Subdivisions (see [Article V, Definitions](#) for a description of a Large Lot Development) Large Lot Subdivision review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.

B. Large Lot Subdivision Review Procedure

1. Pre-Application Conference

Not applicable.

2. Neighborhood Meeting

Not Applicable.

3. Application Submittal and Acceptance

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)).

4. Staff Review and Action

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)). The Director shall decide the application in accordance with [Sec. 83-122\(E\)\(4\) of the Zoning Ordinance, Applications Subject to Decision by Director or Administrator](#), and [Sec. 68-120\(D\), Large Lot Subdivision Review Standards](#).

5. Public Hearing Scheduling and Public Notification

Not applicable.

6. Advisory Body Review and Recommendation

Not applicable.

7. Decision-Making Body Review and Decision

Not applicable.

C. Time Limit for Action on Large Lot Subdivision Applications

The Director shall decide an application for Large Lot Subdivision approval within 60 days after the date the application is accepted as complete in accordance with [Sec. 83-122\(D\)\(6\) of the Zoning Ordinance, Determination of Application Completeness](#). This time period may be extended as necessary to accommodate any required review and approval by a state department or agency, in accordance with § 15.2-2259(A), VA Code Ann.

D. Large Lot Subdivision Review Standards

An application for Large Lot Subdivision approval shall be approved on a finding the applicant has demonstrated the proposed Large Lot Subdivision:

1. Results in each lot having an area of ten or more acres (excluding any road easement area) and ~~having either at least 30 feet of frontage along a public street or access to a public street via an access easement at least 30 feet wide~~ in compliance with the minimum standards of the district set forth in [Chapter 83 \(Zoning Ordinance\)](#);

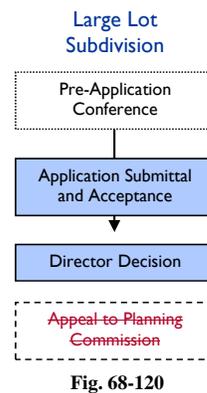


Fig. 68-120

2. Complies with the applicable standards in [Article III, Subdivision Standards](#);
3. Complies with all other applicable standards of this Ordinance;
4. Complies with other applicable county regulations;
5. Complies with applicable state regulations;
6. Complies with requirements of utility entities that will maintain proposed public infrastructure improvements;
7. Complies with all standards, conditions, and proffers of any prior applicable permits or development approvals; and
8. Includes all required certificates.

~~E.~~ Appeal

~~A decision of the Director on an application for Large Lot Subdivision approval may be appealed to the Planning Commission in accordance with Sec. 68-155, Appeal.~~

~~F.~~ Certification

If the Large Lot Subdivision application is approved, the Director shall enter on the plat of the subdivision a signed certification that the plat is approved by the county in accordance with this Ordinance and ready for recordation, as well as any other certifications as may be appropriate.

~~G.~~ Recordation

The subdivider shall file an approved and certified Large Lot Subdivision plat with the Office of the Clerk of the Circuit Court, and shall provide proof of recording to the Director. If the subdivision site consists of more than one parcel in separate ownerships, the parcels shall be transferred by deed into a single ownership concurrently with recordation of the Large Lot Subdivision plat.

~~H.~~ Effect

Large Lot Subdivision approval and certification and recordation of the Large Lot Subdivision plat allow the subdivider to proceed with conveying the platted lots by reference to the recorded plat.

~~I.~~ Expiration

Large Lot Subdivision approval shall expire if the Large Lot Subdivision plat is not recorded with the Office of the Clerk of the Circuit Court:

1. within six months after the date of the Large Lot Subdivision approval; or
2. where construction or installation of public infrastructure improvements required to serve the area covered by the Large Lot Subdivision plat has commenced in accordance with the Large Lot Subdivision approval and their completion is ensured by a performance guarantee in accordance with [Sec. 68-215, Performance Guarantees](#), within one year after the date of the Large Lot Subdivision approval or such further time period specified in the performance guarantee; or
3. within an extension of the applicable time period established by [Sec. 68-110\(C\)\(98\)](#) (a) or (b).

Secs. 68-121 — 68-124. Reserve

Sec. 68-125. Family Division

A. Purpose

The purpose of this section is to establish the procedure and standards for review of Family Divisions (see [Article V, Definitions](#) for a description of a Family Division). Family Division review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.

B. Family Division Review Procedure

1. Pre-Application Conference

Not applicable.

2. Neighborhood Meeting

Not Applicable.

3. Application Submittal and Acceptance

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)).

4. Staff Review and Action

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)). The Director shall decide the application in accordance with [Sec. 83-122\(E\)\(4\) of the Zoning Ordinance, Applications Subject to Decision by Director or Administrator](#), and [Sec. 68-125\(D\), Family Division Review Standards](#).

5. Public Hearing Scheduling and Public Notification

Not applicable.

6. Advisory Body Review and Recommendation

Not applicable.

7. Decision-Making Body Review and Decision

Not applicable.

C. Time Limit for Action on Family Division Applications

The Director shall decide an application for Family Division approval within 30 days after the date the application is accepted as complete in accordance with [Sec. 83-122\(D\)\(6\) of the Zoning Ordinance, Determination of Application Completeness](#). This time period may be extended as necessary to accommodate any required review and approval by a state department or agency, in accordance with § 15.2-2259(A), VA Code Ann.

D. Family Division Review Standards

An application for Family Division approval shall be approved on a finding the applicant has demonstrated that:

1. The land being divided has been owned by the current owner or member of the owner's immediate family for at least ten consecutive years;

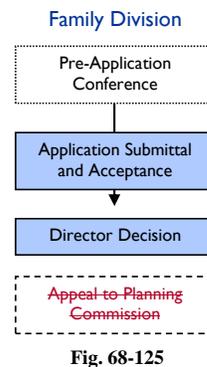


Fig. 68-125

2. The division is the only Family Division that has ever occurred between the land owner and the receiving family member;
3. The owner agrees to place a restrictive covenant on the subdivided lots that would prohibit their transfer to a nonmember of the owner's immediate family for a period of five years, unless the county executes and records a document agreeing to a shorter time period where required by changed circumstances;
4. The division results in no lot with an area less than two acres, and
 - a) Has at least ~~20-30~~ feet of frontage on a public street, or
 - b) has reasonable access to a public street via an access easement that is at least ~~20-30~~ feet wide for 1-2 lots served by a private road constructed to the Driveway Layout and Design standards in Sec. 68-175(E)(9)(a), or
 - c) has reasonable access to a public street via an access easement that is at least ~~40-50~~ feet wide for 3-10 lots served by a private road constructed to the Private Road standards in Sec. 68-175(E)(8)(b);
5. The division complies with any express requirement contained in the Code of Virginia; and
6. The division is not for the purpose of circumventing the county's subdivision regulations.

~~E.~~ Appeal

~~A decision of the Director on an application for Family Division approval may be appealed to the Planning Commission in accordance with Sec. 68-155, Appeal.~~

~~F.~~ Certification

If the Family Division application is approved, the Director shall enter on the plat of the subdivision a signed certification that the plat is approved by the county in accordance with this Ordinance and ready for recordation, as well as any other certifications as may be appropriate.

~~G.~~ Recordation

The subdivider shall file an approved and certified Family Division plat with the Office of the Clerk of the Circuit Court, and shall provide proof of recording to the Director.

~~H.~~ Effect

1. Except as otherwise provided in subsection (2) below, Family Division approval and certification and recordation of the Family Division plat allow the subdivider to proceed with conveying the platted lots by reference to the recorded plat, provided that
2. For five years after approval of a Family Division (unless the county executes and records a document agreeing to a shorter time period where required by changed circumstances):
 - a) The lot being divided off shall not be sold or transferred to any person other than an immediate family member unless the lot is subject to an involuntary transfer such as by foreclosure, death, judicial sale, condemnation, or bankruptcy. The owner of the property being divided shall place a restrictive covenant on the lot that would prohibit such a transfer.

- b) No Building Permit shall be issued on the lot being divided off to any person other than an immediate family member.
- c) No structure on the lot being divided off shall be rented to any person other than an immediate family member.

H.H. Expiration

Family Division approval shall expire if the Family Division plat is not recorded with the Office of the Clerk of the Circuit Court:

1. within six months after the date of the Family Division approval; or
2. where construction or installation of public infrastructure improvements required to serve the area covered by the Family Division plat has commenced in accordance with the Family Division approval and their completion is ensured by a performance guarantee in accordance with [Sec. 68-215, Performance Guarantees](#), within one year after the date of the Family Division approval or such further time period specified in the performance guarantee; or
3. within an extension of the applicable time period established by [Sec. 68-110\(C\)\(98\)\(a\)](#) or [\(b\)](#).

Secs. 68-126 — 68-129. Reserved

Sec. 68-130. Charitable Subdivision

A. Purpose

The purpose of this section is to establish the procedure and standards for review of Charitable Subdivisions (see [Article V, Definitions](#) for a description of a Charitable Subdivision) Charitable Subdivision review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.

B. Charitable Subdivision Review Procedure

- 1. Pre-Application Conference**
Not applicable.
- 2. Neighborhood Meeting**
Not Applicable.
- 3. Application Submittal and Acceptance**
Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)). The application shall include documentation of a valid 501(c)(3) designation of the charitable organization.
- 4. Staff Review and Action**
Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)).
- 5. Public Hearing Scheduling and Public Notification**
Applicable, in accordance with the provisions of Va. Code §15.2-2204

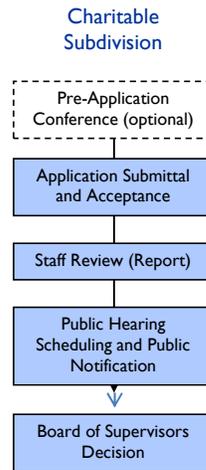


Fig. 68-130

6. Advisory Body Review and Recommendation

Not applicable.

7. Decision-Making Body Review and Decision

Applicable. The Board of Supervisors shall make a decision on the application for a Charitable Subdivision in accordance with [Sec. 68-130\(D\), Charitable Subdivision Review Standards](#).

C. Time Limit for Action on Charitable Subdivision Applications

The Director shall decide an application for Charitable Subdivision approval within 30 days after the date the application is accepted as complete in accordance with [Sec. 83-122\(D\)\(6\) of the Zoning Ordinance, Determination of Application Completeness](#). This time period may be extended as necessary to accommodate any required review and approval by a state department or agency, in accordance with § 15.2-2259(A), VA Code Ann.

D. Charitable Subdivision Review Standards

An application for Charitable Subdivision approval shall be approved on a finding the applicant has demonstrated the proposed Charitable Subdivision:

1. Involves the division of land in the Agricultural-10 (A-10) zoning district;
2. Results in the conveyance of a single lot or parcel no less than two acres in area, [meeting the minimum standards of the district set forth in Chapter 83 \(Zoning Ordinance\)](#), to a charitable organization, as demonstrated by documentation that the organization holds a valid 501(c)(3) designation by the U.S. IRS;
3. Results in a residual parcel no less than ten acres in area, [meeting the minimum standards of the district set forth in Chapter 83 \(Zoning Ordinance\)](#);
4. Complies with the applicable standards in [Article III, Subdivision Standards](#);
5. Complies with all other applicable standards of this Ordinance;
6. Complies with other applicable county regulations;
7. Complies with applicable state regulations;
8. Complies with requirements of utility entities that will maintain proposed public infrastructure improvements; and
9. Includes all required certificates.

E. Appeal

A decision of the Board of Supervisors on an application for a Charitable Subdivision may be appealed to the Circuit Court for Powhatan County in accordance with the Code of Virginia

F. Certification

If the Charitable Subdivision application is approved, the Director shall enter on the plat of the subdivision a signed certification that the plat is approved by the county in accordance with this Ordinance and ready for recordation, as well as any other certifications as may be appropriate.

G. Recordation

The subdivider shall file an approved and certified Charitable Subdivision plat with the Office of the Clerk of the Circuit Court, and shall provide proof of recording to the Director.

H. Effect

1. Charitable Subdivision approval and certification and recordation of the Charitable Subdivision plat allow the subdivider to proceed with conveying the platted lots by reference to the recorded plat.
2. A Charitable Subdivision approval shall not result in the owner of the residual lot losing any right to obtain Single-Cut Subdivision approval in accordance with [Sec. 68-115, Single-Cut Subdivision](#).

I. Expiration

Charitable Subdivision approval shall expire if the Charitable Subdivision plat is not recorded with the Office of the Clerk of the Circuit Court:

1. within six months after the date of the Charitable Subdivision approval; or
2. where construction or installation of public infrastructure improvements required to serve the area covered by the Charitable Subdivision plat has commenced in accordance with the Charitable Subdivision approval and their completion is ensured by a performance guarantee in accordance with [Sec. 68-215, Performance Guarantees](#), within one year after the date of the Charitable Subdivision approval or such further time period specified in the performance guarantee; or
3. within an extension of the applicable time period established by [Sec. 68-110\(C\)\(98\)\(a\)](#) or [\(b\)](#).

Secs. 68-131 — 68-134. Reserved

Sec. 68-135. Subdivision Exception (Administrative Review Procedure)

A. Purpose

The purpose of this subsection is to establish the procedure and standards for determining whether a proposed division of land is not a “subdivision,” as defined in [Article XI of the Zoning Ordinance, Definitions](#)—that is, qualifies for Administrative Approval (see [Article V \(Definitions\), Subdivision Exception](#)).

B. Subdivision Exception Review Procedure

1. Pre-Application Conference

Not applicable.

2. Neighborhood Meeting

Not Applicable.

3. Application Submittal and Acceptance

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)).

4. Staff Review and Action

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)) to the extent that the Director shall decide whether the proposed division of land qualifies as a Subdivision Exception, as defined in [Article V](#).

5. Public Hearing Scheduling and Public Notification

Not applicable.

6. Advisory Body Review and Recommendation

Not applicable.

7. Decision-Making Body Review and Decision

Not applicable.

C. Appeal

A decision of the Director on an application for a Subdivision Exception may be appealed to the ~~Planning Commission Board of Supervisors~~ in accordance with ~~Sec. 68-155, Appeal~~.

D. Certification

If the proposed division is determined to be a Subdivision Exception, the Director shall enter on the plat a signed certification that the plat is a Subdivision Exception in accordance with this Ordinance and ready for recordation.

E. Recordation

The applicant shall file an approved and certified Subdivision Exception plat with the Office of the Clerk of the Circuit Court, and shall provide proof of recording to the Director.

F. Effect

Approval, certification, and recordation of a Subdivision Exception plat allow the landowner to proceed with conveying the platted lots by reference to the recorded plat.

Secs. 68-136 — 68-139. Reserved

Sec. 68-140. Private Road Approval Procedure

A. Purpose

The purpose of this section is to establish the procedure and standards for review and approval of proposed private roads as an exception to the general intent that vehicular access and circulation within subdivisions be via public streets—an exception that may be appropriate only to the extent the private road better promotes sensitivity to the natural characteristics of the subdivision site and encourages development that is consistent and harmonious with surrounding development. The procedure is intended to provide the Planning Commission the discretion to decide whether a proposed private road complies with the standards of this article and is otherwise appropriate based on characteristics of the site, the subdivision, and surrounding development.

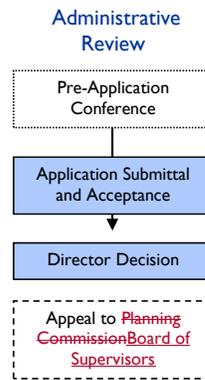


Fig. 68-135

B. Applicability

Private roads are allowed only if approved in accordance with the procedure and standards in this section and only where:

1. No more than ten lots would be served by the private road or any combination of connected private roads; and
2. Either
 - a) Each subdivision lot served by the private road has an area of at least ten acres (excluding any road easement area), or
 - b) The subdivision contains only two lots, each lot has an area of at least two acres (excluding any road easement area), the private road serves only those two lots, and the private road is the sole and direct means of access to a public street.

C. Private Road Approval Procedure

1. Pre-Application Conference

Optional (see [Sec. 83-122\(B\) of the Zoning Ordinance](#)).

2. Neighborhood Meeting

Not Applicable.

3. Application Submittal and Acceptance

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)).

4. Staff Review and Action

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)).

5. Public Hearing Scheduling and Public Notification

Applicable., in accordance with the provisions of Va. Code §15.2-2204.

6. Advisory Body Review and Recommendation

Not applicable.

7. Decision-Making Body Review and Decision

Applicable. The Planning Commission shall make a decision on the application for Private Road Approval in accordance with [Sec. 68-140\(D\)](#), [Private Road Approval Review Standards](#).

D. Private Road Approval Review Standards

A private road may be approved only on a finding that the applicant has demonstrated that:

1. Approval of the private road would alleviate a clearly demonstrable danger of significant degradation of the environment of the subdivision site or adjacent properties that would result from construction of the proposed vehicular accessway as a public street;



Fig. 68-140

2. For a specific identifiable reason, the general public interest—as opposed to the proprietary interest of the subdivider, would be better served by construction of the proposed vehicular accessway as a private road rather than a public street;
3. The private road would be adequate to carry the traffic that may reasonably be expected to be generated on it by the subdivision and constructed to the Private Road Standards in [Sec. 68-175\(E\)\(8\)\(b\)](#);
4. The private road would be located within a strip of land owned in fee by the owners of all lots abutting and served by the road or by an association comprised of the owners of all lots in the subdivision, or within a private access easement to the benefit of the owners of all lots abutting and served by the street;
5. The private road would not serve through traffic or intersect a public street in more than one location, unless needed to serve a specific public purpose; and
6. The subdivider agrees that any plat or deed for any lot abutting and served by the private road shall include restrictive covenants that provide for the regular maintenance of the street and notify the lot owners that the road is private, that they have the mutual obligation for maintenance or improvement of the street, that the road will not be accepted or maintained by VDOT or other public agency unless constructed and dedicated in accordance with VDOT’s secondary street acceptance requirements.

E. Conditions of Approval

In granting a Private Road Approval, the Planning Commission may impose such conditions it may deem necessary in the public interest to ensure compliance with the requirements of this section and to protect the public interest. Such conditions may include a requirement for a performance or maintenance guarantee in accordance with [Sec. 68-215, Performance Guarantees](#). Conditions, where imposed, shall be included as part of the approval.

F. Effect

Private Road Approval authorizes the applicant to start construction of the private road in accordance with the approved plans, provided that any recorded plat or deed for a lot abutting and served by the private road shall include the restrictive covenants as described in [Sec. 68-140\(D\)\(6\)](#) above.

G. Expiration

Private Road Approval shall expire if the authorized road construction is not started within two years after the date of the Private Road Approval, or an extension of this time period.

H. Appeal

A decision of the Planning Commission on an application for Private Road Approval may be appealed to the Board of Supervisors.

Secs. 68-141 — 68-144. Reserved

Sec. 68-145. Exception Permit (Subdivision)

A. Purpose

The purpose of a subdivision exception is to allow certain variations or exceptions to subdivision standards of this Ordinance when the landowner demonstrates that, owing to unusual situations or

when strict adherence to the standards of this Ordinance would result in substantial injustice or hardship to the landowner and the variation or exception would not be contrary to the public interest.

B. Applicability

Pursuant to the authority granted in § 15.2-2242(1) VA Code Ann., An an Exception Permit (Subdivision) procedure may be used to seek hardship relief from the subdivision standards of this Ordinance.

C. Exception Permit (Subdivision) Procedure

- 1. Pre-Application Conference**
Optional (see Sec. 83-122(B) of the Zoning Ordinance).
- 2. Neighborhood Meeting**
Optional (see Sec. 83-122(C) of the Zoning Ordinance).
- 3. Application Submittal and Acceptance**
Applicable (see Sec. 83-122(D) of the Zoning Ordinance).
- 4. Staff Review and Action**
Applicable (see Sec. 83-122(E) of the Zoning Ordinance).
- 5. Public Hearing Scheduling and Public Notification**
Applicable, in accordance with the provisions of Va. Code §15.2-2204.
- 6. Advisory Body Review and Recommendation**
Not applicable.
- 7. Decision-Making Body Review and Decision**
Applicable. The ~~Planning Commission~~ Board of Supervisors, following a public hearing, shall make a decision on the application for an Exception Permit in accordance with Sec. 68-145(D), Exception Permit (Subdivision) Review Standards.

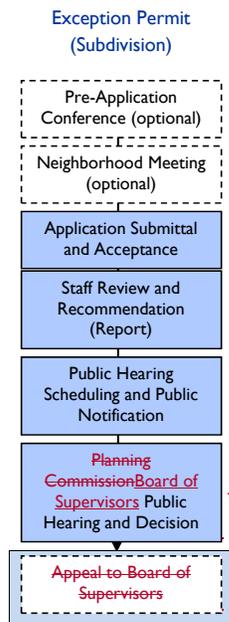


Fig. 68-145

D. Exception Permit (Subdivision) Review Standards

An Exception Permit (Subdivision) shall be approved on a finding the applicant shows good and sufficient cause and demonstrates that all of the following standards are met:

1. Unusual situations exist or strict adherence to the standard proposed to be varied would result in substantial injustice or hardship to the applicant;
2. The Exception Permit (Subdivision) is the minimum required to provide relief from the unusual situations or substantial injustice or hardship;
3. Any alternative technique, design, or materials allowed by the Exception Permit (Subdivision) are of comparable quality to those required by this Ordinance and achieve results that substantially satisfy or effect the standards in this Ordinance; and

4. Granting of the Exception Permit (Subdivision) will not be detrimental to the public, health, safety, and general welfare, or to the orderly development of the area.

E. Conditions of Approval

In authorizing an Exception Permit (Subdivision), the ~~Planning Commission~~Board of Supervisors may impose such conditions regarding the location, character, and other features of the proposed subdivision granted the exception as it may deem necessary in the public interest to ensure compliance with the requirements of this chapter and to prevent or minimize adverse effects from the proposed variance. Such conditions may include a requirement for a performance or maintenance guarantee in accordance with [Sec. 68-215, Performance Guarantees](#). Conditions, where imposed, shall be included as part of the approval.

F. Effect

Approval of an Exception Permit (Subdivision) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the subdivision for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

G. Expiration

Unless it expires, an Exception Permit (Subdivision), including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

H. Appeal

A decision of the ~~Planning Commission~~Board of Supervisors on an application for an Exception Permit (Subdivision) may be appealed to the ~~Board of Supervisors~~Powhatan County Circuit Court.

Secs. 68-146 — 68-149. Reserved

Sec. 68-150. Interpretation

A. Purpose

The purpose of this section is to provide a uniform mechanism for rendering formal written interpretations of the text of this chapter's subdivision procedures and standards.

B. Applicability

The Director is responsible for making interpretations of all provisions of this article pertaining to subdivisions.

C. Interpretation Procedure

1. Pre-Application Conference

Optional (see [Sec. 83-122\(B\) of the Zoning Ordinance](#)).

2. Neighborhood Meeting

Not applicable.

3. Application Submittal and Acceptance

Applicable (see [Sec. 83-122\(D\) of the Zoning Ordinance](#)). An application for a formal written interpretation may be initiated by the Board of Supervisors, the Planning Commission, any resident or landowner in the county, or any person having a contractual interest in land in the county.

4. Staff Review and Action

Applicable (see [Sec. 83-122\(E\) of the Zoning Ordinance](#)). The Director shall make interpretations in accordance with [Sec. 83-122\(E\)\(4\) of the Zoning Ordinance, Applications Subject to Decision by Director or Administrator](#), and [Sec. 83-123\(P\)\(4\) of the Zoning Ordinance, Interpretation \(Floodplain Standards\)](#). Prior to rendering an interpretation, the Director shall consult with the County Attorney and other affected county officials.

5. Public Hearing Scheduling and Public Notification

Not applicable.

6. Advisory Body Review and Recommendation

Not applicable.

7. Decision-Making Body Review and Decision

Not applicable.

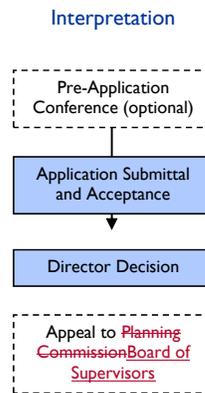


Fig. 68-150

D. Interpretation Standards

Interpretation of the text of this article and its application shall be based on the standards in [Article XII of the Zoning Ordinance, Interpretations](#), and considerations including, but not limited to, the following:

1. The clear and plain meaning of the provision’s wording, as defined by the meaning and significance given specific terms used in the provision—as established in [Article V of this chapter \(Definitions\)](#) and in [Article XI of the Zoning Ordinance \(Definitions\)](#), and by the common and accepted usage of the term;
2. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, any legislative history related to its adoption; and
3. The general purposes served by this article and the sections in it.

E. Appeal

The Director’s interpretation may be appealed to the ~~Planning Commission~~ [Board of Supervisors \(see \[Sec. 68-155, Appeal\]\(#\)\)](#).

F. Effect

Except as otherwise provided in [Sec. 83-122\(E\)\(4\)\(c\) of the Zoning Ordinance, No Change to Relied-Upon Decision](#), a written interpretation shall be binding on subsequent decisions by the Director or other county administrative officials in applying the same provision of this chapter in the same circumstance.

G. Official Record

The Director shall maintain a record of written interpretations that shall be available in the Community Development Department for public inspection, on reasonable request, during normal business hours.

Secs. 68-151 — 68-154. Reserved

Sec. 68-155. Appeal

A. Purpose

The purpose of this section is to establish a procedure and standards for any person aggrieved by any administrative decision ~~in accordance with § 15.2-2311 VA Code Ann.~~ related to a decision on an application for subdivision approval ~~or an interpretation under Sec. 68-150, Interpretation (Subdivision), to appeal the decision or interpretation to the Planning Commission.~~

B. Applicability

Any person aggrieved, or any officer, department, board, or commission of the County affected, by a decision of the Director on an application for subdivision approval ~~or an interpretation under Sec. 68-150, Interpretation~~, may appeal the decision ~~or interpretation~~ (hereinafter “decision”) to the ~~Planning Commission~~ Powhatan County ~~Circuit Court~~ in accordance with the procedures and standards of this section ~~and § 15.2-2259 VA Code Ann.~~

C. Initiation

An appeal shall be initiated by filing a written Notice of Appeal with the Director, within ~~30-60~~ days of the date of the decision being appealed.

~~D. Appeal Procedure~~

~~1. Pre-Application Conference~~

~~Optional (see Sec. 83-122(B) of the Zoning Ordinance).~~

~~2. Neighborhood Meeting~~

~~Not applicable.~~

~~3. Application Submittal and Acceptance~~

~~Applicable (see Sec. 83-122(D) of the Zoning Ordinance). The written Notice of Appeal shall include a statement of the error or improper decision, the date of that decision, the grounds for the appeal, and all related support materials.~~

~~4. Staff Review and Action~~

~~Applicable (see Sec. 83-122(E) of the Zoning Ordinance). On accepting a Notice of Appeal application, the Director shall transmit to the Planning Commission the appeal and the record of material considered by the decision-maker in making the decision (including but not limited to, for example, provisions of this Ordinance, the application and support materials, staff report, and other plans, documents, reports, and studies~~

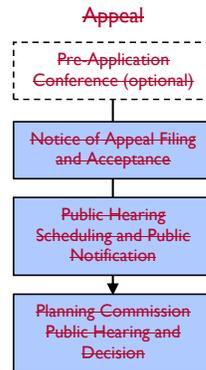


Fig. 68-155

considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision).

~~5. Public Hearing Scheduling and Public Notification~~

~~Applicable. In accordance with the provisions of Va. Code §15.2-2204, the Director shall provide notice of the public hearing to the applicant for the decision being appealed, if different from the appellant. If the decision being appealed pertains to a particular property, notice also shall be provided to the owner of the property.~~

~~6. Advisory Body Review and Recommendation~~

~~Not applicable.~~

~~7. Decision-Making Body Review and Decision~~

~~Applicable. The public hearing shall be on the record of the appeal, with presentations limited to testimony and arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application. Following the public hearing, the Planning Commission shall make a decision on the appeal. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Sec. 83-123(R)(5) of the Zoning Ordinance, Appeal (Floodplain) Review Standards. The final decision of the Planning Commission shall be one of the following:~~

- ~~a) Affirmation of the decision (in whole or in part);~~
- ~~b) Modification of the decision (in whole or in part); or~~
- ~~c) Reversal of the decision (in whole or in part).~~

~~The concurring vote of a majority of the membership of the Planning Commission shall be necessary to reverse the decision being appealed.~~

~~E. Appeal Review Standards~~

~~A decision by the Director or other administrative officer shall be presumed correct, and may not be reversed or modified unless there is evidence in the record that the decision is not correct, based on the relevant procedures and standards of this Ordinance. The Planning Commission shall consider the purpose and intent of any applicable provisions of this Ordinance and other relevant ordinances, laws, and regulations in making its decision.~~

~~F.D. Appeal~~

~~Any person jointly or severally aggrieved by any decision of the ~~Planning Commission~~ Director, or any aggrieved taxpayer or any officer, department, board, or commission of the county, within 30 days of the date of the final decision of the ~~Planning Commission~~ Director, may appeal the decision ~~of the Planning Commission to the Board of Supervisors in accordance with the Code of Virginia.~~~~

~~G.E. Effect~~

~~An appeal shall stay all proceedings by the county in furtherance of the action appealed, unless the Director certifies that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed unless a restraining order is granted ~~by the Planning Commission~~ or by the Circuit Court for Powhatan County, on application and on notice to the Director and for good cause shown.~~

Secs. 68-156 — 68-159. Reserved

Sec. 68-160. Vacation of Plats

Any recorded subdivision plat, or the boundary of any lot or parcel shown on such recorded subdivision plat, may be vacated in accordance with the provisions of §§ 15.2-2271—2278 VA Code Ann. and any other applicable law.

Secs. 68-161 — 68-169. Reserved

ARTICLE III. SUBDIVISION STANDARDS

Sec. 68-170. General

A. Name

The name of a subdivision shall not duplicate or closely approximate (phonetically or in spelling) the name of any other subdivision in Powhatan County,

B. Layout

The layout of streets, lots, and other elements of a subdivision shall be based on complete site analysis, and shall comply with the following standards:

1. Streets and lots shall be designed and situated to minimize alteration of natural and historic site features to be preserved.
2. The subdivision layout shall consider the practicality and economic feasibility of development of individual lots, including the environmental characteristics and size of the site, and the requirements of this chapter and [Chapter 83 \(Zoning Ordinance\)](#) of the Powhatan County Code.
3. Streets and the buildable areas of lots shall be located outside floodway districts (see [Sec. 83-420\(D\)\(1\) of the Zoning Ordinance, Floodway District](#)) and, to the maximum extent practicable, outside all other parts of a Floodplain Overlay (FP) district. Public infrastructure improvements and utility facilities shall be located and constructed to minimize exposure to flood hazards.
4. Unique and fragile elements—including, but not limited to, wetlands, steep slopes, and significant stands of mature trees—shall be preserved where practicable, with development reserved for environmentally stable areas.
5. Open space shall be provided in accordance with [Sec. 83-470 of the Zoning Ordinance \(Development Standards\), Open-Space Set-Asides](#).
6. Riparian buffers shall be provided in accordance with [Sec. 83-471\(A\) of the Zoning Ordinance \(Development Standards\), Riparian Buffers](#).
7. The general location, character, and extent of streets, public utilities and service facilities, and parks and other public areas shall be consistent with the comprehensive plan.

8. Subdivisions with 50 or more lots shall have at least two vehicular access points into the subdivision. Subdivisions with 250 or more lots shall have at least three vehicular access points into the subdivision. ~~For purposes of this standard, a divided boulevard street may count as two access points if the street is constructed as a divided boulevard between its entrance into the subdivision and its nearest intersection with another street.~~ These access points shall be separated by at least 200 feet or one block length, whichever is greater.
9. Subdivisions that adjoin existing streets will dedicate additional rights-of-way for future street widening to meet the minimum width requirements of the adopted Thoroughfare Plan. One half of the required right-of-way, measured from the centerline of the existing roadway, will be provided. The entire right-of-way will be provided where any part of the subdivision is on both sides of an existing street.
10. No more than 80 percent of building permits in any section of residential subdivision shall be issued until the roads have been constructed to state standards, inspected and accepted into the state highway system.
11. Land within any flood plain district will not be included in minimum lot area requirements and will not be raised by fill. Other land subject to flood may be used to meet minimum lot area requirements only if filled to such height as will secure a flood-free site based on data submitted by the subdivider and prepared by Engineers, provided such use or fill does not endanger health, life, or property, restrict the flow of water or increase flood heights.
12. All residences constructed on lots within a 100-year HUD designated flood plain area shall maintain a ten-foot horizontal and one-foot vertical separation from the flood plain.

C. Blocks

1. Blocks shall be laid out to provide a functional street pattern and circulation and connectivity in accordance with the standards in [Sec. 68-175, Access and Circulation](#).
2. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth for the zoning district, excluding any water bodies, public alleys, or other public rights-of-way. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways, or due to limiting topographical conditions, the size or configuration of the site, or for approved through lots.
3. Blocks shall not exceed 1,600 feet in length except as necessary to secure efficient use of land, or desired features of the street pattern, or to reflect the size and configuration of the site.
4. The lengths, widths, and shapes of blocks shall be determined based on the following:
 - a) Lot area and width standards;
 - b) Needs for convenient access, circulation, control, and safety of vehicular, bicycle, and pedestrian traffic;
 - c) Relationship to existing utilities;
 - d) Layout of the water system with regard to eliminating stagnant water, providing adequate fire flow, appropriately placing fire hydrants, and meeting minimum pressure requirements.;

- e) Layout of the sanitary sewer system with regard to utilizing gravity sewer system wherever possible and minimizing the use of sewer force mains;
- f) Layout of the stormwater management system with regard to utilizing natural outfalls adjacent to the land being subdivided, and minimizing the use of existing public stormwater or drainage systems for the new development;
- g) Location of existing and proposed easements; and
- h) Limitations and opportunities of topography.

Secs. 68-171 — 68-174. Reserved

Sec. 68-175. Access and Circulation

A. Purpose

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to provide transportation options, increase the effectiveness of local service delivery, reduce emergency response times, promote healthy walking and bicycling, facilitate use of public transportation, contribute to the attractiveness of the development and community, connect neighborhoods and increase opportunities for interaction between neighbors, reduce vehicle miles of travel and travel times and greenhouse gas emissions, improve air quality, minimize congestion and traffic conflicts, and preserve the safety and capacity of community transportation systems. Access management is a continuing process of controlling the location and design of crossovers, traffic signals, intersections, and commercial driveways to protect and enhance safe and efficient traffic movement. Major thoroughfares, including highways and other arterials, serve as the primary network for moving people and goods. These transportation corridors also have served as the focus for commercial and residential development. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of development and retain their primary transportation function. These standards provide and manage access to land development, while preserving traffic flow as it relates to safety, capacity and speed. They also balance the landowners' right to access their property while maintaining the right to the public to safe and efficient travel. These access standards shall apply to all arterials, collectors, and local streets within the County and to all properties that abut the roadways. Except where otherwise noted in this section, the access classification system and standards shall apply to all public roadways within the County. This section is intended to be utilized in conjunction with the compulsory land use development regulations in the Zoning Ordinance, and the guidance provisions in the Powhatan County Comprehensive Plan and US 60 Crossover Study. In the event of conflicting provisions, the more stringent regulation shall be applied. The Director shall be responsible for the application of this section. The Director has the discretion to consult with the Virginia Department of Transportation ("VDOT") to aid in the application of this section.

B. Applicability

1. General

Except as otherwise provided in subsections below or elsewhere in this section, the standards in this section shall apply to all new development and accessways in the county.

2. Exception for Agricultural Vehicular Accessways

The standards in this section shall not apply to private vehicular accessways exclusively serving agricultural operations.

C. Consistency with Comprehensive Plan

The general location, character, and extent of streets and other elements of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the comprehensive plan.

D. Multimodal Transportation System

Access and circulation systems associated with a development shall provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

E. Vehicular Access and Circulation

1. Circulation Plan Required

- a) Applications for Site Plan approval ([Sec. 83-123\(G\) of the Zoning Ordinance](#)) and Preliminary Plat approval ([Sec. 68-110\(A\)](#)) shall include a circulation plan that addresses emergency and service vehicle access, access management, street connectivity, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future "cut-through" traffic is likely, and similar issues.
- b) The Director may waive the requirement for a circulation plan on determining that a proposed development is expected to have no impact on circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

2. Traffic Impact Analysis Required

- a) Applications for a Zoning District Map Amendment (Rezoning), Conditional Rezoning, Planned Development, or Conditional Use Permit shall include a VDOT traffic impact statement (VTIS), and applications for a Site Plan or Preliminary Plat shall include a traffic impact statement (TIS), where the proposed development is reasonably anticipated to substantially affect transportation on state-controlled highways, as determined in accordance with VDOT's traffic impact analysis regulations and criteria for rezoning proposals.

- b) The Director may waive the requirement in subsection (a) above on determining that the proposed development substantially conforms to a small area plan that is incorporated into the comprehensive plan and for which a VTIS was prepared.
- c) The VTIS or TIS shall be prepared in accordance with the requirements for a VTIS in VDOT's traffic impact analysis regulations.
- d) Traffic impact analyses (TIAs) are studies of the transportation needs and traffic impact of a development on the surrounding road network and should be a major component of the site development review process. TIAs must be conducted by a licensed professional engineer or other professional acceptable to the Director, and shall be reviewed and approved by the County. An analysis acceptable to the Director shall be performed for each of the following situations.
 - (i) All development proposals that will generate more than 100 total new peak hour vehicle trips on the adjacent street.
 - (ii) All development proposals that generates less than 100 new peak hour vehicle trips will require a TIA if it impacts local problem areas such as high accident locations or heavily congested areas.
 - (iii) When the original TIA is more than two (2) years old, access decisions are still outstanding, and changes in development have occurred within the site environs.
 - (iv) This Section shall not apply to agricultural operations or to access roads for family divisions as defined in this Subdivision Ordinance.
- e) The Applicant shall be responsible for providing actual traffic counts for public roads included in the traffic impact analysis if actual traffic counts conducted by the Virginia Department of Transportation (VDOT) are more than 12 months old. Traffic counts shall be performed in accordance with VDOT regulations
- f) The Director has the discretion to waive the requirements of a traffic impact analysis when it is determined that transportation improvements required as a result of the proposed development are apparent without an analysis, and the developer agrees to provide the required improvements.

3. Vehicular Accessway Classifications

As a basis for application of many of the vehicular access and circulation standards in this section, proposed and existing vehicular accessways shall be classified in accordance with the following classifications, which reflect the accessway's relative functions in providing access to and from principal origin and destination points and accommodating travel mobility. Driveways represent the lowest basic classification and major arterial streets the highest basic classification.

a) Driveways

Driveways include accessways that function solely to provide direct and immediate vehicular access between a street or road and the principal origin and destination points within an abutting development, or part of a large development. They generally handle low vehicular travel speeds and traffic volumes, such as driveways serving single-family dwellings, but may also handle moderate to high

vehicular traffic volumes within large commercial and mixed-use developments (e.g., driveways within shopping center parking areas).

b) **Local Streets**

Local streets primarily function to provide direct vehicular access to and from abutting development, or parts of a large development. They also may provide travel mobility by connecting driveways and other local streets with collector streets and arterial streets. Local streets generally handle low to medium vehicular travel speeds and traffic volumes over short distances, but may handle high traffic volumes within large commercial and mixed-use developments or in urbanized areas (e.g., local streets adjacent to village center development).

c) **Minor Collector Streets**

Minor collector streets primarily function both to provide direct vehicular access to and from abutting development, particularly in commercial and industrial areas, and to provide intracounty travel mobility among neighborhoods and activity centers (e.g., village centers, commerce centers, crossroad communities) by connecting local streets and other minor collector streets with major collector streets and arterial streets. They generally handle relatively low to moderate travel speeds and traffic volumes over moderate average trip lengths. Minor collector streets are designated on the Major Thoroughfare Plan.

d) **Major Collector Streets**

Major collector streets primarily function to provide intracounty travel mobility among neighborhoods and activity centers (e.g., village centers, commerce centers, crossroad communities) by connecting local streets and other collector streets with arterial streets. They also may provide direct vehicular access to and from abutting development, particularly in commercial and industrial areas. They generally handle relatively moderate travel speeds and traffic volumes over moderate average trip lengths. Major collector streets are designated on the Major Thoroughfare Plan.

e) **Minor Arterial Streets**

Minor arterial streets primarily function to provide travel mobility between cities, large towns, and other major traffic generators (e.g., village centers, commerce centers) by connecting local streets, collector streets, and other minor arterial streets with major arterial streets. They generally handle relatively high vehicular travel speeds and traffic volumes, and may provide some direct driveway access to abutting development, particularly in commercial and industrial areas, but to a degree and in a way that minimizes interference with through movements along the arterial street. Minor arterial streets are designated on the Major Thoroughfare Plan.

f) **Major Arterial Streets**

Major arterial streets are freeways and other major highways of regional or statewide significance that primarily function to channel intercity vehicular traffic to and through the county and to provide travel mobility among the county's and region's major traffic generators through connections with minor arterial streets and major collector streets. They generally handle high travel speeds and traffic volumes over relatively long distances, and provide very limited direct driveway

access to abutting development. Major arterial streets are designated on the Major Thoroughfare Plan.

g) **Specialized Accessways**

(i) **Frontage or Service Streets**

Frontage or service streets are local streets that run parallel with—and generally within the right-of-way of—limited access major arterial streets, and that function to provide direct vehicular access to and from abutting development. They serve to avoid or minimize access points along the abutting major arterial street so as to both protect the function, safety, and efficiency of travel on the major arterial street and protect the safety of vehicular, bicycle, and pedestrian travel to, from, and between developments along the frontage or service street.

4. Required Vehicular Access and Circulation

a) **General**

A development shall be served by a system of vehicular accessways (including driveways, local streets, minor collector streets, major collector streets, minor arterial streets, and major arterial streets, as well as alleys, fire lanes, and parking lot lanes) that permits safe, convenient, efficient, and orderly movement of firefighting and other emergency vehicles, public transit and school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles among the following origin and destination points within the development, and between these internal origin and destination points and the external roadway system, as appropriate for the type of vehicle:

- (i) Firefighting and other emergency vehicles: Points within 100 feet of a single-family detached or manufactured home dwelling, and points within 150 feet of all portions of all portions of other buildings and facilities, or such smaller distance required in accordance with requirements for fire apparatus access roads in the Fire Prevention Code.
- (ii) Public transit and school buses: Designated or planned bus stops and shelters.
- (iii) Garbage trucks: Bulk refuse containers and points within 150 feet of individual refuse receptacle storage/collection sites.
- (iv) Large delivery trucks: Off-street loading spaces.
- (v) Small delivery trucks, service vehicles, and passenger motor vehicles: Points within 100 feet of a single-family detached or manufactured home dwelling, and the off-street parking spaces serving any other development.

b) **Emergency Vehicle Access**

Accessways providing required access for firefighting vehicles shall comply with the requirements for fire apparatus access roads set forth in the Fire Prevention Code.

5. Vehicular Access Management

a) Purpose

The purpose of the access management standards in this section is to control vehicular access to developments from adjacent streets in a way that preserves the safe and efficient flow of the traffic on the streets while providing property owners a right to reasonable access to a general system of streets and highways. Specifically, the standards are intended to limit the number of traffic conflicts, separate basic conflict areas, separate turning volumes from through movements, and maintain progressive speeds along arterials. These standards have been designed to provide adequate sight distance, stopping response times, stacking space for turning movements, and to encourage access sharing, where appropriate. Access spacing shall be measured from the closest edge of pavement to the next closest edge of pavement, as specified in [Figure 68-175\(E\)\(5\)\(d\)\(ii\)](#).

b) Limitation on Direct Driveway Access Along Arterial Streets

Direct driveway access to a development's principal origin or destination points may be provided directly from a major or minor arterial street only if such driveway access complies with VDOT's access management standards and:

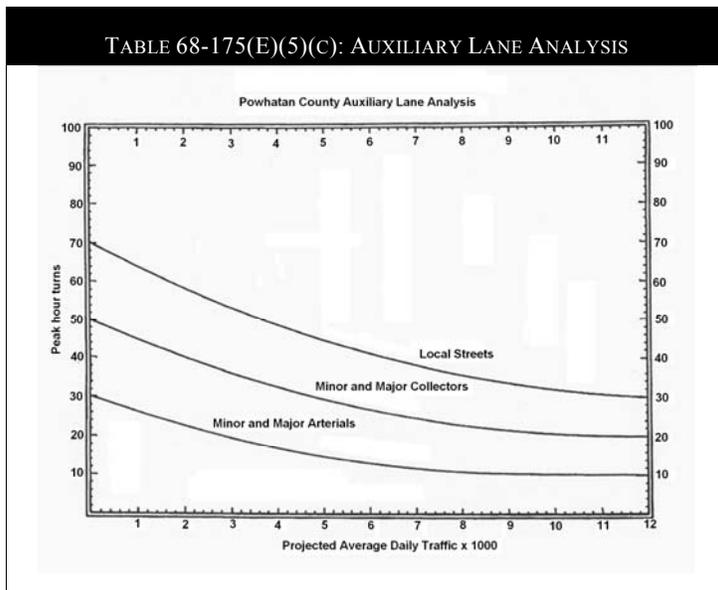
- (i) No alternative direct vehicular access from a collector or local street, or from an alley or another driveway, is available or feasible to provide; or
- (ii) Development served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or the Director determines that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial street has sufficiently low travel speeds and traffic volumes to allow safe driveway access while preserving the safety and efficiency of travel on the arterial street.

c) Auxiliary Lane Warrants

Auxiliary lanes (right and left turn lanes and acceleration lanes) reduce the slowing and stopping of through traffic caused by turning vehicles. The purpose of the auxiliary lane is to enhance safety and prolong the functionality of the thoroughfare road. The lanes are needed whenever the volume of traffic turning at a site entrance is high enough in relation to the through traffic to constitute a potential for disruption. The developer shall submit an auxiliary lane analysis (See [Table 68-175\(E\)\(5\)\(c\)](#)) to the County for review prior to approval of a change in land use, or in conjunction with preliminary plan approval for residential uses and site plan approval for commercial or industrial uses. Auxiliary lanes will be required based on the following criteria:

- (i) At a minimum, left and right turn lanes will be required at all access connections onto Major Arterials.
- (ii) Twenty-year traffic projections based upon VDOT's most current Roadway Traffic History shall be utilized when performing auxiliary lane analysis on, Minor Arterials, Major Collectors and Minor Collectors.

- (iii) Acceleration lanes are required when the projected number of exiting right turns are 200 turns per hour or greater on Major and Minor Arterials.
- (iv) Channelized right turn lanes are required when the projected number of entering or exiting right turns is 300 per hour or greater at non-signalized intersections, or 200 right turns per hour or greater at signalized intersections on Major and Minor Arterials.
- (v) Double left turns are required when the number of left turns entering the site at a signalized point of access is 300 left turns per hour or greater on any public roadway.



d) Driveway Intersection Standards

(i) Along State-Controlled Streets

Driveway intersections along a VDOT-controlled street shall comply with standards for location, spacing, sight or stopping distance, and entrance design set forth and referenced in VDOT’s access management regulations and road design manual—provided, however, that the driveway spacing standards in [Table 68-175\(E\)\(5\)\(d\)\(ii\)](#) below shall apply where they exceed VDOT driveway spacing standards.

(ii) **Along Private Local Streets**

- A. Intersections of driveways along a private local street shall comply with standards for location, sight or stopping distance, and entrance design for “private entrances” set forth and referenced in VDOT’s access management regulations and road design manual.
- B. Intersections of driveways along a private local street shall comply with the driveway spacing and corner clearance standards set forth in [Table 68-175\(E\)\(5\)\(d\)\(ii\)](#) below for the classification and design speed of the intersected street. These standards shall also apply to driveway intersections along VDOT-controlled streets to the extent they exceed VDOT driveway intersection spacing standards.

Table 68-175(E)(5)(d)(ii): Driveway Intersection Standards

CLASSIFICATION OF INTERSECTED STREET ¹	DESIGN SPEED OF STREET ²	MINIMUM SPACING DISTANCE ^{3,4}		
		BETWEEN DRIVEWAYS AND FROM INTERSECTION CORNERS	BETWEEN CROSSOVERS	BETWEEN SIGNALS
Major arterial	≤ 45 mph	440 ft	2,640 ft	2,640 ft
	> 45 mph	625 ft		
Minor arterial	≤ 45 mph	440 ft	1,320 ft	2,640 ft
	> 45 mph	625 ft		
Major collector	≤ 45 mph	440 ft	1,320 ft	1,320 ft
	> 45 mph	625 ft		
Minor collector	≤ 45 mph	440 ft	1,320 ft	1,320 ft
	> 45 mph	625 ft		
Local ⁵	≤ 45 mph	200 ft	n/a	n/a
	> 45 mph	245 ft		

NOTES: mph = miles per hour ft = feet
 1. See [Sec. 68-175\(E\)\(3\), Vehicular Accessway Classification](#)
 2. As determined by VDOT.
 3. Measured from the extended edge of pavement or roadbed (if unpaved) of the driveway to the nearest extended edge of pavement or roadbed (if unpaved) of the adjacent driveway or roadway along the same side of the street. (See [Fig. 68-175\(E\)\(5\)\(d\)\(ii\)](#))
 4. Minimum corner clearance standards shall also apply to the distance between a driveway and the end of the taper of a ramp associated with a freeway interchange with the street intersected by the driveway.
 5. Does not include cul-de-sac, dead end roads, or subdivision streets.

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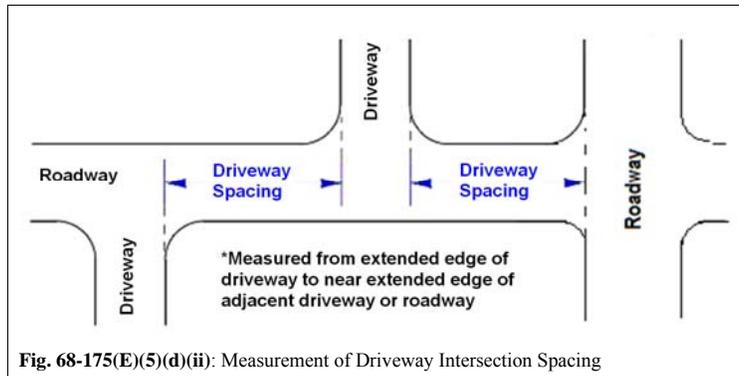


Fig. 68-175(E)(5)(d)(ii): Measurement of Driveway Intersection Spacing

- c. The Director may reduce the driveway intersection spacing standards in [Table 68-175\(E\)\(5\)\(d\)\(ii\)](#) above on determining:
 - 1. A site-specific traffic impact analysis of the proposed driveway intersection demonstrates that the intersection would not create a safety or operational problem; or
 - 2. No compliant driveway intersection location and no shared driveway cross access is feasible, and the spacing of the proposed driveway intersection from adjacent driveways along the street is maximized. In such cases, the Director may require that driveway access be designed to limit traffic movements to right-in and right-out.

e) **Shared Driveways**

- (i) Driveway access shared between adjoining lots is encouraged and may be required to limit direct vehicular access along arterials streets (see [Sec. 68-175\(E\)\(5\)\(b\)](#)) or comply with driveway intersection standards (see [Sec. 68-175\(E\)\(5\)\(d\), Driveway Intersection Standards](#)).
- (ii) Easements allowing cross-access to and from properties served by a shared driveway, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Office of the Clerk of the Circuit Court before issuance of a Zoning Compliance Permit for the development proposing the shared driveway access.

6. Vehicular Connectivity

a) **Purpose**

The purpose of the following vehicular connectivity standards is to enhance safe and convenient mobility within and between developments that helps integrate and connect neighborhoods, allow people to conveniently access activity centers without compromising the capacity of the county’s streets to accommodate through traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, and improve the speed and

effectiveness with which emergency services and police and fire protection can be provided to county properties.

b) **Public Street Connectivity**

- (i) The vehicular access and circulation for a development shall incorporate the continuation and connection of public street roadways and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved adjoining developments. It shall also provide for the extension or connection of proposed internal public street roadways and associated rights-of-way to those boundaries of the development site that adjoin potentially developable or redevelopable land. (See [Fig. 68-175\(E\)\(6\)\(b\): Roadway Connections to and from Adjoining Development](#))

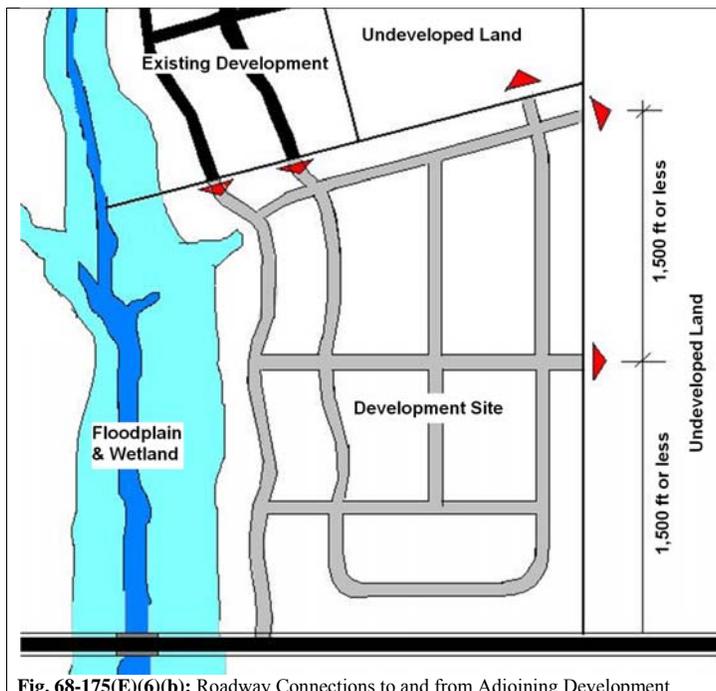


Fig. 68-175(E)(6)(b): Roadway Connections to and from Adjoining Development.

- (ii) Roadway extensions and connections to adjoining lands shall be spaced at intervals not exceeding 1,500 feet along each principal boundary direction (north, south, east, west).
- (iii) The Director may require the provision of a temporary turnaround at the end of a roadway extension on determining that the turnaround is needed

to facilitate traffic flow or accommodate emergency vehicles pending the roadway's connection to other roadways.

- (iv) The Director may waive or modify the requirements or standards for extension or connection of a roadway from or to adjoining property on determining that such extension is impractical or undesirable because it would:
 - A. Require crossing a significant physical barrier or environmentally sensitive area (e.g., railroads, watercourses, floodplains, wetlands); or
 - B. Provide a direct connection between arterial roads and encourage cut-through traffic at levels inappropriate for the classification of the roadway and character of the neighborhood.
- (v) Where a roadway is extended to, but not yet onto, adjoining land, the developer shall install and maintain a sign at the terminus of the roadway that informs neighboring property owners that the roadway is intended to be extended in the future (e.g., "STREET MAY BE EXTENDED BY AUTHORITY OF POWHATAN COUNTY"). Notation of that intent shall also be included on the Site Plan or Preliminary Plat, as well as on the Final Plat.

c) Requirements for Commercial and Industrial Zoned Outparcels and Phased Development Plans

In the interest of promoting unified access and circulation systems, where multiple tracts of land are developed as a single large entity (as in the case of a shopping center, office park, or similar development), they shall be treated as one tract of land for the purpose of determining the permitted number of access points. The connections permitted shall meet the driveway spacing standards shown in [Table 68-175\(E\)\(5\)\(d\)\(ii\)](#). All necessary easements and other requirements shall be met. All outparcel access must be internalized and utilize a shared circulation system within the development. Access to outparcels shall be designed to avoid excessive movements across parking isles and queuing across surrounding parking and driving aisles.

d) Shared and Cross Access for Commercial and Industrial Zoned Parcels and Uses

Adjacent commercial or industrial properties shall provide cross access to allow circulation between sites when development or reclassification results in a 10% or greater increase in vehicular trip generation. A system of shared use service driveways and cross access easements shall be incorporated into the site design using the following:

- (i) A continuous service drive or cross access extending the entire length of each block served to provide for driveway separation consistent with the access classification system and standards.
- (ii) Service driveways of sufficient width to accommodate two-way traffic aisles to accommodate automobiles, service vehicles and loading vehicles.

- (iii) Stub roads and other design elements to make it visually obvious that the abutting properties may be tied-in to provide cross access via a service drive.
- (iv) A unified access and circulation plan that includes coordinated or shared parking is required.
- (v) Pursuant to this section, the owner shall record an easement with the deed allowing cross access to and from other properties to be served by the shared service driveways. Subdivisions with frontage on roads maintained by the Virginia Department of Transportation shall be designed to utilize shared access points to and from the state maintained roadway.

e) Driveway Design Standards for Commercial and Industrial Zoned Parcels

- (i) Access driveway widths shall be in accordance with the following guidelines:
 - A. A driveway that is designated as one-way in or one-way out shall be a minimum width of 14 feet and should accommodate the infrequent use by a WB-50 design vehicle as defined by the American Association of State Highway and Transportation Officials (AASHTO). All one-way driveway designs shall include the appropriate signage.
 - B. For two-way access, each lane shall have a minimum width of 12 feet and should accommodate the infrequent use by a WB-50 design vehicle. All two-way driveway designs shall include VDOT-designated signage.
 - C. Access connections that enter the major thoroughfare at traffic signals shall provide at least two outbound lanes (one for each turning direction) with a minimum lane width of 12 feet, and one inbound lane with a minimum width of 14 feet. All access connections that enter a major thoroughfare shall provide VDOT-designated signage.
- (ii) Access driveway grades, turnout radii, approaches and lengths shall conform to current VDOT Standards and Specifications, and the following criteria:
 - A. Access driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Access within acceleration or deceleration lanes and tapers is prohibited.
 - B. The length of access driveways or “throat length” shall be designed to accommodate the anticipated storage length or “queuing” for the entering and exiting vehicles to prevent vehicular back-up onto the public thoroughfare or causing unsafe conflicts with on-site circulation.
- (iii) Access driveways shall be surfaced with asphalt, concrete, brick, stone, pavers, aligned concrete strips, or an equivalent material capable of accommodating the infrequent use by WB-50 design vehicles, as defined

by the American Association of State Highway and Transportation Officials.

f) **Cross Access Between Adjoining Development**

To facilitate vehicular access between adjoining developments, encourage shared parking, and minimize access points along streets, new nonresidential and mixed-use development shall comply with the following standards:

- (i) The internal vehicular circulation system shall be designed to allow for vehicular cross-access between the development's vehicular use areas and those on adjoining lots containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land zoned to allow nonresidential or mixed-use development. (See Fig. 68-175(E)(6)(b), [Cross-access between parking areas of adjoining developments](#))

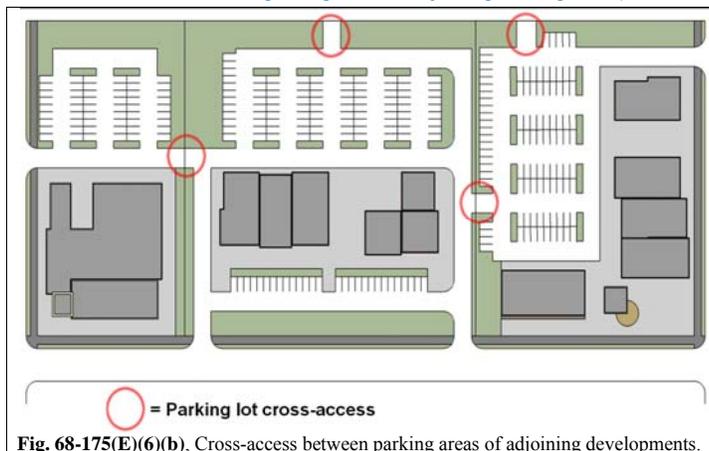


Fig. 68-175(E)(6)(b), Cross-access between parking areas of adjoining developments.

- (ii) Required vehicular cross access between the adjoining lots shall be provided through the use of a frontage or service street (if the lots front on a major arterial right-of-way), a single two-way driveway or drive aisle, or two one-way driveways or aisles that are sufficiently wide to accommodate traffic by automobiles, service vehicles, and loading vehicles.
- (iii) The Director may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands), or would create unsafe conditions.
- (iv) Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Office of the Clerk of the Circuit Court before issuance of a Zoning Compliance Permit for the development.

g) **Reverse Frontage Requirements for Residential Subdivisions and Commercial and Industrial Zoned Parcels and Uses**

Access to double frontage commercial or industrial zoned lots shall be required on the street with the lower functional classification. With the exception of residential secondary driveways permitted by the Director, double frontage lots within proposed residential subdivisions shall access onto the interior subdivision street. A buffer shall be established at the rear of all through lots to preclude access onto the abutting existing roadway. This buffer shall be exclusive of public rights-of-way, utility easements and rear yard setback as required by the County ordinance.

h) **Subdivisions of Land**

- (i) All land parcels having a single tax identification number and recorded prior to April 11, 2005 shall be entitled to one access connection per parcel. When subsequently subdivided, access to all newly created lots shall be provided via the permitted access connection. This may be achieved through subdivision streets, shared or cross accesses and service driveways. For parcels having a single tax map number that are divided by a public road or roads, each division shall be treated as a separate parcel for the purposes of this ordinance.
- (ii) Parcels in existence as of April 11, 2005 with frontages that exceed the minimum spacing requirements as shown in [Table 68-175\(E\)\(5\)\(d\)](#) may be permitted additional access connections.
- (iii) Additional access connections may be allowed where it can be demonstrated upon review of a site-specific traffic impact analysis that safety and efficiency of travel on the thoroughfare will be improved by providing more than one access to the site. Secondary driveways may be permitted for individual residential lots without the provisions of a traffic impact analysis at the Director's discretion.
- (iv) This section shall not apply to agricultural operations or to access roads for family divisions as defined in this Ordinance.

i) **Nonconforming Access Features**

Except as reserved in Sec. 68-175(E)(6)(e), existing and/or approved access connections in place as of April 11, 2005 that do not conform with the standards herein shall be designated as nonconforming and shall be brought into compliance when new access connections are requested for the subject property, or when there is an increase in vehicular trips of 100 during the peak hours as generated by the specific use. If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of two years, then that property must thereafter be brought in conformity, unless otherwise exempted by the Director. If the activity is renewed or the site is redeveloped for a new use, then the property owner must provide a traffic impact analysis to show that the new activity will not increase the number of trips in order to continue usage of the nonconforming access feature(s).

7. General Accessway Layout and Design

a) **Coordination with Bicycle and Pedestrian Access and Circulation**

The vehicular access and circulation system of a development shall be coordinated with the bicycle and pedestrian access and circulation systems within and adjacent to the development to minimize conflicts.

b) **Traffic Control and Calming Measures**

Traffic-calming measures—such as, but not limited to, diverters, street gardens, and curvilinear alignments—shall be integrated into a development’s vehicular circulation system where necessary to mitigate the impact of potential future cut-through traffic.

8. Roadway Layout and Design

a) **Public Streets**

Except as otherwise provided in subsection (b) below, all streets shall be designed and constructed as public streets. The layout, design, and construction of the roadways of public streets shall comply with applicable standards in VDOT’s ~~subdivision street requirements, secondary street acceptance requirements, access management regulations, and road design manual~~ Pavement Design Guidelines for Secondary Roads, unless otherwise specified herein, and the VDOT Road Design Manual, plus the following county standards to the extent they are more restrictive than VDOT standards:

(i) **Pavement**

~~Pavement of streets shall be designed with at least six inches of base stone, three inches of base asphalt, and one and one half inches of surface asphalt.~~ The minimum pavement requirement for all local streets shall be a pavement design system meeting VDOT standards.

(ii) **Pavement Width**

Pavement width shall conform to VDOT minimum standards.

(iii) **Right-of-Way Width**

The right-of-way of a street shall be at least 50 feet wide unless a narrower width is approved as a condition of rezoning.

(iv) **Cul-de-Sacs**

- A. A cul-de-sac’s circular turnaround shall have a right-of-way radius of at least 50 feet.
- B. The transition curve radius of the paved area into the cul-de-sac’s circular turnaround shall be at least 35 feet.

b) **Private Roads**

(i) **Serving Single-Family Development**

- A. The layout, design, and construction of the roadways of private roads that serve development consisting of single-family detached or manufactured home dwellings or lots intended for single-family detached or manufactured home dwellings shall

comply with the standards in the following table, based on the number of lots served by the private road:

TABLE 68-175(E)(8)(b): PRIVATE ROAD STANDARDS FOR SINGLE-FAMILY DEVELOPMENT							
NUMBER OF LOTS SERVED ¹	MINIMUM EASEMENT WIDTH ²	MINIMUM ROADWAY WIDTH	ROADWAY BASE	ALLOWED SURFACING	MINIMUM SIGHT DISTANCE	MAXIMUM GRADE	MAXIMUM INTERSECTION APPROACH GRADE
2	30 ft	See driveway standards in Section a)					
3-5 lots	50 ft	14 ft	6 in of #21A or #21B stone	Gravel, paved, or other pervious materials	100 ft	9% ³	3% ^{4,5}
6-10 lots		20 ft			120 ft		
NOTES: 1. This includes the total number of lots served by a private road or combination of connected private roads. 2. May be reduced by the Planning Commission on finding that the easement is an existing easement, that the subdivider cannot acquire the additional width necessary to comply with the minimum easement width despite documented good faith efforts, and that the existing easement width is adequate to accommodate the minimum roadway width, required drainage measures, and maintenance of the road. 3. May be increased by up to 50% for a distance of no more than 30 feet if the Director determines such increase is warranted by topographic conditions and will not result in a safety hazard. 4. For a distance of at least 40 feet in all directions, as measured from the edge of the intersected roadway. 5. May be increased to 4% if the Director determines such increase is warranted by topographic conditions and will not result in a safety hazard.							

B. Provisions for roadway compaction and drainage shall comply with standards in VDOT’s road design manual.

(ii) **Serving Development other than Single-Family Development**

The layout, design, and construction of the roadways of private roads (other than alleys) that serve development other than development consisting of single-family detached or manufactured home dwellings or lots intended for single-family detached or manufactured home dwellings shall comply with standards in VDOT’s subdivision street requirements, secondary street acceptance requirements, and road design manual, and access management shall comply with this Ordinance.

9. Driveway Layout and Design

a) **Driveways Serving Single-Family Detached and Manufactured Home Dwellings**

Driveways serving parking spaces for single-family detached and manufactured home dwellings shall comply with the following standards:

- (i) Driveways shall provide vehicular access to a distance within 100 feet of the dwelling unit.
- (ii) The driveway shall have a gravel, paved, or other pervious material road bed that is at least ten feet wide, provided that the road bed shall be at least 14 feet wide at any point where there is a curve in the driveway

with a radius of less than 100 feet. The use of pervious surface material is encouraged.

- (iii) A cleared buffer at least two feet wide shall be provided on each side of the road bed.
- (iv) The vertical clearance above the road bed shall be at least 12 feet.
- (v) The grade of the driveway shall not exceed nine percent.

b) Other Driveways

Driveways serving other than single-family detached and manufactured home dwellings shall comply with the following standards:

- (i) If the driveway does not connect back to a street, it shall be no longer than 150 feet unless it includes adequate provision for fire trucks to turn around, as approved by the Director, following consultation with Fire and Emergency Management Services staff.
- (ii) Except as provided for in [subsection \(iii\)](#) below, the driveway shall be surfaced with asphalt, concrete, brick, stone, pavers, aligned concrete strips, or an equivalent material capable of accommodating the infrequent use by WB-50 design vehicle, as defined by the American Association of State Highway and Transportation Officials.
- (iii) A driveway serving the following uses may be surfaced with gravel or at least six inches of stone:
 - A. Places of worship.
 - B. Uses in the Heavy Industrial (I-2) district.
 - C. Conditional uses where the pavement requirement is waived.
- (iv) A driveway designated as one way in or one way out shall be at least 14 feet wide and shall clearly be identified as one-way by appropriate signage. For driveways providing two-way access, each lane shall be at least 12 feet wide.

10. Entrance Driveway Length

For nonresidential development, the minimum length of an entrance driveway from an intersecting street to the first on-site location where the driver of an entering vehicle can make a right or left turn (“entrance throat”) or pull into or back out of an off-street parking space shall comply with the entrance throat length standards in VDOT’s road design manual. (See [Fig. 68-175\(E\)\(10\)](#): Entrance driveway length)

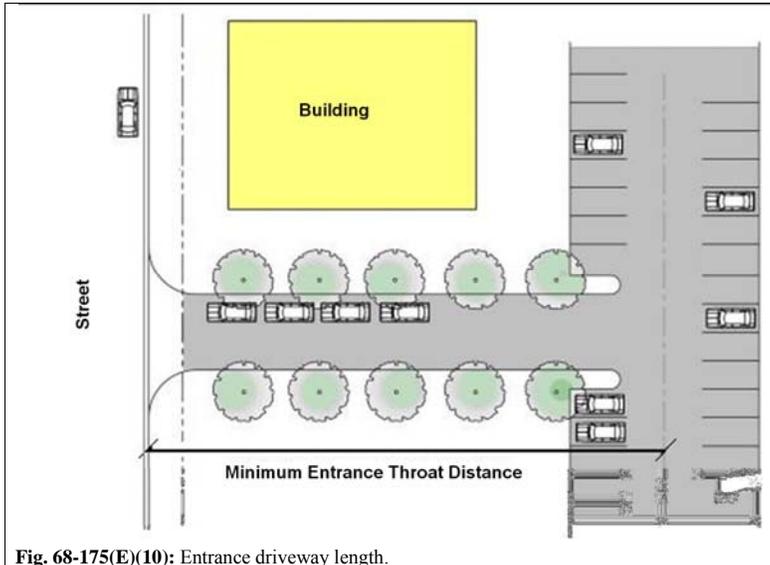


Fig. 68-175(E)(10): Entrance driveway length.

F. Bicycle Access and Circulation

1. Required Bicycle Access

All new development in Village Growth Area districts except individual lot development of a single-family detached, manufactured home, or duplex dwelling shall be served by an internal bicycle circulation system (including shared roadway lanes, widened outside roadway lanes, bike lanes, shoulders, and/or separate bike paths) that permits safe, convenient, efficient, and orderly movement of bicyclists among the following origin and destination points within the development, as well as between the internal bicycle circulation system and adjoining parts of an existing or planned external, community-wide bicycle circulation system and any adjoining public parks, greenways, schools, community centers, and shopping areas:

- a) Bicycle parking facilities or areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);
- b) Any designated or planned bus stops and shelters (on-site or on an adjacent street); and
- c) Recreation facilities and other common use area and amenities.

2. Bicycle Connectivity

All new development in Village Growth Area districts except individual lot development of a single-family detached, manufactured home, or duplex dwelling shall comply with the following standards.

- a) Any internal bicycle circulation system shall be designed to allow for bicycle cross access between it and any internal bicycle circulation system on adjoining lots

containing development other than individual lot development of a single-family detached, manufactured home, or duplex dwelling, or to the boundary of adjoining vacant land in a Village Growth Area district that is zoned to allow such development.

- b) The Director may waive or modify the requirement for bicycle cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands), or would create unsafe conditions.
- c) Easements allowing cross-access to and from properties served by a bicycle cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Office of the Clerk of the Circuit Court before issuance of a Zoning Compliance Permit for the development.

3. Bikeway Design

Bikeways within a street right-of-way or easement shall be designed and constructed in accordance with the standards in VDOT's road design manual. The types of any bikeways proposed within a street right-of-way or easement shall be of the type called for in the road design manual for use Group C bicyclists on urban sections. Bike paths shall be designed and constructed in accordance with the road design manual's standards for shared use paths.

G. Pedestrian Access and Circulation

1. Required Pedestrian Access

All new development in Village Growth Area districts except individual lot development of a single-family detached, manufactured home, or duplex dwelling shall be served by an internal pedestrian circulation system walkways (including sidewalks, shared use paths, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the internal pedestrian circulation system and adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining public parks, greenways, schools, community centers, and shopping areas:

- a) The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);
- b) Off-street parking bays;
- c) Any designated or planned bus stops and shelters (on-site or on an adjacent street); and
- d) Recreation facilities and other common use area and amenities.

2. Pedestrian Connectivity

All new development in Village Growth Area districts except individual lot development of a single-family detached, manufactured home, or duplex dwelling shall comply with the following standards:

- a) The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross access between it and any internal pedestrian circulation system on adjoining lots containing development other than individual lot development of a single-family detached, manufactured home, or duplex dwelling, or to the boundary of adjoining vacant land in a Village Growth Area district that is zoned to allow such development.
- b) The Director may waive or modify the requirement for pedestrian cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands), or would create unsafe conditions.
- c) Easements allowing cross access to and from properties served by a pedestrian cross access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Office of the Clerk of the Circuit Court before issuance of a Zoning Compliance Permit for the development.

3. General Walkway Design

a) General Walkway Standards

- (i) Sidewalks and shared use paths shall be designed and constructed in accordance with the standards in VDOT's road design manual.
- (ii) Other pedestrian walkways shall be at least five feet wide in residential and industrial zoning districts and seven feet wide in commercial zoning districts;
- (iii) Walkways shall be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals;
- (iv) Walkways shall have adequate lighting for security and safety;
- (v) Walkways shall meet the accessibility guidelines promulgated under the Americans with Disabilities Act (ADA).
- (vi) For the safety of pedestrians and children at play, the Director may require sidewalks be provided for access to schools, recreational facilities, commercial establishments, or other areas where obvious future pedestrian traffic is anticipated. Wherever sidewalks can be connected to existing walks or proposed walks in the adjacent areas, such proposed walks should be designed on that side of the street which will make the connection.

b) Pedestrian Walkways through Large Parking Areas and Parking Garages

- (i) All parking lots and parking structures containing more than 50 parking spaces shall provide a clearly identified pedestrian route between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access to the primary building entrance(s).

- (ii) Parking lots containing more than 50 parking spaces shall, at a minimum, include a pedestrian walkway running between at least every three parking bays or at intervals not less than 200 feet apart, whichever is less. (See Fig. 68-175(G)(3)(b): Walkways through parking lots.)

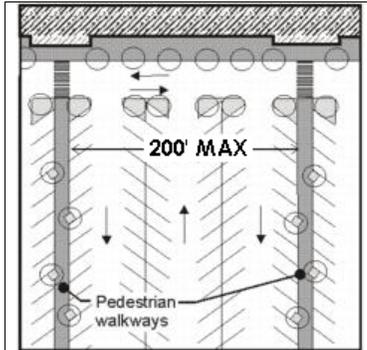


Fig. 68-175(G)(3)(b): Walkways through parking lots.

- (iii) Walkways providing pedestrian access between parking areas and associated buildings shall be extended to abutting street sidewalks or to adjoining development required by Sec. 68-175(G)(1), Required Pedestrian Access, and Sec. 68-175(G)(2), Pedestrian Connectivity.

c) Pedestrian Cut-Through

- (i) Pedestrian walkways shall be provided between the ends of cul-de-sacs and the nearest existing or proposed sidewalk, pedestrian path, or trail. (See Fig. 68-175(G)(3)(c): Pedestrian cut-through at end of cul-de-sac.)
- (ii) Subdivisions shall provide pedestrian walkways through approximately the centers of blocks that exceed the maximum block length standards in Sec. 68-170(C), Blocks, where necessary to provide convenient pedestrian access within the development or to adjacent schools, recreational facilities, community facilities, or commercial developments.
- (iii) These pedestrian cut-through walkways shall be located within a right-of-way or public access easement at least eight feet wide.

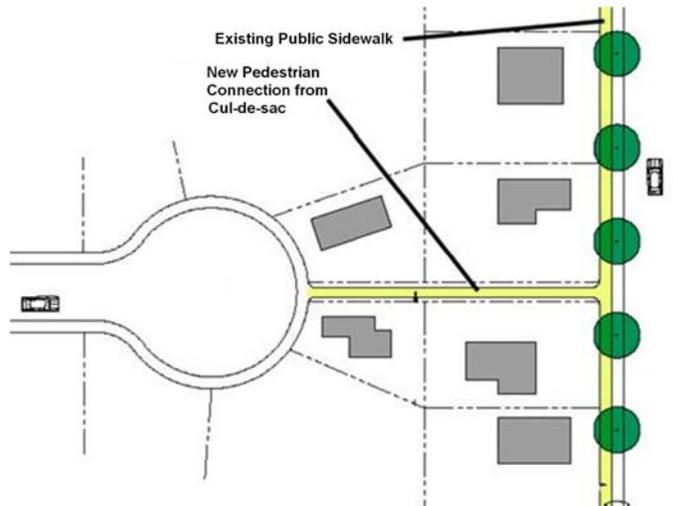


Fig. 68-175(G)(3)(c): Pedestrian cut-through at end of cul-de-sac.

H. Street Signs

The subdivider shall install street signs at street intersections in accordance with standards in VDOT's road design manual.

I. Street Trees

1. Purpose

Street trees are intended to enhance the aesthetic and environmental benefits of the county's urban streetscape environment by serving as a unifying element for urban street corridors, enhancing the appearance and livability of Village Growth Area, and providing shading of streets and sidewalks.

2. Street Trees Required

a) Location

New development in Village Growth Area districts shall provide street trees in the landscaped area of streets along which the development site fronts.

b) Configuration

- (i) Street trees shall be provided at a ratio of one street tree per 40 feet of street frontage and spaced no closer than 25 feet apart and no farther than 55 feet apart.
- (ii) Street trees shall be canopy trees of species appropriate to the intended functions of street trees and their location next to roadways and sidewalks. The Administrator may allow understory trees to be substituted for required street trees or alternatively located where necessary to accommodate utility lines and planned street widening.

- (iii) The planting and maintenance of street trees along public streets shall comply with VDOT regulations.

Secs. 68-176 — 68-179. Reserved

Sec. 68-180. Erosion and Sedimentation Control

Development shall comply with the requirements and standards in Powhatan County's Erosion and Sedimentation Control Ordinance ([Article III of Chapter 42, Environment](#), of the Code of the County of Powhatan, Virginia), and with the requirements of § 62.1-44.15:24, et seq. (Stormwater Management Act) of the Code of Virginia.

Secs. 68-181 — 68-184. Reserved

Sec. 68-185. Stormwater Management

- A. The development shall provide stormwater management facilities as necessary to accommodate stormwater runoff from subdivision streets and anticipated lot development in accordance with requirements and standards in VDOT regulations and Powhatan County's Erosion and Sedimentation Control Ordinance ([Article III of Chapter 42, Environment](#), of the Code of the County of Powhatan, Virginia).
- B. Stormwater management facilities shall be consistent with county and regional stormwater management and drainage plans.
- C. Stormwater management facilities shall be designed to convey the flow of stormwater runoff away from buildings (or building sites) and on-site wastewater disposal sites, and in a way that avoids, to the maximum extent practicable, adverse impacts on adjacent streets and properties.
- D. All secondary driveway culverts shall be sized to accommodate a 10-year storm event without overtopping.
- E. No permanent foundation structure shall be constructed within ten feet of a drainage swale or other storm water conveyance channel, or a Floodplain Overlay district.
- F. A storm drainage plan will be provided by the developer which includes existing contours and, if necessary, finished contours, existing and proposed water courses, open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle storm water and the calculations used in the design of such systems. Plans will clearly indicate the easements required in the construction and maintenance of the drainage system. Said easements will be shown on the construction plans and final plans.
- G. Land within any flood plain district will not be included in minimum lot area requirements and will not be raised by fill. Other land subject to flood may be used to meet minimum lot area requirements only if filled to such height as will secure a flood-free site based on data submitted by the subdivider and prepared by Engineers, provided such use or fill does not endanger health, life, or property, restrict the flow of water or increase flood heights.
- H. All residences constructed on lots within a 100-year HUD designated flood plain area shall maintain a ten-foot horizontal and one-foot vertical separation from the flood plain.

Secs. 68-186 — 68-189. Reserved

Sec. 68-190. Utilities

A. General

1. Compliance with Provider Standards

a) General

All utility facilities—such as, but not limited to, facilities providing drinking water, sewage disposal, electric power, natural gas, telecommunication, or cable television service—shall be located, designed, and constructed or installed in accordance with the standards of the utility entity providing the utility service.

b) Utilities Conform to County Design Standards and be Underground

The design and construction of utilities will conform to the County design standards and specifications and other regulations as may be required by Director. All utilities must be underground and the easement for the utilities must be shown on the plat approved and on file with the County, except for Large Lot Subdivisions.

2. Underground Installation

a) General

Except as otherwise provided in [subsection \(b\)](#) below, all wires, conduits, pipes, cables, and appurtenant equipment that provide utility service to new development and are located between buildings or areas served by the service and the primary distribution lines in the adjacent street, shall be installed underground.

b) Exceptions

The following utility facilities need not be installed underground:

- (i) Electric power distribution transformers, primary distribution lines carrying 12.47 kilovolts or more, switch gear, meter pedestals, and telephone pedestals that are normally installed above ground;
- (ii) Meters, service connections, and similar equipment that is normally attached to the outside wall of served buildings;
- (iii) Utility pump stations;
- (iv) Existing overhead lines, including when they are repaired, replaced, or increased in capacity; and
- (v) Temporary overhead lines and facilities required for construction purposes.

3. Installation

All utility facilities shall be installed in such a manner and at such a time as to minimize interference with other utility facilities, disruption of roadways or other infrastructure improvements, and disruption of vehicular or pedestrian traffic, and to facilitate maintenance of the facilities without undue damage to infrastructure improvements.

4. Easements

Easements shall be provided for utility lines and facilities where necessary.

B. Drinking Water

1. All development shall be served by a public drinking water system of a type approved by the State Department of Health whenever the Director determines that connection to such a system is reasonably available.
2. If the Director determines that connection to a public drinking water system is not reasonably available, development shall be served by a community drinking water system and/or individual water supply systems.
3. Connections to and facilities for the treatment and distribution of drinking water to development from a public or community drinking water system shall be in accordance with Virginia Department of Health regulations and Chapter 80, Water and Wastewater, of the Code of the County of Powhatan, Virginia.
4. Individual water systems shall be designed and installed in accordance with Virginia Department of Health ~~regulations and the following standards:~~
 - ~~a) A well shall be installed and approved by the Health Department for yield before a Building Permit is issued.~~
 - ~~b) All bored wells shall have a minimum output of one gallon per minute. All bored wells shall contain storage capacity within the well for 24 hours of service.~~
 - ~~c) All drilled wells shall have a minimum output of one gallon per minute and storage capacity for 24 hours of service. Drilled wells yielding more than three gallons per minute output shall not require such storage.~~
 - ~~d) Storage capacity requirements shall be based on 150 gallons of water per day for each bedroom of the residence.~~
 - ~~e) All wells, drilled or bored, shall be grouted to a minimum depth of 20 feet.~~
 - ~~f) All wells, drilled or bored, shall be grouted by the well contractor within two business days of the completion of the well. The well borehole and casing shall be protected from surface water intrusion, foreign materials and animals until the grout is installed.~~
5. A water sample shall be obtained by an individual approved by the Health Department and tested with negative results for coliform bacteria prior to the issuance of a County Occupancy Permit.

C. Sanitary Sewage

1. All development shall be served by a public sanitary sewage system of a type approved by the Virginia Department of Environmental Quality whenever the Director determines that connection to such a system is reasonably available.
2. If the Director determines that connection to a public sewage system is not reasonably available, development shall be served by a community sewage system and/or individual subsurface sanitary sewage systems.
3. Connections to and facilities for the discharge, collection, and treatment of sewage from development to the public or community wastewater system shall be in accordance with

sewage collection and treatment regulations promulgated by the Virginia Department of Environmental Quality and Chapter 80, Water and Wastewater, of the Code of the County of Powhatan, Virginia.

4. ~~Individual subsurface sewage treatment systems shall be designed and installed in accordance with Virginia Department of Health regulation. In addition, such systems shall have:~~
 - a) ~~Two septic tanks installed in a series; and~~
 - b) ~~A 100 percent drainfield reserve area.~~
5. Sanitary sewer systems, will include all necessary mains, sub-mains, laterals, individual lot connections, manholes, pumping stations, and other sewer facilities as required by the State and Local Regulations, and design standards and specifications.
6. A sanitary sewer plan and profile will be provided by the developer for all existing and proposed sewer mains, laterals, lot connections, and connections with existing systems; individual package treatment plants, etc.
7. Whenever community sewers are to be provided, they will be designed and constructed as required by State and Local regulations to meet the same specifications as those of the public sanitary sewer systems.
8. No subdivision will be developed with lots not served by public sewers, community sewers, or individual sewage treatment facilities.
9. ~~Individual subsurface sewage treatment systems shall be designed and installed in accordance with Virginia Department of Health regulation. In addition, such systems shall have:~~
 - e) ~~Two septic tanks installed in a series; and~~
 - d) ~~A 100 percent drainfield reserve area.~~

Secs. 68-191 — 68-194 ~~199~~. Reserved

Sec. 68-195. Solid Waste

~~All development shall provide receptacles for the deposit of garbage and recyclables, and shall provide for the collection and disposal of deposited garbage and recyclables in accordance with Chapter 66, Solid Waste, of the Code of the County of Powhatan, Virginia.~~

Secs. 68-196 — 68-199. Reserved

Sec. 68-200. Lots

- A. Each lot shall meet the applicable lot area and width standards set forth in, ~~Articles III, IV, V and VI of the Zoning Ordinance~~ and otherwise be developable in accordance with, the standards in this chapter and Chapter 83 (Zoning Ordinance).
- B. Except ~~within that lots created as a~~ Family Division, ~~each lot~~ shall:
 1. Have either

- a) At least 30 feet of frontage along a public street internal to the subdivision site or
 - b) Vehicular access to such a public internal street via a private access easement at least 30 feet wide; and
2. Have readily apparent physical means of pedestrian access from the lot to a street.
- C. To the maximum extent practicable, side lot lines shall be perpendicular to straight front street right-of-way lines and radial to curved front street right-of-way lines.
 - D. Lots shall be arranged in relationship to the natural topography, flood hazards, tree protection requirements, or other site conditions to minimize difficulties in providing an reasonable acceptable building site and yard area in accordance with requirement of this ~~Ordinance~~chapter and Chapter 83 (Zoning Ordinance).
 - E. Each lot shall be situated so that stormwater may be easily directed away from buildings in subsequent site-specific development. Lots shall be configured so that buildings and general flood sensitive site facilities are not located in drainage ways.
 - F. ~~Creation of flag lots shall be avoided except where orientation and topographic or other physical features or conditions make it impracticable to create lots that maintain the minimum lot width from reasonably useable building sites to the abutting street. Flag lots may be created in Single Cut Subdivisions, Subdivision Exceptions, Large Lot Developments, Family Divisions, and lots on the turning circle of cul-de-sacs in primary subdivisions~~Each lot within a subdivision shall be of a shape which provides a satisfactory and desirable building site, and shall otherwise be at least the minimum lot width allowed by the applicable provisions of the Zoning Ordinance. No lot shall contain peculiarly shaped elongations designed solely to provide the required square footage of area or frontage on a street, except for Family Divisions and cul-de-sacs. Not more than two flag lot access points to a public street shall abut each other.
 - G. Creation of through lots shall be avoided except where necessary to provide access to residential development from other than arterial streets, or to overcome specific disadvantages of topography and orientation.
 - H. Dimensions of the corner lots shall be large enough to allow for the minimum required street intersection radii and compliance with applicable driveway intersection spacing requirements (see Sec. 68-175(E)(5)(d), Driveway Intersection Standards), and for erection of buildings in accordance with applicable yard depth standards in Articles III, IV, V and VI of the Zoning Ordinance.

Secs. 68-201 — 68-204. Reserved

Sec. 68-205. Monumentation

All subdivision plats shall be monumented in accordance with state standards for land boundary surveying practice.

Sec. 68-206. Lot corners, as follows:

Iron pins will be placed at all accessible points on the subdivision boundary lines where there is a change of direction and at all lot corners. A guard stake will be placed next to each pin with the lot number and the number of the adjoining lot plainly lettered on the flat faces of the stake.

Secs. 68-~~206-207~~ — 68-209. Reserved

Sec. 68-210. Phasing

A. Phasing of Site Plan Development and Primary Subdivisions Allowed

Development subject to approval of a Site Plan (Sec. 83-123(G) of the Zoning Ordinance, Site Plan) or Preliminary Plat (Sec. 68-110(A), Preliminary Plat) may be phased in accordance with a phasing plan approved as part of the Site or Preliminary Plat approval, as appropriate, and the standards in this section.

B. Phasing Criteria

Phasing of approved development shall be in keeping with an approved phasing plan that shows phase boundaries and describes included development and improvements in accordance with the following criteria:

1. The numbering of phases shall be sequential and coincide with the order in which the different development phases are proposed to be constructed.
2. Each phase shall be designed to include all improvements and other aspects of development necessary to meet all requirements of this Ordinance and other applicable regulations, either as a stand-alone development or in conjunction with completed and accepted phases of the same development.

C. Temporary Measures

A phasing plan may include installation of temporary measures as necessary to allow a particular phase to meet the phasing criteria in subsection B above, provided the Zoning Compliance Permit or Construction Plans approval authorizing the temporary measures shall be valid for one year and be accompanied by the provision of a performance guarantee and a maintenance guarantee for the temporary measures in accordance with Sec. 68-215, Performance Guarantees.

Secs. 68-211 — Sec. 68-214. Reserved

Sec. 68-215. Performance Guarantees

A. Limit on Building Permits in Residential Subdivisions Pending Acceptance of Public Street

Building Permits shall not be issued for more than 80 percent of the lots in a phase of a residential subdivision with public streets until the streets have been constructed to VDOT standards, inspected, and accepted into the state highway system.

B. Performance Guarantees

1. General

A performance guarantee in accordance with the standards in this section shall be required in the following circumstances:

- a) To ensure completion and acceptance of public infrastructure improvements that are required as part of an approved Site Plan (e.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, street lights), but are not installed before occupancy of the development;

- b) To ensure completion of private site improvements (other than landscaping) that are required as part of an approved Site Plan (e.g., walkways, exterior lighting), but are not installed before occupancy of the development—provided that the Director determines that the property may be safely occupied and used pending the delayed installation of the improvements;
- c) To ensure the completion and acceptance of public infrastructure improvements that are required as part of an approved Preliminary Plat (e.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, street lights), but are not approved as complete before application for Final Plat approval;
- d) To ensure completion of landscaping improvements that are required in accordance with [Sec. 83-461 of the Zoning Ordinance, Landscaping and Buffers](#), but are not installed before occupancy of the development (in conjunction with the grant of an extension to the time limit for installation of required landscaping (see [Sec. 83-461\(H\) of the Zoning Ordinance, Other Landscaping Standards](#)))

2. Term of Performance Guarantees

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in approval of the Final Plat, Building Permit, or Certificate of Occupancy, as appropriate, but in any case, the term shall not exceed two years. The Director may, for good cause shown and with approval of the provider of the guarantee, grant up to two extensions of the term, with each extension not exceeding one year.

3. Form of Performance Guarantee

- a) Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:
 - (i) Cash deposit with the county;
 - (ii) Certified check from a Virginia lender based upon a cash deposit, in a form acceptable to the County Attorney;
 - (iii) Irrevocable letter of credit from a Virginia banking institution in a form acceptable to the County Attorney; or
 - (iv) Surety bond from a Virginia surety bonding company in a form acceptable to the County Attorney.
- b) The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner’s or developer’s failure to complete the guaranteed improvements, the county shall be able to immediately obtain the funds necessary to complete installation of the improvements.

4. Amount of Performance Guarantee

- a) Performance guarantees for required improvements shall be in an amount equal to at least ~~125-~~110 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

- b) Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's licensed professional engineer, and are subject to approval by the Director. Estimated costs for completing installation of required landscaping or other private site improvements shall be itemized and certified by the owner's or developer's landscape architect or contractor, and are subject to approval by the Director.
- c) If the guarantee is renewed, the Director may require the amount of the performance guarantee be updated to reflect cost increases over time.
- d) The amount of a performance guarantee may be waived or reduced by the Board of Supervisors where the improvements are being installed with federal funds or in other circumstances where similar third-party assurance of their completion exists.

5. Release of Performance Guarantees

a) Request for Release

The owner or developer may submit to the Director a written request for a periodic partial release or a final complete release of a performance guarantee. Such a request shall include:

- (i) certification by the owner's or developer's engineer that construction or installation of the public infrastructure improvements for which release of a performance guarantee is sought has been completed in accordance with approved plans and specifications, and that the improvements have been accepted and taken over for maintenance and operations by a state agency, local government department or agency, or other authority responsible for maintenance and operation of such improvements; or
- (ii) certification by the owner's or developer's landscape architect or contractor that construction or installation of landscaping or other private site improvements for which release of a performance guarantee is sought has been completed in accordance with approved plans and specifications.

b) Action on Request for Release

The Director shall grant a requested release of a performance guarantee only after:

- (i) County staff has performed any needed inspection of the improvements and has certified in writing that the guaranteed improvements have been approved and accepted by the state agency, local government department or agency, or other authority responsible for maintenance and operation of such improvements;
- (ii) The owner or developer has reimbursed the county for all costs associated with conducting any inspection that finds the guaranteed public infrastructure improvements have not been installed in accordance with approved plans and specifications;
- (iii) The owner or developer has provided the Director assurances that liens against guaranteed public infrastructure improvements will not be filed

after their acceptance by the county (e.g., through affidavits, releases, or waivers of liens from all contractors and subcontractors); and

- (iv) The owner or developer has provided the Director any required maintenance guarantee for the same public infrastructure improvements.

c) Time Limits on Action on Request for Release

- (i) The Director shall release a performance guarantee within 30 days after receiving a written request for the release unless the Director notifies the requestor in writing of the nonreceipt of applicable state agency approval or of specified defects or deficiencies and suggested corrective measures before expiration of the 30-day period.
- (ii) If the Director fails to take action on a request for release of a performance guarantee within the 30-day period, the request shall be deemed approved and a partial release granted to the owner or developer. In such instances, no final release shall be granted after expiration of the 30-day period until the owner or developer has submitted a written request for such release to the County Administrator via certified mail, return receipt requested. If the County Administrator fails to take action on the request within ten days after receiving it, the request shall be deemed approved and a final release granted to the owner or developer.

d) Limit on Partial Releases

No performance guarantee for improvements shall be partially released until construction or installation of at least 30 percent of the guaranteed improvements has been completed. No performance guarantee shall be reduced to less than ten percent of the full amount of the performance guarantee until construction or installation of all the guaranteed improvements has been completed.

6. Default and Forfeiture of Performance Guarantee

a) Notice of Failure to Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements (and in the case of public infrastructure improvements, to have the improvements accepted) within the term of the performance guarantee (as may be extended), the Director shall give the owner or developer 30 days written notice of the default by certified mail.

b) County Completion of Improvements

After the 30-day notice period expires, the county may draw on the security and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the county shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest.

Secs. 68-216 — 68-219. Reserved

Sec. 68-220. Conservation Subdivision

A. Purpose

The purpose of this section is to provide landowners in the Agricultural-10 (A-10) district a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:

1. Conserve open land, including those areas containing productive agricultural soils and unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, steep slopes, and significant stands of mature hardwood trees;
2. Retain and protect existing environmental, natural, and cultural resources;
3. Create a linked network of open lands;
4. Promote existing rural character within the agricultural portions of the county; and
5. Provide reasonable economic use of the property.

B. Applicability

This conservation subdivision option may be used for single-family detached subdivisions in the Agricultural-10 (A-10) district.

C. Procedure

1. General

Development utilizing the conservation subdivision option shall require approval in accordance with the procedures and standards in [Sec. 68-110, Primary Subdivisions](#), following development and review of a conservation design plan in accordance with the following subsections.

2. Conservation Design Plan

Before submitting an application for Preliminary Plat approval for a conservation subdivision, the applicant shall have a conservation design plan for the subdivision site reviewed and approved, or approved with conditions, by the Director in accordance with the steps in this section and the standards of [Sec 68-220\(D\), Conservation Subdivision Standards](#).

a) Step 1: Resource Analysis/Mapping

Using existing maps, data, and information sources, the applicant shall analyze existing conditions on the proposed subdivision site and on land within 500 feet of the site, prepare a resource analysis map that provides information about significant natural, agricultural, and historic resources and open spaces on the site and adjacent land, and submit the resource analysis map to the Director.

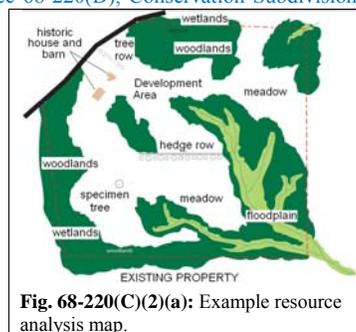


Fig. 68-220(C)(2)(a): Example resource analysis map.

b) **Step 2: Site Visit**

- (i) After receiving the resource analysis map, the Director shall schedule and conduct a visit to the subdivision site with the applicant or the applicant's representative. The purpose of this site visit is to:
 - A. Familiarize county staff with the existing site conditions and natural and historic features of the site;
 - B. Identify potential site development issues; and
 - C. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features.
- (ii) Comments made by the Director or other county staff during the site visit are only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

c) **Step 3: Conservation and Development Areas Map**

Based on the resource analysis map and information and discussion from the site visit, the applicant shall prepare a conservation and development areas map that depicts proposed primary and secondary conservation areas, and open space, as well as areas suitable for development, in accordance with [Sec.68-220\(D\)\(9\), Conservation Areas and Development Areas](#).

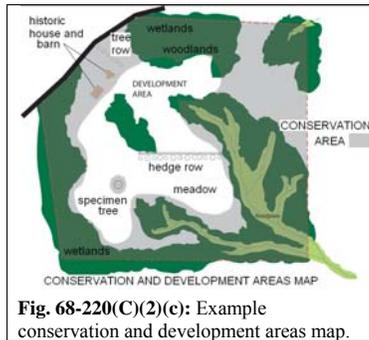


Fig. 68-220(C)(2)(c): Example conservation and development areas map.

d) **Step 4: Conservation Design Plan**

Based on the conservation and development areas map, the applicant shall prepare a conservation design plan that depicts primary and secondary conservation areas and open space along with proposed site development, including streets, utilities, other development features, buffers (if applicable), and lots in proposed development areas. The applicant shall submit the resource analysis map, conservation and development areas map, and conservation design plan to the Director for review for compliance with the standards of [Sec. 68-220\(D\), Conservation Subdivision Standards](#).

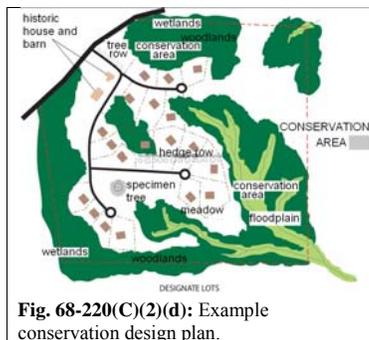


Fig. 68-220(C)(2)(d): Example conservation design plan.

The Director shall notify the applicant of any revisions necessary to allow approval of the conservation subdivision.

3. Review and Approval of Conservation Subdivision

Following the Director’s review of the conservation and development plan, an application for Preliminary Plat approval of the conservation subdivision may be submitted and reviewed in accordance with [Sec. 68-110\(A\), Preliminary Plat](#).

D. Conservation Subdivision Standards

1. Location

A conservation subdivision shall be located within the Agricultural-10 (A-10) zoning districts.

2. Minimum Subdivision Size

A conservation subdivision shall be at least 50 acres in area.

3. Minimum Open Space

A conservation subdivision shall set aside a minimum of 40 percent of the total acreage of the site as conservation area open space to be permanently maintained and protected.

4. Maximum Density; Bonus Densities

- a) Except as otherwise provided in [subsection \(b\)](#) below, the gross density of single-family lots or dwelling units within a conservation subdivision shall not exceed the maximum density established in [Article III of the Zoning Ordinance, Rural Districts](#) for the Agricultural-10 (A-10) zoning district.
- b) The maximum density of single-family lots or dwelling units within a conservation subdivision may be increased from that established for the Agricultural-10 (A-10) zoning district in accordance with the following table:

TABLE 68-220(D)(4): BONUS DENSITIES FOR ADDITIONAL OPEN SPACE	
MINIMUM PERCENTAGE OF TOTAL SUBDIVISION SITE AREA SET ASIDE AS PERMANENT CONSERVATION AREA OPEN SPACE	PERCENTAGE INCREASE OF MAXIMUM DENSITY FROM THAT ESTABLISHED FOR THE ZONING DISTRICT
50%	10%
60%	20%
70%	30%

5. Modified Lot Area, Lot Width, Lot Coverage, and Yard Depth Standards

- a) The minimum lot area for individual lots within a conservation subdivision shall be two acres.
- b) The minimum lot width for individual lots within a conservation subdivision shall be 215 feet.
- c) The maximum lot coverage standards for individual lots within a conservation subdivision shall be 60 percent.
- d) Except for yards abutting an arterial street, the minimum yard depth standards for individual lots within a conservation subdivision shall be 25 percent of the minimum yard depth standards established in [Article III of the Zoning Ordinance, Rural Districts](#) for the zoning district in which the subdivision is located.

6. Maintain Compatibility

Conservation subdivisions shall comply with [Sec. 83-485 of the Zoning Ordinance, Farmland Compatibility Standards](#), to the extent the subdivision site abuts land used for agricultural purposes. Farmland compatibility standards shall not apply within the conservation subdivision.

7. Separation and Buffering from Primary Arterial Streets

Other than agricultural or historic structures, no lots or structures shall be located within 500 feet of a major arterial street—provided, however, that such separation may be reduced to 100 feet if the Director finds that topography, vegetation, and features such as split-rail fences or stone walls exist or are provided between lots or structures and the major arterial street to maintain the rural character of the site as seen from the major arterial street.

8. Private Roads

Conservation subdivisions may be served by private roads approved and constructed in accordance with [Sec. 68-140, Private Road Approval](#), and the standards in [Sec. 68-175\(E\)\(8\)\(b\), Private Roads](#).

9. Conservation Areas and Development Areas

a) Primary Conservation Areas

(i) Features to be Preserved

The following features shall be located and delineated on the conservation and development areas map as primary conservation areas, and shall be preserved in the following priority order as primary conservation areas:

- A. The 100-year floodplain (as designated by the Floodplain (FP) Overlay district);
- B. Wetlands (as designated by the U.S. Army Corps of Engineers or the Virginia Department of Environmental Quality in accordance with Section 404 of the Clean Water Act);
- C. Areas containing prime farmland soils (as classified by the USDA Natural Resources Conservation Service);
- D. Areas containing soils susceptible to accelerated erosion (as classified by the USDA Natural Resources Conservation Service); and
- E. Historic and archeological sites (as designated by the Historic Overlay (H) district or as designated on the Virginia Landmarks Register or National Register of Historic Places).

(ii) Areas to be Set Aside as Conservation Area Open Space

All primary conservation areas delineated in accordance with [subsection \(i\)](#) above shall be set aside and reserved as open space for conservation purposes in accordance with the following standards:

- A. If the total geographic area occupied by the primary conservation areas does not exceed the minimum open space requirement set forth in [Sec. 68-220\(D\)\(3\)](#), then all lands comprising the primary conservation areas shall be set aside as conservation area open space.
- B. If the total geographic area occupied by the primary conservation areas exceeds the minimum open space requirement, then lands containing primary conservation areas shall be set aside as conservation area open space in the priority order established in [subsection \(i\)](#) above.

(iii) **Allowable Uses**

Uses located within a primary conservation area shall be limited to:

- A. Agricultural uses permitted by right in the Agricultural-10 (A-10) zoning district in accordance with [Article VII of the Zoning Ordinance, Use Standards](#);
- B. Unpaved pedestrian trails and walkways;
- C. Docks and other water-dependent features as allowed in this Ordinance;
- D. Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
- E. Street or driveway crossings, provided such crossings do not violate this Ordinance or other state or federal laws; and
- F. Repair, rehabilitation, restoration, or reconstruction of historic structures.

b) **Secondary Conservation Areas**

(i) **Features to be Preserved**

The following features shall be located and delineated on the conservation and development areas map as secondary conservation areas, and shall be preserved in the following priority order as secondary conservation areas:

- A. Existing and mature pastures and non-prime agricultural land;
- B. Existing and mature woodland forests, fields, and meadows (especially those greater than five acres in area);
- C. Significant plant and wildlife habitat;
- D. Open space connections between primary conservation areas;
- E. Scenic corridors and view sheds;
- F. Greenways and trail corridors;
- G. Rural roadside character areas; and
- H. Parks and recreation areas.

(ii) **Areas to be Set Aside as Conservation Area Open Space**

Secondary conservation areas delineated in accordance with [subsection \(i\)](#) above shall be set aside and reserved as open space for conservation purposes in accordance with the following standards:

- A. If the total geographic area occupied by primary conservation areas exceeds the minimum open space requirement set forth in [Sec. 68-220\(D\)\(3\)](#), no secondary conservation areas shall be required to be set aside as conservation open space.
- B. If the total geographic area occupied by primary conservation areas does not exceed the minimum open space requirement, then lands comprising secondary conservation areas shall be set aside as conservation area open space in the priority order established in [subsection \(i\)](#) above.
- C. If the combined geographic area occupied by all delineated primary and secondary conservation areas does not equal the minimum open space requirement set forth in [Sec. 68-220\(D\)\(3\)](#), then the applicant shall select additional lands within the subdivision site as necessary to meet the minimum open space requirement and designate them as secondary conservation areas to be set aside as conservation area open space. To the maximum extent practicable, such lands shall connect or abut other primary and secondary conservation areas.

(iii) **Allowable Uses**

Uses located within a secondary conservation area shall be limited to:

- A. All uses allowed in primary conservation areas;
- B. All development allowed in open space set-asides (see [Sec. 83-470\(C\)\(5\) of the Zoning Ordinance, Development in Open-Space Set-Asides](#));
- C. Individual or community water supply and septic systems;
- D. Stormwater management systems;
- E. Required drainage or other utility easements; and
- F. Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

c) **Development Areas**

After identifying the primary and secondary conservation areas, development areas shall be identified. They are areas within the subdivision site in which development may occur, including:

- (i) Any clearing or grading activities;
- (ii) Vehicular ingress and egress;
- (iii) Individual or community wells and septic systems (if not located within the secondary conservation area);

- (iv) Streets, utilities, and other similar structures; and
- (v) All allowable uses.

10. Ownership, Management, and Maintenance

The conservation area open spaces shall be considered open space set-asides, and shall comply with the ownership, management, and maintenance standards in [Sec. 83-470\(C\)\(6\) of the Zoning Ordinance, Ownership, Management, and Maintenance of Open-Space Set-Asides](#).

Secs. 68-221 — 68-229. Reserved

ARTICLE IV. SPECIFICATIONS FOR PLANS AND PLATS

Sec. 68-230. General

This article includes submittal requirements for a number of the development applications addressed in this Subdivision Ordinance and in [Article II \(Administration\) of Chapter 83 \(Zoning Ordinance\)](#) of the Code of Powhatan County.

Sec. 68-231. Digital Submission of Plats

A. Purpose

The intent of a digital submittal requirement is to enable the required hard copy and digital submission to be produced from the same digital data without any modification by the company submitting the data or by the Department of Community Development staff.

B. Applicability

In addition to the required hard copy documents, the following plats submitted to the Department of Community Development shall include a completed computer drafted digital drawing file:

1. Preliminary Plats;
2. Final Plats;
3. Plats for Single-Cut Subdivisions
4. Plats for Large Lot Subdivisions;
5. Plats for Family Divisions; and
6. Plats for Subdivision Exceptions.

C. Content and Format

The digital files shall contain all of the information pertaining to the drawings as required by this article. This digital format shall be an exact replica of any required data represented on the submitted hard copy drawing/document. Computer Aided Design and Drafting (CADD) files in DWG format are preferred; however, DGN, or DXF formats may also be acceptable. The digital submittal is not required to have an engineering stamp/certification. Submissions will be accepted on CD, DVD, or by electronic mail (E-

mail). The submitted digital data shall be labeled with the project name, filing date, format, and company name.

Sec. 68-232. Preliminary Plat

A. Preparation

The preliminary plat shall be prepared by a Surveyor or Engineer, and be used for presentation to the Director

B. Drawing

The preliminary plat shall, at a minimum, be drawn to the specifications and shall contain the information required below.

1. Subdivision Name

The proposed name of the subdivision, preceded by the words "Preliminary Plat of _____, Powhatan County, Virginia" will be indicated.

2. Person Identification

The name and mailing address of the property owner, the developer, the Engineer, and any other persons directly involved in the transaction will be indicated.

3. Date and Scale

The date of design of the preliminary plat, north point, and scale shall be indicated.

4. Total Lot Acreage

The total acreage of each lot.

5. Total Road Acreage

The total acreage of the roads.

6. Total Acreage

The total acreage of the site

7. Acreage of Each Lot

Such acreage is to be shown within each lot.

8. Tax Reference Map Number

9. Location Sketch

The sketch showing the general location of the subdivision in relation to the surrounding area will be placed on the sheet, generally in the upper right or left corner. The location sketch will be drawn to a scale large enough to show the proposed subdivision's relationship to existing and proposed community facilities, such as major traffic arteries, public transportation, schools, recreation areas, shopping areas, and natural features such as rivers, streams, and topographic features.

10. Plat Information

Preliminary plats will contain all necessary information pertaining to tract boundaries, contours, streets, utilities, lots, and such other information as may be required by the Department of Community Development.

11. Boundary Lines on and Adjacent to the Tract

The location, distance, and bearings for boundary lines and the location and width of all existing easements will be indicated.

12. Contours

The preliminary plat will show existing contours developed in the field or from aerial topographic surveys or U.S. Geographical Survey quadrangle maps. Source of topography will be stated on the plat.

- a) Contours will be at intervals of ten feet or at more or less frequent intervals if required by Community Development Staff for land with unusual topography.
- b) Where possible, all contour information will be referenced to the U.S. Geographical Survey datum.

13. Nonresidential Designation

The name, acreage, and use of any sites proposed for public use such as parks, playgrounds, etc., and the name, acreage, and use of any uses other than single-family dwellings, such as multifamily dwellings, shopping centers, churches, etc., will be indicated

14. Other Conditions

Other conditions on the tract to be shown on the preliminary plat will include the information required below.

- a) Existing and proposed zoning designations, highways, parks, schools, or other major improvements will be indicated.
- b) Watercourses, railroads, bridges, or other structures will be indicated.
- c) Soil map prepared by a qualified soil scientist with soil classifications and recommended usage when required by the Commission Staff.
- d) Stream buffers, wetland buffers, and wetland buffer setbacks shall be shown as required by [Article VIII \(Development Standards\)](#) of [Chapter 83 \(Zoning Ordinance\)](#).

Sec. 68-233. Construction Plans

A. Preparation

The construction plans shall be prepared by a Surveyor or Engineer

B. Drawing

The construction plans shall, at a minimum, be drawn on 24" x 36" sheets (or other size as approved by Community Development Staff) and shall contain the information required below:

1. Drainage Plan

- a) Existing contours
- b) Finished contours
- c) The locations, sizes, and profiles of existing open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle stormwater
- d) The locations, sizes, and profiles of proposed open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle stormwater
- e) Other pertinent information requisite in dealing with storm drainage problems
- f) Additional requirements for any such drainage plan may be required by Staff

- g) Easements required in the construction and maintenance of the drainage system and required buffers
- h) The date of design of the construction plans
- i) North arrow with datum used for the plans
- j) Scale of plan indicated with a graphic scale shown
- k) Total acreage of the site
- l) Total acreage of the disturbed area
- m) Tax map number(s)
- n) The location sketch showing the general location of the subdivision in relation to the surrounding area will be placed on the sheet, generally in the upper right or left corner. The location sketch will be drawn to a scale large enough to show the proposed subdivision's relationship to existing and proposed community facilities, such as major traffic arteries, public transportation, schools, recreation areas, shopping areas and natural features such as rivers, streams, and topographic features.
- o) The location and width of all existing easements on or adjacent to the subject property. Easements required in the construction and maintenance of the drainage system shall be shown on the construction plans.
- p) Stream buffers, wetland buffers, and buffer setbacks shall be shown.
- q) The drainage plan shall be consistent with local and regional drainage plans

2. Existing and Proposed Streets

The following is required for existing and proposed streets

- a) Streets on and adjacent to the tract will be indicated by the street name, right-of-way width, and location type and width of any surfacing or curbing
- b) The plan and profile of each proposed street indicating the existing ground surface and proposed street grades at a horizontal scale of 1" = 50' and a vertical scale of 1" = 5' or such other scales as may be approved by Staff.
- c) A cross section of each proposed type of street drawn to scale shall show the width of pavement, the location and width of sidewalks and rights-of-way, and the location of utilities.
- d) In order that Staff may more accurately study the construction plans, center lines of all proposed streets in the subdivision will be staked out in the field prior to submission of the construction plans.

3. Utilities

The construction plans will show the following information concerning existing and proposed utilities including sanitary sewers, water lines, and storm sewers. The plans will also show existing gas, telephone, electrical, cable, fiber and all other utility lines. All utility design will conform to County standards and specifications.

- a) The locations, sizes, and capacities, where appropriate, of all water mains, manholes, pumping stations, standpipes, reservoirs, and similar facilities, and the locations and dimensions of specific easement areas related thereto will be indicated.

- b) The plan and profile including invert elevations of all sanitary sewers, manholes, lift stations, and treatment plants, and similar facilities, and the location and dimensions of specific easement areas related thereto.
- c) All easements pertinent to all utilities will be shown.
- d) Areas or space dedicated for utilities will be shown.

4. Lot Lines

The location of lot lines, along with the appropriate lot and block numbers will be shown on the plans.

Sec. 68-234. Final Plat

A. Preparation

The final plat of a subdivision shall, at a minimum, conform substantially to the preliminary plat and will be prepared in accordance with the requirements below.

B. General

1. Materials and Size

The final plat will be drawn on a sheet the size of which shall be specified by the Clerk of the Court.

2. Date

The date of design of the subdivision plat

3. North Arrow

North arrow with datum used for the plat

4. Scale

The final plat will be drawn to a scale of one hundred (100) feet or less to the inch (or a scale approved by Community Development Staff) and include a graphic scale on the plat

5. Page Numbering

When more than one sheet is used for any final plat, each sheet will be numbered consecutively and will contain a notation indicating the total number of sheets in the plat.

C. Mapping Information

The final plat will include sufficient data to accurately reproduce the subdivision on the ground

1. Street Lines on Adjacent Land

The final plat will show the exact location with dashed lines and the width along the property lines, with street name and route number, for all existing or recorded streets intersecting or paralleling the boundaries of the tract

2. Monument References on Adjacent Land

The final plat will show the bearings and distances to nearest established street boundaries, established survey lines, or other official monuments.

3. Adjacent Land

For adjacent land which is platted, the final plat will show the intersecting boundaries with dashed lines and the recorded name of the subdivision. For adjacent land which is unplatted, the final plat will show the intersecting boundaries with dashed lines and the name of the owners of record, recording information, and tax map number.

4. Boundary Lines of Tract

The final plat will show the tract boundary lines with lengths of courses to hundredths of a foot and bearings to the nearest second.

5. Monuments of Tract

The final plat will show the accurate location and type of all permanent reference monuments.

6. Streets

For street and alley rights-of-way, the final plat will show the names, bearings, and width including the widths along the line of any obliquely intersecting street; for all arcs, show the length, radius, delta angle, tangent, chord and chord bearing

7. Easements

For existing easements show the location, type, width, and recording information. For proposed easements, show the location, type and width.

8. Easements Along Property Lines

Any easements along the property lines will be noted on the final plat with the type and width

9. Lot Lines

For all lot lines show dimensions to the hundredths of a foot and bearings to the nearest second

10. Reservations and Dedications on Tract

The final plat will show the accurate outline of all property which is either offered for dedication to public use or which is reserved by covenant in the deeds for common use of the property owners in the subdivision with the purpose also plainly printed thereon.

11. Block and Lot Designations

The lots will be numbered in numerical order and the blocks lettered in alphabetical order

12. Flood Plain

The 100-year HUD designated flood plain area of all watercourses shall be shown on the final plat

13. Streams and Wetlands

All streams and wetlands shall be shown and labeled

14. Stream and Wetland Buffers

All stream buffers, wetland buffers, and buffer setbacks shall be shown and labeled

15. Drainage Buffers

Buffers required by this Ordinance shall be shown on the final plat

16. Covenants

When the developer intends to regulate land use in the subdivision by the use of covenants, one copy of the final protective or restrictive covenants will be submitted to the Department of Community Development along with the final plat

17. Soils Analysis

Prior to final subdivision plat approval, a soils analysis shall be performed and submitted to Staff for review. The soils analysis shall certify that a designated building site for each lot on the final subdivision plat is free of moderate or high shrink swell soils and/or other adverse soil conditions, otherwise a note shall be placed on the plat indicating lots with moderate or high shrink swell soils and/or adverse soil conditions and that engineered

footings shall be required for such identified tests and other factors which were used as the basis for the certification. Should an alternate building site be chosen for the use after plat approval, such site shall be assessed for adverse soil conditions in the same manner as the original designated site except for Large Lot Subdivisions.

D. Title Block

The title block for the final plat drawing will contain the following information required below

1. Subdivision Name: The name of the Subdivision and, where the plat at hand is only part of a larger subdivision bearing the same name, the section number or other necessary identification will be indicated
2. Magisterial District
3. County and State
4. Date
5. Scale of plat

E. Legend Information

The legend for the final plat drawing will contain the following information required below

1. Use of Property
2. Zoning Designation
3. Rezoning Case Number (if applicable)
4. Tax Map Number
5. Water Supply
6. Sewer Supply
7. Drainage Type
8. Number of Lots
9. Area in Lots
10. Area in Open Space
11. Area in Roads
12. Total Area
13. FEMA Flood Zone Designation
14. Proffered Conditions
15. Any other information pertinent to the Final Plat

F. Acreage per Lot

The acreage for each lot shall be shown within each lot

G. Graphic Scale

A graphic scale shall be shown and labeled

H. Location Sketch

The sketch showing the general location of the subdivision in relation to the surrounding area will be placed on the sheet, generally in the upper right or left corner. The location sketch will be

drawn to a scale large enough to show the proposed subdivision's relationship to existing and proposed community facilities, such as major traffic arteries, public transportation, schools, recreation areas, shopping areas and natural features such as rivers, streams, and topographic features.

I. Personal Identification

The name of the property owner, the developer, the Surveyor, and any other persons directly involved with the transaction will be shown

J. Certifications

The appropriate Certifications as defined below, with required signatures, will accompany all final plats

1. Subdivision Certificate

SUBDIVISION CERTIFICATE

The subdivision of land shown on this plat designated as (name of subdivision) is with free consent and in accordance with the desires of the undersigned owner and trustees. There is (a/no) mortgage on this property. All proposed easements and streets are of the width and extent shown and are dedicated to the County of Powhatan free and unrestricted by previous agreements of easements except as noted on this plat. All easements are for surface and underground drainage and underground and overhead utilities unless otherwise noted. All easements are subject to the right of the County of Powhatan to establish alleys on said easements at any future time without cost for the property involved. Given under my hand and seal this ____ day of _____, 20__.

Owner

(Also leave blanks for Trustees if necessary.)

2. Surveyor's Certificate

SURVEYOR'S CERTIFICATE

To the best of my knowledge and belief, all of the requirements as set forth in the ordinance for approving plats of subdivisions for recordation in Powhatan County, Virginia, have been complied with. All monuments and property corners will be set by _____ [insert date]

By _____ (Name of Company)

- 3. Source of Title
- 4. Notary Certificate

5. Approval for Recording Certificate (Upon approval and certification of all elements of the final plat, the Department of Community Development will certify the plat for recording as follows)

Date Approved: _____

Powhatan Department of Community Development

Sec. 68-235. Shared Subdivision Plat Requirements for Single-Cut, Large Lot, Family and Charitable Subdivisions

Plats of Single-Cut Subdivisions, Large Lot Subdivisions, Family Divisions and Charitable Subdivisions shall be drawn to scale and shall show the following:

- A. Date**
The date of design of the subdivision plat
- B. North Arrow**
North arrow with datum used for the plat
- C. Scale**
The final plat will be drawn to scale and include a graphic scale on the plat
- D. Page Numbering**
When more than one sheet is used for a subdivision plat, each sheet will be numbered consecutively and will contain a notation indicating the total number of sheets in the plat.
- E. Mapping Information**
The final plat will include sufficient data to accurately reproduce the subdivision on the ground.
- F. Boundary Lines of Tract**
The subdivision plat will show the parcel boundary lines with lengths of courses to hundredths of a foot and bearings to the nearest second.
- G. Monuments of Tract**
The final plat will show the accurate location and type of all permanent reference monuments.
- H. Easements**
For existing easements show the location, type, width, and recording information. For proposed easements, show the location, type and width.
- I. Zoning District**
Show the zoning district of the parcels.
- J. Utilities**
Location of existing utilities and proposed easement access for Utility Entities

Sec. 68-236. Specific Plat Requirements: Single-Cut Subdivision

In addition to the requirements listed in [Sec. 68-235](#) above, the plat of a Single-Cut Subdivision shall be drawn to scale and show the following:

A. Roads

Show the public road to which the lot has access; the single cut subdivision parcels shall ~~either abut a public road by a minimum of 30 feet or have access to a public road via a dedicated access right of way or easement at least 30 feet in width~~ meet the minimum standards of the district set forth in Chapter 83 (Zoning Ordinance). (Single Cut Subdivisions shall be prohibited on private roads where the main parcel does not front on a public road)

B. Certifications

The appropriate Certifications as defined below, with required signatures, will accompany all Single Cut Subdivisions

1. Surveyor's Certificate
2. Surveyor's Seal
3. Owner's consent statement

Sec. 68-237. Specific Plat Requirements: Large Lot Subdivision Plat

In addition to the requirements listed in [Sec. 68-235](#) above, the plat of a Large Lot Subdivision shall be drawn to scale and show the following:

A. Lots and Yards

All lot and yard requirements of the Zoning Ordinance shall be satisfied. On corner lots, where the side yard adjoins a street, the side yard setback shall be equal to the front yard setback

B. Remnants

All parcels smaller than ten acres remaining after subdivision of a tract shall be added to adjacent parcels or lots

C. Street Frontage

All lots of a Large Lot Development shall ~~either abut a public road by a minimum of 30 feet or have access to a public road via a dedicated access right of way or easement at least 30 feet in width~~ meet the minimum standards of the district set forth in Chapter 83 (Zoning Ordinance).

D. Separate Ownership

Where the land covered by a development includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to a single ownership, simultaneous with the recording of the final plat. Said deed is to be deposited with the final plat until the subdivider is ready to record the same, and they both be recorded together.

E. Restrictive Covenants

The deed and plat of each tract in a private street Large Lot Development shall carry a restrictive covenant to the effect that the streets in the subdivision are private in nature and shall not be maintained by VDOT or other public agency and that the maintenance and improvements thereof shall be the mutual obligation of the landowners in the developments abutting said roads that such private roads shall not be taken into the state highway system unless and until the abutting landowners shall have constructed and dedicated the private roads in accordance with VDOT specifications, and thereafter the Supervisors shall have recommended that said road be taken into the state system of highways.

(Plats shall be labeled with notes describing that the streets are private in nature and shall not be maintained by VDOT or other public agency and that the maintenance and improvements thereof shall be the mutual obligation of the landowners in the development)

F. Certifications

The appropriate Certifications as defined below, with required signatures, will accompany all Large Lot Subdivisions

1. Surveyor’s Certificate
2. Surveyor’s Seal
3. Owner’s consent statement

Sec. 68-238. Specific Plat Requirements: Family Division

In addition to the requirements listed in [Sec. 68-235](#) above, the plat of a Family Division shall be drawn to scale and show the following:

A. Street Frontage

All lots of a family division shall either abut a public road by a minimum of 30 feet or have access to a public road via a dedicated access right-of-way or easement at least 30 feet in width

B. One Division Limit

Only one such division shall be allowed during the lifetime of each family member of the donor or grantor without regard for ownership by the donor or grantor of differing tracts or parcels of land, and shall not be for the purpose of circumventing this Ordinance. Any further division beyond one cut for each family member shall be considered a subdivision subject to the provisions of this Ordinance.

C. Immediate Family

For the purposes hereof, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, siblings, grandchild, grandparent, or parent of the owner

D. Restrictions

1. No lot hereby created which contains less than ten acres shall qualify as a Family Division unless it has a reasonable access right-of-way or easement providing ingress and egress to a publicly maintained street or road as follows:
 - a) Minimum of 30 feet for one or two lots served by a private road constructed to the residential driveway standard [see: [Sec. 68-175\(E\)\(9\)](#)]
 - b) Minimum of 50 feet for three to ten lots served by a private road constructed to standards [see: [Sec. 68-175\(E\)\(8\)](#)]
2. No lot on a private street or road in a Large Lot Development may be deeded as a Family Division unless said lot is ten acres in size or larger and approved under the provisions of this Ordinance, or unless all property owners within such Development with access to such road provide their sworn consent in writing to the creation of a Family Division lot less than ten acres in size but no smaller than two acres in size.
3. No Family Division shall be made unless approved by the Director. Additionally, no Family Division shall be approved unless the property has been owned for at least ten consecutive years by the current owner or member of the current owner’s immediate family.
4. During the initial five year period following the creation of lots by Family Division, no sale of any such lot shall be made and no residential structure on such lot shall be rented

to any person other than an immediate family member as defined in [Sec. 68-238\(C\)](#) above unless such lots are subject to an involuntary transfer such as by foreclosure, death, judicial sale, condemnation, or bankruptcy and such transfer is approved by the Director. Furthermore, no building permit shall be issued to the recipient of any such lot if such recipient is not an immediate family member as defined in [Sec. 68-238\(C\)](#) above. The property owner shall also place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of five years.

5. Any family division parcel and the resultant residual parcel that is created from a lot of record that has no access to a public road must be served by a private road that is constructed in accordance with [Sec. 68-175\(E\)\(8\)\(b\)](#), Private Roads.

E. Certifications

The appropriate Certifications as defined below, with required signatures, will accompany all Family Divisions

1. Surveyor's Seal

Sec. 68-239. Specific Plat Requirements: Charitable Subdivision

In addition to the requirements listed in [Sec. 68-235](#) above, the plat of a Charitable Subdivision shall be drawn to scale and show the following:

A. Street Frontage

All lots of a charitable subdivision shall ~~either abut a public road by a minimum of 30 feet or have access to a public road via a dedicated access right of way or easement at least 30 feet in width~~ meet minimum standards of the district set forth in Chapter 83 (Zoning Ordinance)

B. Requirements

1. A division of one parcel of land may be permitted for conveyance to a bona fide charitable organization.
2. Charitable Exceptions may only be taken from Agricultural-zoned parcels.
3. A Charitable Exception division taken from a parent tract shall not result in the loss of the property owner's Single-Cut Subdivision exception.
4. A Charitable Exception parcel shall be a minimum of two acres in size and shall produce a residual parcel of not less than ten acres in size. All other lot requirements shall follow the Zoning Ordinance provisions for the Agricultural District
5. Requests for Charitable Exceptions shall be submitted to the Board of Supervisors for consideration along with a conceptual plan showing the dimensions of the proposed Charitable Exception parcel and the residual parcel and written evidence of a valid 501(c)(3) designation. The Board may impose conditions pertaining to the development of the property and may, at its discretion, allow a Charitable Exception parcel to access a state-maintained road via exclusive dedicated easement. No fee shall be charged for a Charitable Exception request

C. Certifications

The appropriate Certifications as defined below, with required signatures, will accompany all Charitable Subdivisions

1. Surveyor's Seal

Sec. 68-240. Subdivision Exception

A. Application for Exception

Provided that such requirement is not otherwise contrary to law, application for approval of a division as a Subdivision Exception under this Ordinance shall be made prior to recordation of any such division. Application shall be made to the Department of Community Development. The application shall include a plat of survey certified and sealed by a Surveyor, drawn to such scale and including such minimal information sufficient to satisfy the Department of Community Development that the division qualifies as a Subdivision Exception.

B. Recordation of Exception

Provided that such requirement is not otherwise contrary to law, no plat of any division qualifying as a Subdivision Exception shall be recorded unless and until it shall have been submitted to and approved as a Subdivision Exception by the ~~Department of Community Development~~ Director. The plat of any such approved Subdivision Exception shall contain a clearly visible indication that it is a Subdivision Exception, and shall be dated and signed by ~~a designated member of the Department of Community Development~~ the Director.

Sec. 68-241. Private Road Approval

A. Review for Private Road Approval

The Planning Commission shall review, or cause to be reviewed, the construction of private roads in lieu of public roads and the design standards of any proposed private road to assure that such road meets the eligibility criteria for private roads and will be adequate to serve the subdivision or development of which it is a part. Each entrance onto any public road for vehicular traffic to and from such subdivision or development shall be subject to the approval of the Department of Community Development and shall be constructed in accordance with all applicable VDOT standards. The applicant's licensed professional engineer or surveyor shall certify and provide documentation that VDOT standards are met on any such entrance

B. Intent of Regulation of Private Roads

Any new private road shall be subject to approval by the Planning Commission in accordance with this chapter. Additional use of any private road resulting from any division of land shall be subject to the provisions of this chapter. Private roads are intended to be permitted as the exception to construction and dedication of public roads in the subdivision approval process. Granting of private road usage shall be discretionary by the Planning Commission and shall be based on the circumstances and requirements contained herein. Private roads are intended to promote sensitivity toward the natural characteristics of the site and to encourage subdivision consistent and harmonious with surrounding development. Except as otherwise expressly provided herein, no waiver, modification or variation of standards, and no exceptions to the application of these regulations shall be permitted.

C. Eligibility Criteria for Private Roads

The Planning Commission may approve any private road under the following circumstances

1. No lot of a subdivision to be served by such road shall be less than ten acres in land area;
or

2. A subdivision contains only two lots and such private road serves only the lots in such subdivision; each lot is not less than two acres in land areas; and is the sole and direct means of access to a road in the state highway system.

D. Additional Eligibility Criteria for Private Roads

In addition to the provisions of [Sec.68-241\(C\)](#) above, the Planning Commission may approve a subdivision served by one or more private roads in any case in which the subdivider, in accordance with [Sec. 68-241\(P\)](#) below, demonstrates to the reasonable satisfaction of the Planning Commission that:

1. Approval of such roads will alleviate a clearly demonstrable danger of significant degradation to the environment of the site or adjacent properties which would be occasioned by the construction of public roads; or
2. For a specific, identifiable reason, the general public interest, as opposed to the propriety interest of the subdivider, would be better served by the construction of such roads than by the construction of public roads. In the case of any such approval, the Planning Commission may require such assurances from the subdivider in a form acceptable to the County Attorney as it may determine to be necessary to protect the public interest with respect to such roads.
3. In the case of any such approval, the Planning Commission may require such assurances or performance guarantees from the subdivider in a form acceptable to the County Attorney as it may determine to be necessary to protect the public interest with respect to such roads. Such assurances shall be held by the County for a period of one year from the completion of the private road construction for maintenance purposes, including but not limited to road surface integrity and soil stabilization.
4. A private road shall be deemed completed when Community Development Staff has received all required documents from the applicant's licensed professional engineer or surveyor certifying compliance with [Sec. 68-241\(F\)](#) and any other requirements of this Section.

E. Criteria for Final Approval by Planning Commission

No subdivision or development shall be approved pursuant to [Sec. 68-241\(C\)](#) or [Sec. 68-241\(D\)](#) unless and until the Planning Commission shall determine that:

1. Any such private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by such subdivisions; and
2. The fee of such road is to be owned by the owners of all lots abutting the right-of-way thereof or by an association composed of the owners of all lots on the subdivision, subject in either case to a dedicated right-of-way for the benefit of all lots served by such road, and
3. Except where required by the Planning Commission to serve a specific public purpose, such private road shall not be designed to serve through traffic nor to intersect the state highway system in more than one location.

F. Private Road Construction Standards

All private roads approved pursuant to this Section shall be constructed in accordance with the following. A licensed professional engineer or surveyor shall certify and provide documentation to the Department of Community Development that the private road meets the construction standards of this ordinance. (See [Sec. 68-175\(E\)\(8\)](#), [Private Roads](#).)

G. Right-of-Way Width

For any single-family residential use, any private road serving more than two, but not more than ten lots shall have a right-of-way width of 50 feet.

H. Grade

For any single-family residential use, a private road shall have a maximum grade of not more than nine percent (9%). The maximum grade of such road may be increased to not more than 50 percent for a distance not more than 30 feet where in the opinion of the applicant's Engineer or Surveyor, topographic features justify such increase and such increase will not result in a safety hazard. Intersections of private and public roads shall have an approach grade not exceeding three percent for a distance of not less than 40 feet in all directions. Approach grade distances shall be measured from the edge of the roadway being intersected. (See [Sec.68-175\(E\)\(8\)](#), [Private Roads](#) and See [Table 68-175\(E\)\(8\)\(b\)](#), [Private Road Standards for Single-Family Development](#))

I. Drainage and Compaction

Specifications for crowning, ditching, and other provisions for drainage shall meet VDOT standards. Road surface compaction shall also meet VDOT standards.

J. VDOT Standards

For any single-family residential use, any private road serving more than ten lots shall be constructed in accordance with the applicable secondary road standards of VDOT for acceptance as a State-maintained public road. No private road may serve more than ten lots. An exception may be granted by the Planning Commission for controlled-access private roads (e.g., gated communities) where VDOT regulations will not allow such road to be accepted into the system of State-maintained public roads.

K. Road Design

The developer shall submit to the Department of Community Development a map of proposed subdivision or development having contour intervals not greater than ten feet showing the horizontal alignment together with field-run profiles and typical cross-section of such roads. The Department of Community Development may waive requirements on the field-run profile for the County in the case of an existing road or where deemed appropriate due to topography

L. Street Signs

Street signs shall be installed by the developer in accordance with VDOT standards

M. Pavement Width, Depth

Minimum pavement width, depth of road base, surface treatment and minimum sight distance of a private road shall be in accordance with the construction standards presented in [Table 68-175\(E\)\(8\)\(b\)](#) for residential uses and with the construction standards presented in [Sec.68-175\(E\)\(8\)](#) for uses other than residential

N. Restrictive Covenants

The deed and plat of each tract on a private road shall carry a restrictive covenant to the effect that the streets in the subdivision are private in nature and shall not be maintained by VDOT or other public agency and that the maintenance and improvements thereof shall be the mutual obligation of the landowners in the developments abutting said roads. The covenants shall also provide that such private roads shall not be taken into the state highway system unless and until the abutting landowners shall have constructed and dedicated the private roads in accordance with VDOT specifications, and thereafter the [Board of Supervisors](#) shall have recommended that said road be taken into the state system of highways

O. Minimum Right-of-Way Exception

The minimum right-of-way width requirements of [Subsection F](#) above notwithstanding, in the case of a subdivision served by an existing easement of fixed width, which easement cannot be widened by the subdivider after documented good faith effort by the subdivider to acquire additional right-of-way width, the Planning Commission may approve such subdivision in accordance with [Subsection P](#) upon demonstration by the applicant that such easement is of adequate width to accommodate the minimum pavement width and drainage ditch specifications as required by [Subsection F](#), together with area adequate for maintenance of the same.

P. Filing Procedure

An applicant requesting Planning Commission approval pursuant to [Sec.68-140, Private Road Approval](#), shall file with the Department of Community Development a written request which shall state reasons and justifications for such request together with such alternatives as may be proposed by applicant. This request shall include a survey plat of the subject property including all recorded easements and any other rights of way, easement or otherwise. Such request shall be submitted to the Department of Community Development at least 45 days prior to the next Planning Commission meeting. No such request shall be considered by the Planning Commission until the Planning Commission has considered the recommendation of the Department of Community Development. The Department of Community Development may recommend approval, approval with conditions, or denial. A recommendation of approval or conditional approval shall be accompanied by a statement from the Department of Community Development as to public purpose served by such recommendation, particularly in regard to the purpose and intent of this chapter, the Zoning and Subdivision Ordinances, and the Comprehensive Plan

Sec. 68-242. Land Disturbance

A complete Land Disturbance application shall comply with the requirements and standards in [Chapter 42, Article III](#) of the Powhatan County Code and shall, at a minimum, include the following:

A. Land Disturbance Application

Filled out completely

B. Erosion and Sediment Control Plans

Plans shall include the following:

1. **Limits of clearing and grading** (Decide which areas must be disturbed in order to accommodate the proposed construction. Pay special attention to critical areas which must be disturbed)
2. **Divide the site into drainage area** (Determine how runoff will travel over the developed site. Consider how erosion and sedimentation can be controlled in each small drainage area before looking at the entire site)
3. **Select erosion and sediment control practices** (Erosion and sediment control practices can be divided into three broad categories: vegetative controls, structural controls, and management measures. Each of these categories has temporary and permanent control measures to be considered.)
4. **Minimum Standards** (All Minimum Standards shall be addressed, 1 through 19 [in the Virginia Erosion and Sediment Control handbook](#), in chart or list form as they apply to the site)
5. **Narrative**

Narrative shall contain the following:

- a) **Project description** – Briefly describe the nature and purpose of the land-disturbing activity, and the area (acres) to be disturbed.
- b) **Existing site conditions** – A description of the existing topography, vegetation and drainage.
- c) **Adjacent areas** – A description of neighboring areas such as streams, lakes, residential areas, roads, etc., which might be affected by the land disturbance.
- d) **Off-site areas** – Describe any off-site land-disturbing activities that will occur (including borrow sites, waste of surplus areas, etc.). Will any other areas be disturbed?
- e) **Soils** – A brief description of the soils on the site giving such information as soil name, mapping unit, erodibility, permeability, depth, texture and soil structure.
- f) **Critical areas** – A description of areas on the site which have potentially serious erosion problems (e.g., steep slopes, channels, wet weather/underground springs, etc.).
- g) **Erosion and sediment control measures** – A description of the methods which will be used to control erosion and sedimentation on the site.
- h) **Permanent stabilization**– A brief description, including specifications, of how the site will be stabilized after construction is completed.
- i) **Stormwater runoff considerations** – Will the development site cause an increase in peak runoff rates? Will the increase in runoff cause flooding or channel degradation downstream? Describe the strategy to control stormwater runoff.
- j) **Calculations** – Detailed calculations for the design of temporary sediment basins, permanent stormwater detention basins, diversions, channels, etc. Include calculations for pre- and post –development runoff.

6. Site Plan

Site plan shall, at a minimum, contain the following:

- a) **Vicinity Map** – A small map locating the site in relation to the surrounding area. Include any landmarks which might assist in locating the site.
- b) **Indicate north** – The direction of north in relation to the site.
- c) **Existing contours** – The existing contours of the site.
- d) **Final contours** – Changes to the existing contours, including final drainage patterns.
- e) **Existing vegetation** – The existing tree lines, grassed areas, or unique vegetation.
- f) **Stream buffers, perimeter of parcel buffers** – Areas required by the Zoning Ordinance or conditions of rezoning in which existing vegetation shall be retained and protected. (e.g., intermittent stream buffers are 50' on each side of the stream, perennial stream buffers 100' on each side of the stream, wetland buffers are 50' along wetlands, perimeter buffers range 50' – 200' in width).
- g) **Existing drainage patterns** – The dividing lines and the direction of flow for the different drainage areas. Include the size (acreage) of each drainage area.

- h) **Critical erosion areas**– Areas with potentially serious erosion problems. (e.g., steep slopes, channels, underground springs).
- i) **Off-site areas** – Identify any neighboring areas such as streams and ponds which could receive direct run off from the site. Identify any off-site land disturbing activities (e.g., borrow sites, waste areas, etc.). Show location of erosion controls.
- j) **Limits of clearing and grading** – Areas which are to be cleared and graded.
- k) **Site Development** – Show all improvements such as buildings, parking lots, access roads, utility construction, etc.
- l) **Location of Vegetative, Structural Controls and Management Practices**– The locations of erosion and sediment controls and stormwater management practices used on the site. Provide detailed drawings.
- m) **Maintenance**– A schedule of regular inspections and repair of erosion and sediment control structures shall be set forth.
- n) **Utilities** – Drawings that show the locations of existing and proposed utilities and locations of existing and proposed utilities easements.

C. Required Land Disturbance Fee

D. Required Stormwater Permit Fees

Sec. 68-243. Stormwater Management Concept Plan

A complete Stormwater Management Concept Plan or Layout shall be submitted to Powhatan County either with the preliminary plan, preliminary subdivision plat, final subdivision plat or other submittal prior to the final plan in order to evaluate the site characteristics and ensure a comprehensive process for evaluating the existing natural features on the site and the proposed land disturbing activity and the conceptual application of post-construction structural and non-structural stormwater BMPs such that the post-construction condition will meet the pollutant load and runoff volume reduction and quantity control requirements of § 62.1-44.15:24, et seq. (Stormwater Management Act) of the Code of Virginia ~~and shall, at a minimum, include the following:~~

~~**A. Written Description**~~

~~A written description of the existing natural and hydrologic features, the proposed site plan, and a justification for the proposed changes.~~

~~**B. Concept Plan**~~

~~Concept Plans shall include at a minimum, a written narrative or map identifying the following natural resource features:~~

- ~~1. Wetlands~~
- ~~2. Perennial streams and Intermittent streams~~
- ~~3. Stream buffers~~
- ~~4. Floodplains~~
- ~~5. Forest or other mature and/or native vegetation~~

- ~~6. Steep slopes~~
- ~~7. Soil types—Hydrologic Soil Groups, highly erodible soils~~
- ~~8. Springs and/or natural seeps~~
- ~~9. Geology—Bedrock or karst conditions~~
- ~~10. Drainage divides~~
- ~~11. Proposed post-developed grading and drainage divides~~
- ~~12. Proposed post-developed flow paths and points of discharge from the site~~
- ~~13. Proposed location of structural and non-structural BMPs—including proposed impervious disconnection, proposed filter strips and areas of sheet flow~~
- ~~14. Proposed conservation areas, buffers, and other protected areas~~
- ~~15. Identify the general maintenance requirements of the various stormwater management practices proposed for the site~~
- ~~16. Preliminary stormwater management calculations using the VRRM Compliance Spreadsheet or equivalent~~

~~C. Required Stormwater Management Concept Plan Fee~~

Secs. 68-244 — 68-299. Reserved

ARTICLE V. DEFINITIONS

Sec. 68-300. In General

Definitions of terms shared by the Powhatan County Zoning Ordinance (Chapter 83) and this Subdivision Ordinance (Chapter 68) are found in Article XI (Definitions) of the Zoning Ordinance and are incorporated herein by reference. Definitions of terms specific to the Subdivision Ordinance are as follows:

Sec. 68-301. Definitions

ALLEY

A narrow street or thoroughfare giving access to the rear of lots or buildings.

AVERAGE GROUND ELEVATION

The elevation of the mean finished grade.

BENCH MARK

A permanent marker which designates elevation.

BLOCK

A surface land area separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

BLOCK NUMBER

The official number or letter assigned to a block for identification purposes.

BONA FIDE CHARITABLE ORGANIZATION

An entity holding a valid 501(c)(3) designation from the Internal Revenue Service.

BUFFER

A strip of land with existing vegetation retained and supplemented as required with trees/shrubs and maintained to provide transition and separation, to reduce noise and glare and to partially obstruct the view between adjacent land uses or properties. Buffers shall be maintained as undeveloped space and shall not be cleared, graded or excavated. (See [Article VIII: Development Standards](#) of the Powhatan County Zoning Ordinance)

BUILDABLE AREA OF A LOT

That portion of a lot bounded by the required rear and side yards and the building setback line

BUILDING SETBACK LINE

A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right of way line or lines. No building shall then be placed in the space between the building setback line and the right of way line.

BUILDING

A combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property.

COMMISSION STAFF

All administrative agency employees of the County including, but not limited to, the Health Department, the County School Board, the Planning Commission, and other governmental agency employees involved in the subdivision review process, including, but not limited to, VDOT.

COMMUNITY SEWAGE SYSTEM

A central sewage system owned, operated and maintained by a private corporation or a property owner's association.

COMPREHENSIVE PLAN

A composite of the mapped and written proposals recommending the physical development of the County which has been adopted by the Planning Commission and the Board of Supervisors.

CONSTRUCTION PLAN

Detailed information on the physical improvements to be made to land in the development of the subdivision.

COUNTY

Powhatan County, Virginia.

CUL-DE-SAC

A street with only one outlet, and having an appropriate turning area for a safe and convenient reverse traffic movement.

DEDICATION

Setting aside of land and/or improvements for a particular use.

DEVELOPER

Any person, including a governmental agency, undertaking development.

DIRECTOR

The Powhatan County, Virginia Director of Community Development. See [Article II \(Administration\)](#) of the Powhatan County Zoning Ordinance.

DRAINAGE EASEMENT

The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel.

DRAINAGE SWALE

A topographic feature containing free flowing surface water or soil surface saturation greater than seven consecutive days, in which channel dimensions are based on a 10-year storm event.

EASEMENT

A grant by a landowner to another or to the public, of a right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

EASEMENT AREA

A strip of land over, under, or through which an easement has been granted.

ENGINEER

A qualified Professional Engineer registered and currently licensed to practice engineering in the Commonwealth of Virginia.

FEE

A charge or levy imposed by an official agency.

HEALTH DEPARTMENT

Powhatan County Health Department.

IMPROVEMENTS

Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for man's activities. Typical improvements in these regulations would include, but are not limited to, grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, street name signs, and street trees.

INDIVIDUAL SEWAGE TREATMENT FACILITY

A sewage disposal system developed to function on an individual lot basis. A septic tank is a type of individual sewage treatment facility.

LOT

A parcel of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these

regulations.

LOT, CORNER

A lot other than a through lot that abuts two or more streets at their intersection.

LOT, DOUBLE FRONTAGE

A lot which runs through a block from street to street or which has two non-intersecting sides abutting on two or more streets.

LOT, FLAG

A lot consisting of a narrow “flagpole” strip extending from an abutting street to a much wider “flag” section lying immediately behind an abutting lot or lots, or a lot not abutting a street, where the access to the lot is by a narrow “flagpole” private access easement. Flag Lots shall not be permitted except for Family Divisions and cul-de-sacs.

LOT, INTERIOR

A lot abutting only one street.

LOT, REVERSE FRONTAGE

A double frontage lot which has its vehicular access point limited to the back of the lot, rather than having access on its front.

LOT AREA

The total horizontal land area within the lot lines of a lot, excluding any area within existing or proposed public street rights-of-way or private road easements or the Floodplain Overlay district.

LOT DEPTH

The average distance from the street line of the lot to its rear line measured in the general direction of the sidelines of the lot.

LOT FRONTAGE

That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

LOT LINES

The lines forming the boundary of a lot.

LOT LINE ADJUSTMENT

A reconfiguration of a lot line(s) to establish, straighten or rearrange such boundary lines, or to accomplish conveyance of part of a lot or parcel to an adjoining parcel or lot, provided that the following requirements are met:

1. Such conveyance does not create any additional lots or parcels,
2. At least one (1) boundary line shall remain unchanged as depicted on the recorded plat as of ~~the adoption date of this subsection~~ January 8, 2007,
3. Lots or parcels resulting from such conveyance shall meet the minimum required lot size for the zoning district as specified in the Zoning Ordinance, ~~and~~

4. The conveyance shall not have the effect of circumventing the Subdivision Ordinance, and

4.5. No parcel may be created less than two (2) acres in size.

LOT LINE, FRONT

A lot line separating the lot from an abutting public street right-of-way or private road easement. Where the boundaries of a lot extend into an abutting public street right-of-way or private road easement, the front lot line shall be the outside edge of the right-of-way or easement

LOT LINE, REAR

A lot line not abutting a street and connecting the lot's side lot lines – or a side lot line and a front lot line, for corner lots – along the edge of the lot opposite its front lot line.

LOT LINE, SIDE

A lot line not abutting a street and connecting the lot's front and rear lot lines.

LOT NUMBER

The official number assigned to a lot for identification purposes.

LOT WIDTH

The horizontal distance along a line delineating the minimum front yard depth applicable to a lot, between its intersections with the lot's side lot lines. For lots with more than one front yard, lot width applies along the front yard that has the shorter street frontage and for residential lots, fronts the street with the lower traffic volume capacity.

MAINTENANCE GUARANTEE

A security which may be accepted in lieu of a requirement that certain improvements be made before the approving body approves a plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements. (See Sec. 68-215, Performance Guarantees)

MONUMENTS

Markers placed on or in the land.

NATURAL VEGETATIVE BUFFER

A vegetative buffer which shall include shrubs and trees, and may include grasses.

PARENT TRACT

Any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the Office of the Clerk of the Circuit Court of Powhatan County prior to April 18, 1988.

PERFORMANCE GUARANTEE

Any security which may be accepted in lieu of a requirement that certain improvements be made before the approving body approves a plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

PLANNING COMMISSION

The Planning Commission of Powhatan County, Virginia.

PLANNING DEPARTMENT

The County's Department of Planning and Community Development.

PLAT, PRELIMINARY

The material which comprises the first “official” submission of a subdivision scheme to the Director, and which consists of an application and a map showing the material features of the proposed subdivision.

PRIVATE ROAD

A road not intended to be used by the general public, but where use is restricted to those with lawful right of access to such road, whether such access is granted by recorded deed or easement.

PROTECTIVE COVENANTS

A written statement governing the development of the land.

PUBLIC HEARING

A meeting for the review of a matter where opinions may be presented by the public. These hearings may take place during the regular Planning Commission meetings and are held according to State laws.

RECREATIONAL FACILITIES

Country clubs, riding stables, golf courses, and other similar recreational areas and facilities including swimming pools. (See [Article XI \(Definitions\)](#) of the Zoning Ordinance for detailed definitions of *Commercial Indoor Recreation Facility*, *Commercial Outdoor Recreation Facility*, *Nonprofit Recreation Facility*, and *Public Recreation Facility*.)

RICHMOND REGIONAL PLANNING DISTRICT COMMISSION

The 15th Planning District Body as defined by the Commonwealth of Virginia.

RIGHTS-OF-WAY

A dedication of land to be used generally for streets, alleys, or other public uses wherein the owner gives up all his rights to the property as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement but also the sidewalks, grass area, and utilities.

ROAD

For the purpose of these regulations, “road” shall be defined the same as “street”.

ROAD, THOROUGHFARE

A road which provides major circulation movements and accommodates through travel.

ROADWAY

The portion of the street right-of-way which contains the street pavement, curb, and gutter, and is used primarily as a channel for vehicular movement and secondarily as a drainage channel for storm water. In these regulations where curbs are required, the pavement is measured from face to face of the curbs; without curbs, it is the measurement of the wearing surface.

SANITARY SEWER SYSTEM

A municipal or community sewage system of a type approved by the State Department of Public Health.

SETBACK

The distance required to obtain the minimum front, side, and rear yards.

STORM WATER CONVEYANCE CHANNEL

A storm water conveyance channel conveys free flowing surface water or soil surface saturation less than seven consecutive days. Channel dimensions based on 10-year storm event.

STREAM, INTERMITTENT

For purposes of this Ordinance, a hydrographic feature shown on USGS quadrangle topographic maps (7.5-minute, 1:24,000 scale) as a broken blue line.

STREAM, PERENNIAL

For purposes of this Ordinance, a hydrographic feature shown on USGS quadrangle topographic maps (7.5-minute, 1:24,000 scale) as a solid blue line.

STREET

A general term used to describe a right-of-way which provides a corridor for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of underground and above ground utilities.

STREET, INTERSECTING

Any street which joins another street at an angle, whether or not it crosses the other.

STREET GRADE

The officially established grade of a street, or if no officially established grade exists, the top of the street's roadway at its centerline.

STREET LINE

The legal line between street right-of-way and abutting property.

STUB ROAD

A road which is shown on a subdivision plat to dead end or terminate at adjacent property.

SUBDIVIDER

For the purpose of these regulations, "subdivider" shall be defined the same as "developer".

SUBDIVISION

The division of a lot, tract or parcel of land into two or more lots, tracts or parcels, ~~any one of which is less than ten (10) acres in size~~, for the purpose, whether immediate or at some future time, of transfer of ownership or building development (with or without a transfer of ownership). The term subdivision includes resubdivision.

SUBDIVISION EXCEPTIONS

The following divisions of lots or parcels of land shall not be considered a "subdivision," as defined in this Article and thus are not subject to the standards of this subdivision ordinance other than the procedure in Sec. 68-130, Charitable Subdivision, for determining whether a division of land qualifies as such a Subdivision Exception:

1. A division of land made to establish rights-of-way or well lots.
2. The adjustment or reconfiguration of one or more lot lines to establish, straighten, or rearrange boundaries between existing lots or parcels, or to accomplish conveyance of part of a lot or parcel

to the owner of an adjoining lot or parcel, provided:

- a) No additional lots or parcels are created;
- b) At least one boundary line for the subject lots or parcels remains unchanged as depicted on the recorded plat as of January 8, 2007;
- c) Each lots or parcel resulting from the conveyance meets the lot standards in [Sec. 68-200, Lots](#), and the minimum lot area and width standards specified in each zoning district ([Articles III, IV, V and VI of the Zoning Ordinance](#));
- d) The division does not have the effect of circumventing these subdivision regulations; and
- e) No parcel may be created less than two acres in size.

SUBDIVISION, CHARITABLE

A Charitable Subdivision is a division of a lot or parcel of land in the A-10 zoning district solely for the purpose of conveying a single lot or parcel not less than two acres in size to a charitable organization. Development of a Charitable Subdivision requires Charitable Subdivision approval in accordance with [Sec. 68-130, Charitable Subdivision](#).

SUBDIVISION, FAMILY DIVISION

A Family Division is a division of a lot or parcel of land solely for the purpose of a one-time sale or gift of land from the lot or parcel owner to a member of the owner's immediate family—which is defined for purposes of regulating family divisions as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the lot or parcel owner. Development of a Family Division requires Family Division approval in accordance with [Sec. 68-125, Family Division](#). No parcel may be created less than two acres in size.

SUBDIVISION, FINAL PLAT

(See [Sec. 68-110\(C\), Final Plat](#))

SUBDIVISION, LARGE LOT

A Large Lot Subdivision is a division of a lot or parcel of land where each resulting lot or parcel has an area of at least ten acres and has either frontage on, or an access easement to, a public street. Development of a Large Lot Subdivision requires Large Lot Subdivision approval in accordance with [Sec. 68-120, Large Lot Subdivision](#).

SUBDIVISION, PRELIMINARY PLAT

(See [Sec. 68-110\(A\), Preliminary Plat](#))

SUBDIVISION, PRIMARY

A primary subdivision is a division of a lot or parcel of land other than a Charitable Subdivision, Family Division, Single-Cut Subdivision, or Large Lot Subdivision. Development of a primary subdivision shall comply with [Sec. 68-110, Primary Subdivision](#).

SUBDIVISION, SINGLE CUT

A Single-Cut Subdivision is a division of a lot or parcel of land lawfully created by a subdivision plat or deed recorded with the Office of the Clerk of the Circuit Court before April 18, 1988, into not more than two lots or parcels. Development of a Single-Cut Subdivision requires Single-Cut Subdivision approval in accordance with [Sec. 68-115, Single-Cut Subdivision](#). No parcel may

be created less than two acres in size.

SUPERVISORS

The Board of Supervisors of Powhatan County, Virginia.

SURVEYOR

A Surveyor registered and currently licensed to survey in the Commonwealth of Virginia.

THOROUGHFARE PLAN

A section of the County’s Comprehensive Plan that designates ultimate rights-of-way for major roads and identifies proposed new major roads in order to retain and develop a balanced, effective, and integrated road system.

USE

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.

UTILITY ENTITIES

A utility district or other entity providing gas, water, sewer, electric, cable or telephone services.

VDOT

The Virginia Department of Transportation.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

YARD, FRONT

The yard between a principal structure on a lot and the lot’s frontage along a public street or private road (front lot line), extending the full width of the lot.

YARD, REAR

The yard between a principal building on a lot and the rear lot line, extending the full width of the lot.

YARD, SIDE

Any lot line not a rear line or front line shall be deemed a side line. The yard between a principal building on a lot and the nearest side lot line, extending between the lot’s front yard and rear yards (or for through lots, between the lot’s opposite front yards).

ZONING ORDINANCE

The duly adopted Zoning Ordinance of Powhatan County, Virginia.

2. Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the County Code are readopted in their entirety as if set forth herein.

3. This amendment shall take effect immediately upon passage.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON _____,
2015.

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Barry C. Hodge _____
William E. Melton _____
Carson L. Tucker _____

Subdivision Ordinance – Proposed Revisions
Issues Raised by the Board of Supervisors and Citizens



Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question	
2	14	§68-301	2.2	<p>Large Lot Subdivisions vs Parcels – Not in definitions, no mention of flood plain (D. Bradbury)</p> <p><i>The current Subdivision Ordinance exempts “Large Lot Development (10acres+) from the requirements of the Subdivision Ordinance. The proposed ordinance does not; therefore “Large Lot Development” would have to comply with all of the ordinance provision to include pavement design standards, undergrounding of utilities, and provision of trash receptacles.</i></p> <p>Staff Recommendation: A subdivision of property by definition is anytime a parcel of land is divided regardless of the size of the division. Whether to continue to exempt them from the provisions of the subdivision ordinance as is the current practice is policy decision for the Board.</p>
6	31	§68-175	10.1	<p>Access Management – County should just VDOT Access Management and Design Standards (D. Bradbury)</p> <p><i>Both the Current and Proposed Subdivision Ordinances</i></p> <p><i>The current and proposed ordinances contain Access Management and pavement design standards that exceed the required VDOT standards.</i></p> <p>Staff Recommendation: This is a policy decision for the Board. Do we continue to use a separate access management standard or do we use the VDOT standards? It should be noted that VDOT’s Access Management standards have improved greatly since the County adopted its standards. The current language allow the Director to reduce the required separation standards, however it is not clear if the same authority exists along State-controlled roads in the proposed ordinance.</p>
14	57	§68-200-F	6.4-2.5	<p>Flag Lots – Creation of unusual shaped lots not permitted. Why? Change to avoided if possible (D. Bradbury)</p> <p><i>The current and proposed ordinances contain the same language permitting flag lots.</i></p> <p>Staff Recommendation: Revised language not allowing flag lots, except in cul-de-sacs and cases where topography or other physical conditions make it impractical to create a lot that meet the minimum lot width requirement should be included in the proposed ordinance.</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question	
33	29	§68-170-B-3 §68-170-B-11 §68-170-B-12	6.6 6.6-1.0	<p>Article III, this should be for Primary Subdivision Standards; #11 – is land included or excluded if within floodplain; #12 – explain how to determine (W. Cofer)</p> <p><i>The current and proposed ordinances contain language related to:</i></p> <p><i>#3 – states that “streets and buildable areas of lots shall be located outside floodway districts, and to the maximum extent practicable, outside all of parts of the Floodplain Overlay (FP) district.”</i></p> <p><i>#11 – provides that land within the floodplain district will not be included in the minimum lot area calculation requirements. The floodplain district is an approximation of any area susceptible to flooding. The provision does allow “other land subject to flood may be used to meet minimum lot area requirements only if filled to such a height as will secure a flood free site...”</i></p> <p><i>#12 – provides that “all residences constructed on lots within a 100-year HUD designated floodplain area shall maintain a ten-foot horizontal and one-foot vertical separation from the floodplain.”</i></p> <p>Staff Recommendation: The language in both #11 and #12 is in both the current and proposed ordinances. #11 excludes land in the floodplain district from the minimum lot area. #12 states that if there is floodplain area in a lot, then the residences have to 10’ from the floodplain and 1’ above the flood elevation. the language in #3 is new. The County does not want to encourage the construction of streets in and the creation of lots where the buildable are is in the floodplain. The language should be maintained in the ordinance.</p>
52	45	§68-175-E-8-a-(i)	6.1-1.0	<p>Pavement Design Standard; VDOT v. County; Should use VDOT (D. Sowers)</p> <p><i>Both the current and proposed Subdivision Ordinance requires a 3-layer pavement design of 6” of base stone, 3” of base asphalt and 1 ½” of surface asphalt vs. 2-layer pavement design of the 6” of base stone and 2” of surface asphalt required by the minimum VDOT standard.</i></p> <p>Staff Recommendation: Maintain the 3-layer pavement design language. The increased pavement design will result in a road section that does not require the maintenance and frequency of overlay, provides for a better road section.</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
55	88	68-301	<p>Definition of “Large Lot Development” (Staff)</p> <p><i>The current subdivision ordinance defines “large lot development” as “all of the lots in Large Lot Development are ten (10) acres or larger. Computation of required lot or yard sizes or setbacks shall not include proposed or existing access right of way or easements. The lots may front on public or private streets. Additional provisions related to Large Lot Development appear in Article 5 of this Ordinance.”</i></p> <p><i>The proposed ordinance does not define “large lot development,” as the ordinance does not exempt or make any distinction between a standard subdivision and large lot development.</i></p> <p>Staff Recommendation: This is a policy decision for the Board – to continue to exempt large lot development or to treat it as a standard subdivision. If the Board determines to maintain the exemption for Large Lot Development provided by the current ordinance, then a definition will need to be adopted.</p>
56	88	§68-301	<p>Flag Lots in A-10 (D. Bradbury)</p> <p><i>The Board of Supervisors determined to eliminate flag lots and use the language from Chesterfield County’s Subdivision Ordinance regarding flag lots in the new subdivision ordinance. Mr. Bradbury has proposed that the County allow flag lots in the A-10 zoning district based on the category or classification of the road. No flag lots on Category 1 & 2 roads, Category 3 – flag lots but using a cul-de-sac, Category 4 & 5 – allowed in accordance with County & VDOT entrance/use permit standards.</i></p> <p><i>Mr. Bradbury does not believe the elimination of flag lots county wide is on the best interest of the majority of the citizens of Powhatan.</i></p> <p>Staff Recommendation: Move forward with the Chesterfield County language limiting the use of flag lots. The issue with using the road Category is that those road will change over time due to growth. Of the 9 Category 3 roads 6 of the roads are in or have a portion of the road segment in one of the County’s 3 Village Growth Areas. The concern with the Category 4 roads are some of these roads currently have a significant role connecting the main travel roads in the County – Huguenot Springs Road, Judes Ferry Road, Red Lane Road, Manakintown Ferry Road; and there is 1 Category 4 road that is partially in (Judes Ferry Road) and 4 roads that are completely within the Rt. 60 Corridor East Village Area – Page Road, Urbine Road, Batterson Road, and Rocky Oak Road. Why would the County want to promote flag lot development that promotes the stripping of road frontage and multiple driveway/road conflicts in an area that the Comp Plan is directing growth? Additionally, there are public safety concerns with the length of driveways and the ability to Fire/Rescue empty to the residence. Finally, based on the flag lot language provided to the Board of Supervisors from other communities in the region it is apparent that flag lot development is not a permitted practice and it does not promote the orderly growth and development of the community.</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
1	11	§68-155	10.15 <p>Appeal Process? (D. Bradbury)</p> <p><i>The individual references to the appeals process that were included in the various Review Procedures have been eliminated, but §68-155 is still in the ordinance to provide an appeals process and is consistent to the language found in 10.15 of the current Subdivision Ordinance. §15.2-2259 of the Code of Virginia provides for the appeal of the disapproval of a subdivision plat can be appealed to the Circuit Court. §15.2-2311 of the Code of Virginia (cited in §68-155 of the proposed subdivision ordinance) provides the appeal of the determination of the zoning administrator or other administrative officer to the Board of Zoning Appeals.</i></p> <p><i>§15.2-2242(1) of the Code of Virginia provides that a subdivision ordinance may contain “(p)rovisions for variations in or exceptions to the general regulations of the subdivision ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.”</i></p> <p>Staff Recommendation: Appropriate language consistent with the requirements of the Code of Virginia should be added to the ordinance allow for the appeal of plat denial to the Circuit Court and request for exceptions from subdivision requirements to the Planning Commission.</p>
3	15	§68-120-D-1	<p>Excluded areas Roads & Easements (D. Bradbury)</p> <p><i>The proposed ordinance excludes the area of road easements and right-of-way in the calculation of lot area.</i></p> <p>Staff Recommendation: Maintain the proposed language to exclude road easement and right-of-way in the calculation of lot area. The calculation of the lot area should only consist of the land dedicated to the lot.</p>
4	30	§68-170-B-3 §68-170-B-11	6.6 <p>Subdivision Standings - #11 flood plain will not be included in area (D. Bradbury)</p> <p><i>#3 provides that streets and buildable areas of lots shall be located outside the floodway district. The floodway district is the channel of the watercourse and the adjacent land capable of carrying a 100-year flood without increasing the surface elevation of the water by more than one foot.</i></p> <p><i>#11 provides that land within the floodplain district will not be included in the minimum lot area requirements. The floodplain district is an approximation of any area susceptible to flooding.</i></p> <p>Staff Recommendation: Maintain language in #3 requiring streets and buildable areas to located outside of the floodway; #11 is in both the current and proposed ordinances – maintain the language.</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
5	31 §68-170-C-4-d §68-170-C-4-e	6.4	<p>Sewer & Water – allowed in subdivisions (D. Bradbury)</p> <p><i>The current ordinance does not make a reference to the layout of water and sanitary sewer systems when developing the lengths and widths of subdivision blocks. The proposed ordinance provides language in an attempt to eliminate stagnant water, provide adequate fire flow, placing of fire hydrants, and to utilize gravity sewer to minimize sewer force mains.</i></p> <p>Staff Recommendation: Maintain the proposed language</p>
7	53 §68-185-G	6.6	<p>Stormwater Management – G) Flood plain area may not be included on 10 acre lots? (D. Bradbury)</p> <p><i>The current and proposed ordinances contain language stating that “land within any flood plain district will not be included in the minimum lot area requirements and will not be raised by fill. Other land subject to flood may be used to meet minimum lot area requirements only if filled to such height as will secure a flood-free site based on data submitted by the subdivider prepared by Engineers, provided such use or fill does not endanger health, life or property, restrict the flow of water or increase flood heights.” The underlying issue is the current ordinance exempts “large lot development” of 10 acres+ lots and the proposed ordinance does not.</i></p> <p>Staff Recommendation: The exemption of “large lot development” is a policy decision for the Board.</p>
8	54 §68-190	6.8-1.2	<p>Utilities – A6) All Utilities must be underground? Does this apply to Large Lot Development (10ac+)?; Record utility easements with plats? Can’t show individual utility company easements on record plats; Exception to underground utility - 12.47 Kilovolt lines (D. Bradbury)</p> <p><i>The current and proposed ordinances contain language requiring the undergrounding of utilities. The underlying issue is the current ordinance exempts “large lot development” of 10 acres+ lots and the proposed ordinance does not.</i></p> <p>Staff Recommendation: The exemption of “large lot development” is a policy decision for the Board.</p>
9	55 §68-190-B	6.8-2.1	<p>Drinking Water – Go with Health Dept. regulations – good change (D. Bradbury)</p> <p><i>Proposed ordinance amended to delete specific language and simply reference “Virginia Department of Health regulations.”</i></p> <p>Staff Recommendation: Maintain language in the proposed ordinance.</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
10	55	§68-190-C-1	6.7 (c) Sanitary sewer – Appointed by DEQ? versus Health Dept.? If we are going to use sewer & water we will need to increase density (D. Bradbury) <i>Current and proposed ordinances discuss the provision of sanitary sewer. The Department of Environmental Quality regulates the provision of sanitary sewer in Virginia. The Department of Health regulates the provision of on-site septic systems. The provision of sanitary sewer within a subdivision would require higher densities to offset the capital investment by the developer.</i> Staff Recommendation: Keep the proposed language as written.
11	56	§68-190-C-8	6.7-5.0 Sanitary Sewer - #8 needs to be rewritten (D. Bradbury) <i>Current and proposed ordinances both contain this language. After discussing the issue with the citizen, it was agreed that this was not an issue of concern.</i> Staff Recommendation: Keep the proposed language as written.
12	56	§68-200	5.5-3.1 Lots – B) Family Division 30’ vs 20’ on page 17 L/A (D. Bradbury) <i>Current ordinance requires 20’ wide private road for 1-2 lots and 40’ wide private road for 3-10 lots. After discussing the issue with the citizen, it was agreed that this was not an issue of concern.</i> Staff Recommendation: Maintain the language in the proposed ordinance.
13	56	§68-195	Solid waste receptacles required in subdivision? (D. Bradbury) <i>The proposed ordinance requires all development to provide solid waste receptacles for garbage and recyclables. Again, the underlying issue is the current ordinance exempts “large lot development” of 10 acres+ lots and the proposed ordinance does not. If “large lot development” is exempted then this provision would not apply to the development.</i> Staff Recommendation: The current ordinance does not require the provision of solid waste receptacles. The County does not participate in CVMA for residential trash pick-up. Provision would require developer/HMA to contract for solid waste removal service for the development. Eliminate the requirement.

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
15	57	§68-200-G	6.4-2.2 Through Lots – Rewrite (D. Bradbury) <i>The current ordinance has language discussing “double-frontage” and “reverse” lots. The proposed ordinance refers to them as “through” lots. The two ordinances contain similar language.</i> Staff Recommendation: Keep the proposed language as written; potentially expand on proposed language to include the terms “double-frontage” and ‘reverse” lots.
16	58	§68-210-C	(C) Temporary measures – one year time frame required to finish phasing. How does anyone know about this? (D. Bradbury) <i>The proposed language provides the phasing “may” include installation of temporary measures.</i> Staff Recommendation: Keep the proposed language as written.
17	58	§68-215-A	6.1-7.0 Performance guarantee – 80% building permits? Don’t stop permits, update remaining bonding (D. Bradbury) <i>Current and proposed ordinances contain language limiting the percentage of building permits issued prior to acceptance of the subdivision streets into the VDOT Maintenance System to 80%.</i> Staff Recommendation: Maintain the proposed language in the ordinance. There needs to an enforceable limitation to require developers to work to get the road into the state system in a timely manner. As a point of reference, Chesterfield requires 1 st layer of asphalt at 60% of building permits and accepted into the state system by 90%, and a maximum of 2 years to get road into state system. Powhatan does not have a base layer asphalt requirement.
18	58	§68-215-B	7.2 Bonding for sidewalks, water & sewer, street lights (D. Bradbury) <i>Current ordinance address “all improvements required to be installed by subdivider;” the language in the proposed ordinance simply provides a breakdown of specific types of “improvement.”</i> Staff Recommendation: Keep the proposed language.
19	59	§68-215-B-2	7.2.-2.0 Bonding – 2 year timeframe – owner may have no control; Amount of performance guarantee or estimate; 4b) contract by contractor not engineer (D. Bradbury) <i>The current and proposed ordinance both provide for a 2-year term for the completion of the improvements covered by the bond.</i> Staff Recommendation: Keep the proposed language.

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question	
20	69	§68-232-B-11	4.2-2.9	#11 – info on adjacent property not needed (D. Bradbury) <i>Current and proposed ordinances have the same language.</i> Staff Recommendation: Keep the proposed language.
21	70	§68-232-B-14	4.2-2.12	#14 – Soils & wetland - Detail work not needed at preliminary plat (D. Bradbury) <i>The current and proposed ordinances contain the same language. Concern was expressed regarding the necessity of the data at preliminary plat review and the cost to develop the data.</i> Staff Recommendation: Preliminary plats, per the Code of Virginia, can only be required for subdivisions of 50+ lots. Keep the proposed language.
22	70	§68-233-B-1-a §68-233-B-1-b	4.2-2.10 4.3-2.1 4.3-2.2.2 4.3-2.3.2	Construction Plans - #1b Finished contours but = ? Require for small lot residential and commercial, but on large lot development only require for profiles and road sections. (D. Bradbury) <i>The current ordinance provides language requiring preliminary plats show existing contours at intervals of 10 feet (4.2-2.10), and to show existing and proposed contours on plan and profiles for drainage, street and utilities on construction plans. The proposed ordinance does contain language requiring the designer to show existing and finished contours on drainage, street, and utility plans that are part of the construction plans for a project.</i> Staff Recommendation: Keep the language in the proposed ordinance. The designers should show any changes to the existing contours, either by cut or fill, that are required as part of the development of the subdivision or project. If the Board determines to exempt Large Lot Development from the ordinance, then the designer will not have to show any contours, except for the required road and drainage profiles.
23	71	§68-233-2-b	4.3-2.2.3	Plan scale H-50', vs 5, too large use 100/10 (D. Bradbury) <i>The current ordinance allows street profiles on construction plans to be designed at a horizontal and vertical scale of 1" – 10". The proposed ordinance requires street profiles at a horizontal scale of 1" – 50' and a vertical scale of 1" – 5'. Both ordinances include language that allows Staff to approve the use of another scale.</i> Staff Recommendation: Keep the language in the current ordinance.
24	72	§68-234-B-4	4.4-1.2	#4 scale final plat – 1" = 100' / should be determined by designer (D. Bradbury)

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
			<p><i>The current and proposed ordinances require that the scale of a final plat should be 100' or less to the inch or a scale approved by Staff.</i></p> <p>Staff Recommendation: Maintain the language that is in both the current and proposed ordinances. If the designer is allowed to determine the scale, the County runs the risk of having a plat that is too small or too cluttered with information to be legible.</p>
25	73 §68-234-C-17	4.4-2.13	<p>#17 – Show building sites on recorded map? Why have it? Doesn't the Building Official address this issue? A waste of money to have a plat requirement. (D. Bradbury)</p> <p><i>This code provision requires a soils analysis be completed prior to final plat approval and a designated building site for each lot is shown on plat free of moderate to high shrink swell soils and a note placed on lots with moderate to high shrink swell soils.</i></p> <p>Staff Recommendation: Maintain the proposed language. Inclusion of the building sites and notes on lots with moderate to high shrink-swell soils will protect the lots purchasers/homeowner.</p>
26	86 §68-243		<p>Environmental issues – County & engineers need help from DEQ (D. Bradbury)</p> <p><i>The proposed ordinance added language address the stormwater management plan requirements. The County opted out of the stormwater management program allowing DEQ to administer the program in the County.</i></p> <p>Staff Recommendation: The language should be maintained in the ordinance. The Virginia Stormwater Management Act regulates and controls stormwater runoff. Currently, DEQ monitors the Stormwater Management Program for the County, and as such requires the issuance of a general permit for construction activities resulting in the land disturbance equal to or greater than one (1) acre. The requirement for the plan is applicable and required for the issuance of a general stormwater permit for subdivision development.</p>
27	88 §68-301	2.2	<p>Flat lot – status? Can we have them? There are places and locations that they are appropriate. (D. Bradbury)</p> <p><i>Definition and provisions providing for them were deleted per the Board of Supervisors at the November 2014 Workshop.</i></p> <p>Staff Recommendation: See #14 above.</p>
28	92 §68-301	2.2	<p>Subdivision & subdivision exceptions; 10 acre parcels, in or out?; Family lot, in or out? (D. Bradbury)</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
			<i>The current ordinance defines “subdivision exceptions” to include large lot development (10 acres +).</i> Staff Recommendation: See #2 above.
29	12	§68-115	5.2-2.0 Single Cut Subdivision – D-1 30’ of road frontage, is a flag lot (W. Cofer) <i>The current and proposed ordinances require a minimum of 30’ wide access to a public road.</i> Staff Recommendation: This is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district.
30	14	§68-120	5.4-3.0 Large Lot Subdivision - D-1 30’ of road frontage, is a flag lot (W. Cofer) <i>The current and proposed ordinances contain language allowing a minimum of 30’ access along or easement to a public road for Large Lot Developments</i> Staff Recommendation: This is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district.
31	16	§68-125	5.5-3.1 Family Division - D-1 30’ of road frontage, is a flag lot (W. Cofer) <i>The current ordinance requires “a reasonable access right-of-way or easement” to a publicly maintained street or road of 20’ for 1-2 lots and 40’ for 3-10 lots. The proposed ordinances allow for a Family Division to have at least 30’ of road frontage or a private access easement of at least 30’.</i> Staff Recommendation: This is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district.
32	21	§68-140-B-1	6.2-5.1 6.2-5.4 Private Road Subdivision – Can you have more than 10 lots on a private road; how many if paved to state standards? (W. Cofer) <i>The current ordinance limits private roads to no more than ten (10) lot unless the Planning Commission grants an exception for “controlled-access private roads” (gated communities). The proposed ordinance limits the number of lots on a private road to a maximum of 10.</i> Staff Recommendation: The language should be maintained in the ordinance.

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
34	38	§68-175-E-5-d-(ii)	Appendix B <p>Along Private Local Streets – why have driveway spacing on private roads, does this really apply to private, local & subdivisions? (W. Cofer)</p> <p><i>The current ordinance does not speak to driveway spacing on private streets, except that Appendix B excludes cul-de-sacs, dead end roads and subdivision streets from the Access Management Standards. The proposed ordinance contains language and spacing requirements related to both public and private streets. The provision of these requirements in the proposed ordinance is an extension of the County’s access management standards for providing properly designed and safe transportation systems throughout the County for its citizens. Additionally, the provision of standards along private streets is consistent with provide design and construction standards for private roads and the residents of those developments.</i></p> <p>Staff Recommendation: The language should be maintained in the ordinance.</p>
35	56	§68-200	5.5-3.1 <p>Lots B-1, a & b – 30’ frontage, flag lot; will flag lots be allowed or removed? (W. Cofer)</p> <p><i>The current ordinance requires “a reasonable access right-of-way or easement” to a publicly maintained street or road of 20’ for 1-2 lots and 40’ for 3-10 lots. The proposed ordinances allow for a Family Division to have at least 30’ of road frontage or a private access easement of at least 30’.</i></p> <p>Staff Recommendation: This is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district.</p>
36	65	§68-220	9-a-i-c&d, soils – can you use soils on GIS? Where do we find USDA Natural Resource Conservation Service? (W. Cofer) <p><i>The proposed ordinance provides for Conservation Subdivision and requires that “areas containing prime farmland soils and soils susceptible to accelerated erosion” be preserved in the primary conservation area. The soils information on the County’s GIS is based on soils data from the Natural Resource Conservation Service (NRCS), and therefore could be used as the data source for this issue. Additional NRCS data can be found on the web at www.nrcs.usda.gov. NRCS has a Web Soil Survey tool that provides data for Powhatan.</i></p> <p>Staff Recommendation: The language should be maintained in the ordinance.</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
37	76 §68-236-A §68-236-B	5.2-2.0 5.2-3.0	<p>Plat Requirements – A-Roads, 30’, flag lot; B-not for single cut, #1 & #3 (W. Cofer)</p> <p><i>The current and proposed ordinances contain language allowing a minimum of 30’ access along or easement to a public road for Single Cut Subdivisions; and require a Surveyor’s Certificate and Seal, and the Owner’s Consent Statement.</i></p> <p>Staff Recommendation: The language requiring the Surveyor’s Certificate and Seal and the Owners’ Consent Statement is currently in the Subdivision Ordinance (5.2-3.0) and should be maintained in the proposed ordinance. Additionally, §15.2-2262 of the Code of Virginia requires the certificate and chain of title be placed on a plat, and §15.2-2264 requires the same of the statement of consent.</p> <p>The issue related to the frontage requirement (flag lot) is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district.</p>
38	77 §68-237-C §68-237-F	5.4-3.0 5.4-6.0	<p>Large Lot Subdivision – C-30” on road, flag lot; F-certifications, do this for 1 Lot? (W. Cofer)</p> <p><i>The current and proposed ordinances contain language allowing a minimum of 30’ access along or easement to a public road for Large Lot Developments; and require a Surveyor’s Certificate and Seal, and the Owner’s Consent Statement.</i></p> <p>Staff Recommendation: The issue related to the frontage requirement (flag lot) is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district. The language related to the certifications would be required for Large Lot Development, if the Board does not exempt Large Lot Development.</p>
39	77 §68-238-A	5.5-3.1	<p>Family Division – A-30’ on road, flag lot (W. Cofer)</p> <p><i>The current ordinance requires “a reasonable access right-of-way or easement” to a publicly maintained street or road of 20’ for 1-2 lots and 40’ for 3-10 lots. The proposed ordinances allow for a Family Division to have at least 30’ of road frontage or a private access easement of at least 30’.</i></p> <p>Staff Recommendation: The issue related to the frontage requirement (flag lot) is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district.</p>
40	79 §68-239-A	5.6-3.0	<p>Charitable Subdivision - A-30’ on road, flag lot; B-5, shall be submitted to BOS (W. Cofer)</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
			<p><i>The current ordinance provides that the Board, at its discretion, may allow the “parcel to access a state-maintained road via exclusive dedicated easement.” The ordinance does not specify the width of the easement. The proposed ordinance requires a Charitable Subdivision to have at least 30’ of road frontage or a private access easement of at least 30’.</i></p> <p>Staff Recommendation: The issue related to the frontage requirement (flag lot) is a policy decision for the Board. Should the Board determine to eliminate the use of flag lots as a standard form of lot configuration, except in certain circumstances, then lots will have to comply with the minimum frontage requirement for the specified zoning district.</p>
41	88	§68-301	<p>6.4-2.5</p> <p>Lot, Flag – this needs to be back in ordinance (W. Cofer)</p> <p><i>The current and proposed ordinances include language providing for flag lots. There are instances where “flag lots” are needed – cul-de-sacs and where topography or other conditions make it impractical.</i></p> <p>Staff Recommendation: Revised language not allowing flag lots, except in cul-de-sacs and cases where topography or other physical conditions make it impractical to create a lot that meet the minimum lot width requirement should be included in the proposed ordinance.</p>
42	n/a	n/a	<p>6.3-2.0</p> <p>Lot Corners (Staff)</p> <p><i>The current ordinance requires the placement of iron pins at all accessible points on the subdivision boundary lines and at all lot corners. The proposed ordinance does not include this language.</i></p> <p>Staff Recommendation: Add the language to the proposed ordinance as §68-206.</p>
43	4	68-106	<p>3.6-7.0 9.5-2.2</p> <p>No lot or parcel created by such division of land may be sold... unless it has been approved”... (D. Sowers)</p> <p><i>The current and proposed ordinances contain language limiting the transfer or sale of land without County approval of the plat and recordation in the Circuit Court Clerk’s Office. Additional §15.2-2254, of the Code of Virginia requires that: no one shall subdivide without a plat of subdivision, no plat shall be recorded without approval of the authorized agent, and no person shall transfer or sell any land of a subdivision before the plat has been recorded.</i></p> <p>Staff Recommendation: Keep language as written in the proposed ordinance as it is consistent with the requirements of §15.2-2254, Statutory provisions effective after ordinance adopted, of the Code of Virginia</p>
44	7	68-110-A-7	<p>3.6-2.0</p> <p>Preliminary plats expire in 5 years by state law, vs. 3 years in ordinance. (D. Sowers)</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
			<p><i>§15.2-2260-F, of the Code of Virginia states that “once a preliminary plat is approved, it shall be valid for a period of five years provided that the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat.</i></p> <p><i>Both the current and proposed ordinances provide that a preliminary plat is valid unless the subdivider does not submit the final plat for approval within 3 years. While the State Code does state a preliminary plat is valid for 5 years that is provided that the final plat is submitted for approval within a year or “such longer period as may be prescribed by local ordinance,” i.e. 3 years.</i></p> <p>Staff Recommendation: Maintain the language as proposed in the ordinance.</p>
45	9	68-110-B-6	<p>Construction plans expire in 2 years vs. VDOT, who is our plan approval agency, expire in 5 years. (D. Sowers)</p> <p><i>The current Subdivision Ordinance does not place a time limitation on Construction Plans</i></p> <p>Staff Recommendation: Increasing the timeframe to 5 years would be consistent with the expiration of the subdivision plat.</p>
46	56	§68-200	<p>5.5-3.1</p> <p>What is an acceptable lot? “Creation of unusually shaped or elongated lots, as determined by agent...” (D. Sowers)</p> <p><i>Flag lot issue</i></p> <p>Staff Recommendation:</p>
47	58	§68-215-A	<p>6.1-7.0</p> <p>80% limit on building permits pending VDOT acceptance of road into the State Road Maintenance System (D. Sowers)</p> <p><i>Both the current and proposed Subdivision Ordinance contains language requiring acceptance of the road into the State Maintenance System at 80%.</i></p> <p>Staff Recommendation: See #17 above</p>
48	59	§68-215-B-4	<p>7.2-1.0</p> <p>Bonding requirement of 125% of cost to complete, an increase of 15% for bonding. Why? (D. Sowers)</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
			<p><i>Both the current and proposed Subdivision Ordinance contains language requiring a performance bond. The current ordinance does not specify a % above the estimated construction cost, but does state the bond is based on the estimated construction cost “plus a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads and utilities.” The new language simply defines a % above the estimated cost construction for the “reasonable allowance.”</i></p> <p>Staff Recommendation: Maintain the proposed language in the ordinance. §15.2-2241-A-5 of the Code of Virginia provides the “reasonable allowance” language, but limits the allowance to 10% of the cost estimate. Need to amend ordinance to reflect 110%. As a FYI, §15.2-2241-A-5 of the Code of Virginia changes effective July 1, 2017 to allow up to 25% of cost estimate.</p>
49	73	§68-233-C-17	<p>4.4-2.13</p> <p>Analysis for Shrink Swell Soils (D. Sowers)</p> <p><i>Both the current and proposed Subdivision Ordinance require the performance of a soils analysis to certify a designated building site for each lot the is free of moderate to high shrink-swell soils; and the placement of a note on the plat indicating any lots containing shrink-swell soils</i></p> <p>Staff Recommendation: Maintain the proposed language in the ordinance. This protects the homebuyer by alerting him/her or a real estate agent of the potential for shrink-swell soils prior to the purchase of the property. The County’s GIS identifies areas of moderate and high shrink-swell soils based on data provided by the USDA Natural Resource Conservation Service. This can be used to verify if a soils analysis is required.</p>
50	29/30	§68-170-B-3 §68-170-B-11 §68-170-B-12	<p>6.6 6.6-1.0</p> <p>Floodplains (D. Sowers)</p> <p><i>Both the Current and Proposed Subdivision Ordinances contain language in #11 and #12</i></p> <p>Staff Recommendation: See #33 above</p>
51		§68-175-E-5-d-(ii)	<p>Appendix B</p> <p>Access Management; County should use VDOT Regulations; (D. Sowers)</p> <p><i>Both the Current and Proposed Subdivision Ordinances contain Access Management standards that exceed the required VDOT standards.</i></p> <p>Staff Recommendation: See #6 above</p>

Page #	Code Section Proposed Ord.	Code Section Current Ord.	Comment/Question
53	86	§68-243	<p>Stormwater Management; Why add when not required (D. Sowers)</p> <p><i>The proposed ordinance added language regarding stormwater management plan requirements. The County opted out of the stormwater management program allowing DEQ to administer the program in the County. However, it is only a matter of time before the County will have to administer the program locally.</i></p> <p>Staff Recommendation: See #26 above</p>
54	29	§68-170-B-8	<p>6.4-3.3</p> <p>Additional Entrances; Secondary Access Point – Boulevard Entrances (Staff)</p> <p><i>Both the current and proposed ordinances allow a divided boulevard entrance to count as two or a secondary access point. The current ordinance provides the Director the discretion to allow, but the proposed ordinance allows it by-right. Staff feels that a boulevard style entrance does not constitute two access points. The boulevard entrance is one-way access into and out of the subdivision and serves a single point of access.</i></p> <p>Staff Recommendation: Delete the language from the proposed ordinance allowing a divided boulevard entrance to count as a two access points.</p>



Powhatan County Board of Supervisors Agenda Item

Meeting Date: August 15, 2016

Agenda Item Title: Proposed Zoning Ordinance Amendments

Motion: N/A

Dates Previously
Considered by Board: N/A

Summary of Item: Staff has prepared several proposed zoning ordinance amendments for review and discussion with the Board of Supervisors. The ordinances mainly address “clean-up” issues or clarify the intent of the ordinance. Staff has proposed amendments to the permitted or conditional uses in various zoning districts to address issues brought forward by the Board or staff. Changes to the current ordinance language are shown in ~~strikethrough~~ and underline.

Staff: Approve Disapprove See Comments

Planning
Commission/Board: Approve Disapprove See Comments

County Administrator: Approve Disapprove See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: Draft Zoning Ordinance Text

Staff/Contact: March Altman, Deputy County Administrator, 804-598-5605 maltman@powhatanva.gov

An Ordinance amending and reenacting provisions contained in Section 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-241 and 83-242 of the Zoning Ordinance of the County of Powhatan, are amended and reenacted as follows:

ARTICLE IV – VILLAGE GROWTH AREA DISTRICTS

Sec. 83-240. – Commerce Center (CC) District.

Sec. 83-241. - Permitted uses.

The following uses are allowable as principal uses by right in the CC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Forestry and logging;
- (2) Greenhouse, nursery, and floriculture production;
- (3) Dwelling, live/work;
- (4) Assisted living facility;
- (5) Hospice facility;
- (6) Telecommunications facility, collocated;
- (7) Community center;
- (8) Library;
- (9) Museum;
- (10) Adult day care center;
- (11) Child day care center;
- (12) Private school;
- (13) Government administrative offices;
- (14) Government maintenance, storage, or distribution facility;
- (15) Law enforcement facility;
- (16) Post office;
- (17) Massage clinic;
- (18) Medical or dental clinic;
- (19) Medical or dental lab;

- (20) Medical treatment facility;
- (21) Community garden;
- (22) Park or greenway;
- (23) Club or lodge;
- (24) Place of worship;
- (25) Surface transportation passenger station/terminal;
- (26) Utility use, minor;
- (27) Animal grooming;
- (28) Veterinary clinic;
- (29) Business service establishment;
- (30) Bar or lounge;
- (31) Brewpub;
- (32) Nightclub;
- (33) Restaurant with drive-through service;
- (34) Restaurant without drive-through service;
- (35) Specialty eating or drinking establishment;
- (36) Contractor's office;
- (37) Professional offices;
- (38) Other office facility;
- (39) Auditorium or stage theater;
- (40) Motion picture theater;
- (41) Recreation facility, commercial indoor;
- (42) Recreation facility, nonprofit;
- (43) Recreation facility, public;
- (44) Antique store;
- (45) Art gallery;
- (46) Arts, crafts, music, dance, photography, or martial arts studio/school;
- (47) Auction facility;
- (48) Bank or financial institution with drive-through service;
- (49) Bank or financial institution without drive-through service;
- (50) Check cashing establishment;
- (51) Convenience store;
- (52) Drugstore or pharmacy with drive-through service;
- (53) Drugstore or pharmacy without drive-through service;
- (54) Farmers' market;

- (55) Funeral home;
- (56) Grocery store;
- (57) Large retail sales establishment;
- (58) Lawn care, pool, or pest control service;
- (59) Liquor store;
- (60) Personal services establishment;
- (61) Shopping center;
- (62) Tattoo or body piercing establishment;
- (63) Taxidermy shop;
- (64) Other retail sales establishment;
- (65) Automotive painting or body shop;
- (66) Automotive repair and servicing;
- (67) Automotive wrecker service;
- (68) Car wash or auto detailing;
- (69) Gas station;
- (70) Parking lot or parking structure (as a principal use);
- (71) Taxi or limousine service facility;
- (72) Tire sales and mounting;
- (73) Vehicle/equipment sales or rental;
- (74) Hotel or motel;
- (75) Convenience center, county;
- ~~(76)~~ Recycling drop-off center;
- ~~(77)~~ Conferecene or training center;
- ~~(76)(78)~~ Fire or EMS Station.

Sec. 83-242. - Conditional uses.

The following uses are allowable as principal uses in the CC District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Telecommunications tower;
- (2) College or university;
- ~~(3)~~ Fire or EMS station;
- ~~(4)(3)~~ Hospital;
- ~~(5)(4)~~ Public square or plaza;
- ~~(6)(5)~~ Civic center;

- ~~(7)~~(6) Utility use, major;
- ~~(8)~~(7) Adult book or video store;
- ~~(9)~~(8) Adult motion picture theater;
- ~~(10)~~(9) Animal shelter;
- ~~(11)~~(10) _____ Pound;
- ~~(12)~~(11) _____ Kennel, commercial;
- ~~(13)~~—Conference or training center;
- ~~(14)~~(12) _____ Arena, stadium, or amphitheater;
- ~~(15)~~(13) _____ Country club;
- ~~(16)~~(14) _____ Marina, commercial;
- ~~(17)~~(15) _____ Recreation facility, commercial outdoor;
- ~~(18)~~(16) _____ Flea market;
- ~~(19)~~(17) _____ Self-service storage facility;
- ~~(20)~~(18) _____ Truck hauler business;
- ~~(19)~~ Commercial landscape operation-;
- ~~(21)~~(20) _____ Manufacturing, assembly, or fabrication, light.

Manufacturing, assembly, or fabrication, light.

(Ord. No. O-2013-06, 9-16-13)

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JUNE 1, 2015.

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

Patricia Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams _____

Larry J. Nordvig _____

Angela Y. Cabell _____

William E. Melton _____

Carson L. Tucker _____

DRAFT

An Ordinance amending and reenacting provisions contained in Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-352, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE V – TRANSITION BASE DISTRICTS

Sec. 83-350 - Residential Utility (R-U) District.

Sec. 83-351. – Permitted uses.

- .
- .
- .

Sec. 83-352. - Conditional uses.

The following uses are allowable as principal uses in the R-U District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Dwelling, manufactured home;
- (2) Dwelling, multifamily;
- (3) Dwelling, three- or four-family;
- (4) Dwelling, townhouse;
- (5) Museum;
- (6) Adult day care center;
- (7) Child day care center;
- (8) College or university;
- (9) Private school;
- (10) Vocational or trade school;
- (11) Government administrative offices;
- (12) Law enforcement facility;
- (13) Post office;
- (14) Hospital;
- (15) Massage clinic;
- (16) Medical or dental clinic;

- (17) Public square or plaza;
- (18) Club or lodge;
- (19) Place of worship;
- (20) Professional offices;
- (21) Country club;
- (22) Golf course;
- (23) Recreation facility, nonprofit;
- (24) Recreation facility, public;
- (25) Conference Center;
- (24)(26) Hotel.

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MONTH DAY, 2016.

**William E. Melton, Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Patricia Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____

An Ordinance amending and reenacting provisions contained in Section 83-122(d)(3), Application Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-122(d)(3), of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE II – ADMINISTRATION

Sec. 83-122. – Standard Procedures

(a) General

..

(d) Application submittal and acceptance

(1) Authority to file applications

.

.

(3) Application fees. The board of supervisors is authorized to establish application fees, by ~~resolution~~ ordinance, and may amend and update those fees as necessary.

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JULY 25, 2016.

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

Patricia Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____

An Ordinance amending and reenacting provisions contained in Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-362, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE V – TRANSITION BASE DISTRICTS

Sec. 83-360. - Residential-Commercial (R-C) District.

Sec. 83-361. - Permitted uses.

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Sec. 83-362. - Conditional uses.

The following uses are allowable as principal uses in the R-C District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Dwelling, duplex;
- (2) Dwelling, live/work;
- (3) Dwelling, multifamily;
- (4) Dwelling, townhouse;
- (5) Assisted living facility;
- (6) Continuing care retirement community;
- (7) Hospice facility;
- (8) Rooming or boarding house;
- (9) Nursing home;
- (10) Cemetery;
- (11) Public square or plaza;
- (12) Club or lodge;
- (13) Halfway house;
- (14) Homeless shelter;

- (15) Place of worship;
- (16) Shelter for victims of domestic abuse;
- (17) Utility use, major;
- (18) Kennel, commercial;
- (19) Bar or lounge;
- (20) Nightclub;
- (21) Recreation facility, commercial outdoor;
- (22) Self-service storage facility;
- (23) Automotive painting or body shop;
- (24) Automotive repair and servicing;
- (25) Automotive wrecker service;
- (26) Car wash or auto detailing;
- (27) Parking lot or parking structure (as a principal use);
- (28) Taxi or limousine service facility;
- (29) Tire sales and mounting;
- (30) Hotel or motel;
- (31) Recycling drop-off center;
- (32) Home based business;
- (32)(33) Manufacturing, assembly, or fabrication, light.

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON **MONTH DAY,**
2016.

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

Patricia Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____

An Ordinance amending and reenacting provisions contained in Section 83-420, Floodplain Overlay District, of Article VI, General Overlay Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-420, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE VI – GENERAL OVERLAY DISTRICTS

Sec. 83-420. - Floodplain Overlay (FP) District.

(a) *Purpose.*

- (1) The purpose of the Floodplain Overlay (FP) District is to delineate those areas of the county that are most susceptible to flooding and flood damage; and to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 - a. Regulating uses, activities, and development that—alone or in combination with other existing or future uses, activities, and development—will cause unacceptable increases in flood heights, velocities, and frequencies;
 - b. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
 - c. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
 - d. Protecting individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.
- (2) The floodplain regulations in this subsection are also intended to comply with all applicable requirements of the National Flood Insurance Program and the Federal Emergency Management Agency so that county residents may be eligible for federally-subsidized flood insurance.

(b) *Applicability.*

- (1) The Floodplain Overlay (FP) District shall apply to all land within the county identified as being within a special flood hazard area by the Federal Flood Insurance Administration's Flood Insurance Rate Maps and shown on the official zoning map.
- (2) FP District boundaries may be revised in accordance with Article II: Administration, zoning district map amendment (rezoning), to reflect natural or man-made changes to watercourses or topography, more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or changes documented as needed by an individual. Approval of any proposed boundary change by the Federal Insurance Administration shall be obtained before county approval of an application for a zoning map amendment (rezoning) proposing the change.
- (3) If physical changes affecting flooding conditions result in an increase or decrease in 100-year flood elevations, the county shall submit to the Federal Insurance Administration technical or scientific data documenting the change as soon as practicable after such information becomes available to the county, but not later than six months after the information becomes available to the county.

- (4) Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of any of the districts, the planning commission shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the commission and to submit his own technical evidence if he so desires.
- (c) *Compliance and liability.*
- (1) No land shall hereafter be developed and no structure within the Floodplain Overlay (FP) District shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the standards in this subsection.
- (2) The degree of flood protection sought by the standards applicable in the FP District is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The county's floodplain regulations do not imply that areas outside the FP district, or that all land uses permitted within the FP district, will be free from flooding or flood damages.
- (3) Records of actions associated with administering this chapter shall be kept on file and maintained by the zoning administrator.
- (4) FP district regulations shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on the FP designations or regulations or any administrative decision lawfully made in administering or enforcing FP regulations.
- (d) *Subdistricts.* The FP district consists of the following subdistricts. The basis for delineation of these subdistricts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for Powhatan County prepared by the Federal Emergency Management Agency (FEMA) of the Federal Insurance Floodway District, and dated February 6, 2008, as amended.
- (1) *Floodway District.* The Floodway District is made up of the channel of a watercourse and the adjacent land areas that must remain capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood by more than one foot at any point. (The areas included in the Floodway District are specifically defined in table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.)
- (2) *Special Floodplain District.* The Special Floodplain District is made up of those special flood hazard areas identified as either the AE zone or A1-30 zone on the maps accompanying the Flood Insurance Study. In these zones, 100-year flood elevations have been provided, but no floodway has been delineated.
- (3) *Approximated Floodplain District.* The Approximated Floodplain District is made up of those areas identified as an A or A99 zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated.
- (4) *Shallow Flooding District.* The Shallow Flooding District is made up of those areas identified as zone AO or AH on the maps accompanying the Flood Insurance Study.
- (e) *Permit requirement.* No use, activity, or development may be undertaken within the FP district unless authorized by a floodplain permit approved and issued in accordance with provisions of Article II: Administration, and—where applicable—a building permit issued in accordance with the building code. Such development shall be undertaken only in strict compliance with the provisions of the ordinance, with the provisions of chapter 68: Subdivisions of the County Code, and with all other applicable codes and ordinances, as amended. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, or development adversely affect the capacity of the channels or floodways of any water course, drainage ditch, or any other drainage facility or system.
- (f) *Permit applications.* All applications for development within the FP district and all building permits issued for such development shall incorporate the following information:

- (1) The 100-year flood elevation at the site.
 - (2) The elevation of the lowest floor (including basement) of structures proposed to be elevated.
 - (3) The elevation to which structures are to be flood-proofed (where flood-proofing is proposed).
 - (4) Topographic information showing existing and proposed ground elevations.
- (g) *Modified use standards.* Irrespective of the use standards applicable in the underlying base district, only the following principal uses shall be allowed in the FP district:
- (1) Agricultural uses, including crop, nursery stock and tree farming, truck gardening, livestock grazing and other similar uses;
 - (2) Hunting, fishing and wildlife preserves, and boat landings;
 - (3) Railroads, streets, bridges and public utility transmission and distribution lines;
 - (4) Public parks and playgrounds, sports areas, nature areas and outdoor private clubs; and
 - (5) ~~No principal structures may be erected in this district, however, structures incidental to the permitted uses are permitted, e.g. picnic shelter, etc.~~
- (h) *General development standards for entire FP districts.* In all special flood hazard areas making up the FP district, the following standards shall apply:
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (2) **Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement.** Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities (including duct work) shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter.
 - (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
 - (11) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
 - (12) In riverine situations, adjacent communities and the Department of Conservation and Recreation (Floodplain Management Program) shall be notified prior to any alteration or relocation of a watercourse, and copies of such notifications shall be submitted to FEMA.
 - (13) Before any channel or watercourse in the county may be altered or relocated, a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the

Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine area, the applicant for such permit shall provide notice of the proposed alteration or relocation to all affected adjacent jurisdictions, the Department of Conservation (Division of Dam Safety and Floodplain Management), and the Federal Insurance Administration.

- (i) *Standards for specific types of development in FP districts.* In all special flood hazard areas making up the FP district where 100-year flood elevations have been provided in the Flood Insurance Study or generated in accordance with section 83-420(1), Standards for the approximated Floodplain District, the following standards shall apply:
- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one foot above the 100-year flood elevation.
 - (2) *Nonresidential construction.*
 - a. New construction or substantial improvement of any institutional, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to no lower than one foot above the 100-year flood elevation.
 - b. Buildings located in all AI-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that a registered professional engineer or architect certifies that all areas of the building components below the elevation corresponding to the 100-year flood elevation plus one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.
 - (3) *Elevated buildings.* Fully enclosed areas of new construction or substantially improved structures that are below the regulatory flood protection elevation shall comply with the following standards:
 - a. The area shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
 - b. The area shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
 - c. In zones A, AD, AE, and AI-30, the area shall include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters—as demonstrated by either certification by professional engineer or architect or meeting the following minimum design criteria:
 1. A minimum of two openings shall be provided on different sides of each enclosed area subject to flooding.
 2. The total net area of all openings shall be at least one square inch for each square foot of enclosed area subject to flooding.
 3. If a building has more than one enclosed area, each area shall have openings to allow floodwaters to automatically enter and exit.
 4. The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
 - (4) *Manufactured homes and recreational vehicles.*

- a. All manufactured homes placed, or substantially improved, on an individual lots—whether as an expansion to an existing manufactured home park or subdivision, in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood—shall meet all the requirements for new construction, including the elevation and anchoring requirements in section 83-420(h), General development standards for entire FP districts, and subsection (1) above.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision shall be elevated so that:
 - 1. The lowest floor of the manufactured home is elevated no lower than one foot above the 100-year flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are at least 36 inches in height above the grade.
 - c. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - d. All recreational vehicles placed on sites shall either:
 - 1. Be on the site for fewer than 180 consecutive days;
 - 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - 3. Meet all the requirements for manufactured homes in section 83-420(h), General development standards for entire FP districts, and this subsection (4).
- (j) *Standards for the Floodway District.* The following standards shall apply within the Floodway District:
- (1) Encroachments—including fill, new construction, substantial improvements, and other developments—are prohibited unless a registered professional engineer provides certification (with supporting technical data) demonstrating that the encroachments will not result in any increase in flood levels during occurrence of the base flood discharge.
 - (2) Development activities that increase the water surface elevation of the base flood are allowed, provided that the developer first applies—with the county's endorsement—for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
 - (3) If the requirements of subsection (1) of this subsection are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
 - (4) The placement of manufactured homes or mobile homes is prohibited, except in an existing manufactured home park or existing manufactured home subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or existing manufactured home subdivision provided the anchoring, elevation, and encroachment standards are met.
- (k) *Standards for the special Floodplain District.* The following standards shall apply within the special Floodplain District:
- (1) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard designated as zones AI-30 and AE on the flood rate insurance map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county.
 - (2) Development activities in special flood hazard areas designated zones AI-30, AE, and AH, on the Flood Insurance Rate Map that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer first applies—with the county's endorsement—for a conditional Flood Insurance Rate Map revision and receives the approval of the Federal Emergency Management Agency.

- (l) *Standards for the approximated Floodplain District.* The following standards shall apply within the approximated Floodplain District:
 - (1) Within areas designated as zone A on the flood rate insurance map, where the specific 100-year flood elevations cannot be determined from federal, state, and other acceptable sources, the developer of a proposed use, activity, or development shall determine this elevation based on technical methods that correctly reflect currently accepted technical concepts such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, and computations demonstrating the determination shall be submitted to the administrator as part of any application for development in the approximated Floodplain District. The administrator reserves the right to require hydrologic and hydraulic analyses for any development.
 - (2) When such 100-year flood elevation data is utilized, the lowest floor of the structure, including basement, shall be elevated to at least one foot above the 100-year flood elevation.
- (m) *Standards for the Shallow Flooding District.* The following standards shall apply within the Shallow Flooding District:
 - (1) *Residential construction.* New construction and substantial improvements of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated above the highest adjacent grade by a height equal to or exceeding the flood depth specified on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
 - (2) *Nonresidential construction.* New construction and substantial improvements of any institutional, commercial, industrial, or other nonresidential structure shall comply with either of the following standards:
 - a. The lowest floor of the structure, including basement, shall be elevated above the highest adjacent grade by a height equal to or exceeding the flood depth specified on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
 - b. The structure, together with attendant utility and sanitary facilities, shall be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) *Drainage paths.* Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (n) *Standards for subdivision proposals.*
 - (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.
- (o) *Standards for infrastructure.*
 - (1) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
 - (2) *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

- (3) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from buildings and on-site waste disposal sites. A primarily underground system may be required to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
 - (4) *Utilities.* All utilities (such as gas lines, electrical, and telephone systems) being placed in flood-prone areas shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
 - (5) *Streets and sidewalks.* Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flows without unduly increasing flood heights.
- (p) *Variances: Factors to be considered.*
- (1) Whenever any person is aggrieved by a decision of the zoning administrator with respect to the provisions of this section, it is the right of that person to appeal to the board of zoning appeals for a variance. Such appeal shall be filed by application subject to the procedures contained in Article II: Administration of this chapter. The determination of the board of zoning appeals shall be the final decision in all cases. In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:
 - a. The showing of good and sufficient cause;
 - b. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the 100-year flood elevation;
 - c. The danger that materials may be swept on to other lands or downstream to the injury of others;
 - d. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 - e. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - f. The importance of the services provided by the proposed facility to the community;
 - g. The requirements of the facility for a waterfront location;
 - h. The availability of alternative locations not subject to flooding for the proposed use;
 - i. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - j. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
 - k. The safety of access by ordinary and emergency vehicles to the property in time of flood;
 - l. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
 - m. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - n. Such other factors which are relevant to the purposes of this chapter.
 - (2) The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

- (3) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.
 - (4) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.
 - (5) The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.
 - (6) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.
- (q) *Existing structures.* Structures that lawfully existed before enactment of FP district regulations, but do not conform to the standards in this section, are nonconforming structures. Such structures may be continued subject to the provision in Article IX: Nonconformities, and the following standards:
- (1) The existing structure shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion or enlargement would not result in any increase in the 100-year flood elevation.
 - (2) If the modification, alteration, repair, reconstruction, and/or improvement to the existing structure would cost less than 50 percent of the market value of the structure, such modification, alteration, repair, reconstruction, and/or improvement shall be elevated or flood-proofed in accordance with the standards of this section to the maximum extent practicable.
 - (3) If the modification, alteration, repair, reconstruction, and/or improvement to the existing structure would cost 50 percent or more of the market value of the structure, such modification, alteration, repair, reconstruction, and/or improvement shall fully comply with the standards of this section.

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MONTH DAY, 2016.

**William E. Melton, Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Patricia Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____

An Ordinance amending and reenacting provisions contained in Section 83-471, Environmental protection, of Article VIII, Development Standards, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-471(a)(5)h, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE VIII – DEVELOPMENT STANDARDS

Sec. 83-471. - Environmental protection.

(a) *Riparian buffers.*

- (1) *Purpose.* These riparian buffer standards are intended to protect the quality and quantity of the surface waters on which Powhatan County citizens rely for drinking, storm mitigation, fishing, and the recreational and scenic functions that contribute so much to the county's economic health. Specifically, they are intended to limit development and land disturbance adjacent to surface watercourses and wetlands and encourage retention of native vegetation as necessary to protect public and private water supplies, trap sediment and other pollutants in surface runoff, promote bank stabilization, protect wetlands, protect wildlife habitat, protect fisheries, and preserve scenic beauty.
- (2) *Riparian buffer required.*
 - a. General. Except as otherwise provided in subsection (b) below, all new development shall provide and maintain a riparian buffer abutting perennial streams and intermittent streams shown on USGS quadrangle topographic maps and jurisdictional wetlands contiguous to such perennial or intermittent streams, as determined by federal law.
 - b. Exceptions. The requirement for provision or maintenance of a riparian buffer shall not apply to development of single-family detached dwellings, duplex dwellings, or manufactured home dwellings on lots within subdivisions for which an application for plat approval was filed before September 8, 2008.
- (3) *Riparian buffer width.*
 - a. Required riparian buffer width.
 1. The width of a riparian buffer abutting a perennial stream shall be at least 100 feet.
 2. The width of a riparian buffer abutting an intermittent stream or wetlands shall be at least 50 feet.
 - b. Reduction of riparian buffer width. The director may allow development to reduce the minimum riparian buffer width required by subsection a. above by up to 50 percent in the village growth area districts on determining that the development incorporates stormwater best management practices that will manage stormwater runoff to eliminate or reduce pollution of the stream or wetlands to a degree exceeding that provided by a forested buffer meeting the full minimum width standard.

- c. Measurement of riparian buffer width. The width of the buffer shall be measured perpendicular from the bank of a stream or the upland boundary of wetlands. (See figure 83-471(a)(2), Required riparian buffer along a perennial stream.)
- (4) *Required maintenance of riparian buffers.* Required riparian buffers shall be maintained as vegetated areas composed of an assemblage of trees, shrubs, and other vegetation that can effectively stabilize banks and slow down and filter stormwater runoff. If the buffer is not currently so vegetated, it shall be restored or allowed to develop into such a buffer.
- (5) *Allowable development within riparian buffers.* Development allowed within a riparian buffer is limited to:
- a. Flood control structures;
 - b. Crossings by roadways and driveways (including associated sidewalks, stormwater management facilities, and utility lines), railroad tracks and associated maintenance corridors, and utility lines and associated maintenance corridors, where the director determines that there are no reasonable alternatives to the crossing and the crossing is perpendicular to the buffer or otherwise aligned to minimize encroachment into the buffer and adverse effects on water quality;
 - c. Bikeways and walkways, and other passive recreational facilities and uses that involve minimal removal of vegetation and are not impervious;
 - d. Stormwater management facilities and sediment and erosion control devices, where determined to be necessary by the director;
 - e. Temporary watercourse, watercourse bank, wetland, and vegetation restoration projects intended to restore the watercourse, wetland, or riparian buffer to an ecologically healthy state;
 - f. Water dependent structures and other structures that, by their nature, cannot be located anywhere except within a riparian buffer, such as docks, boat launches, public water supply intake structures, and public wastewater treatment plant sewer lines and outfalls;
 - g. Wildlife and fisheries management activities consistent with state law and programs established by the Virginia Department of Game and Inland Fisheries; and
 - h. Vegetation management, including:
 - 1. Planting of native vegetation to enhance the purposes served by the riparian buffer;
 - 2. Pruning of forest vegetation that does not compromise the vegetation's continued health and function;
 - 3. Removal of individual trees that pose a danger to human life or nearby buildings, or as necessary to preserve other vegetation from extensive pest infestation;
 - 4. Removal of poison ivy or other understory nuisance or invasive vegetation; and
 - 5. Removal or disturbance of vegetation as part of emergency fire control measures.
 - 6. Pruning or removal, if necessary to provide sight lines and vistas. If trees are removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.
 - 7. Any path shall be constructed and surfaced to effectively control erosion.
- (6) *Location of riparian buffers in common areas.* For developments providing common areas (including open-space set-asides), riparian buffers shall be located within such common areas and

outside individual building lots. Riparian buffers may be located within an individual building lot, however, if the buffer is subject to a permanent conservation easement or other legal instrument that provides for preservation of the buffer in compliance with the requirements of this subsection. A copy of the legal instrument shall be submitted to the director before issuance of a building permit for development of the lot.

- (7) *Signage identifying riparian buffers.* Where a development site includes a riparian buffer, the developer shall install signage identifying the landward boundary of the buffer.
- (8) *Setback from riparian buffers.* No part of any structure other than those expressly allowed by section 83-471(a)(5) shall be located with 25 feet of the boundary of a riparian buffer.
- (b) *Floodplain management.* See Floodplain Overlay (FP) District in Article VI, General Overlay Districts.
- (c) *Erosion and sedimentation control.* See erosion and sedimentation control in chapter 68 (Subdivisions).
- (d) *Stormwater management.* See stormwater management in chapter 68 (Subdivisions).
- (e) *Drinking water.* See drinking water in chapter 68 (Subdivisions).
- (f) *Sanitary sewer.* See sanitary sewage in chapter 68 (Subdivisions).
- (g) *Solid waste.* See solid waste in chapter 68 (Subdivisions).

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MONTH DAY, 2016.

**William E. Melton, Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Patricia Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

- David T. Williams** _____
- Larry J. Nordvig** _____
- Angela Y. Cabell** _____
- William E. Melton** _____
- Carson L. Tucker** _____

An Ordinance amending and reenacting provisions contained in Section 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-231 and 83-232, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE IV – VILLAGE GROWTH AREA DISTRICTS

Sec. 83-230. - Village Center (VC) District.

Sec. 83-231. - Permitted uses.

The following uses are allowable as principal uses by right in the VC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Greenhouse, nursery, and floriculture production;
- (2) Dwelling, live/work;
- (3) Dwelling, upper-story;
- (4) Telecommunications facility, collocated;
- (5) Community center;
- (6) Library;
- (7) Adult day care center;
- (8) Child day care center;
- (9) Private school;
- (10) Public school;
- ~~(11)~~ Vocational or trade school;
- ~~(11)~~~~(12)~~ Fire or EMS Station;
- ~~(12)~~~~(13)~~ Government administrative offices;
- ~~(13)~~~~(14)~~ Government maintenance, storage, or distribution facility;
- ~~(14)~~~~(15)~~ Law enforcement facility;
- ~~(15)~~~~(16)~~ Post office;
- ~~(16)~~~~(17)~~ Massage clinic;
- ~~(17)~~~~(18)~~ Medical or dental clinic;
- ~~(18)~~~~(19)~~ Medical or dental lab;
- ~~(19)~~~~(20)~~ Community garden;

- ~~(20)~~(21) Park or greenway;
- ~~(21)~~(22) Club or lodge;
- ~~(22)~~(23) Surface transportation passenger station/terminal;
- ~~(23)~~(24) Utility use, minor;
- ~~(24)~~(25) Animal grooming;
- ~~(25)~~(26) Business service establishment;
- ~~(26)~~(27) Brewpub;
- ~~(27)~~(28) Restaurant without drive-through service;
- ~~(28)~~(29) Specialty eating or drinking establishment;
- ~~(29)~~(30) Professional offices;
- ~~(30)~~(31) Other office facility;
- ~~(31)~~(32) Motion picture theater;
- ~~(32)~~(33) Recreation facility, commercial indoor;
- ~~(33)~~(34) Recreation facility, nonprofit;
- ~~(34)~~(35) Recreation facility, public;
- ~~(35)~~(36) Antique store;
- ~~(36)~~(37) Art gallery;
- ~~(37)~~(38) Art, crafts, music, dance, photography, or martial arts studio/school;
- ~~(38)~~(39) Bank or financial institution without drive-through service;
- ~~(39)~~(40) Convenience store;
- ~~(40)~~(41) Drugstore or pharmacy without drive-through service;
- ~~(41)~~(42) Farmers' market;
- ~~(42)~~(43) Funeral home;
- ~~(43)~~(44) Grocery store;
- ~~(44)~~(45) Liquor store;
- ~~(45)~~(46) Personal services establishment;
- ~~(46)~~(47) Taxidermy shop;
- ~~(47)~~(48) Other retail sales establishment;
- ~~(48)~~(49) Hotel or motel;
- ~~(49)~~(50) Recycling drop-off center;
- ~~(49)~~(51) Medical treatment facility.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-232. - Conditional uses.

The following uses are allowable as principal uses in the VC District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Dwelling, duplex;
- (2) Dwelling, multifamily;
- (3) Dwelling, three- or four-family;
- (4) Dwelling, townhouse;
- (5) Assisted living facility;
- (6) Continuing care retirement community;
- (7) Hospice facility;
- (8) Telecommunications tower;
- (9) Museum;
- ~~(10) Fire or EMS station;~~
- ~~(11)~~(10) Hospital;
- ~~(12) Medical treatment facility;~~
- ~~(13)~~(11) Nursing home;
- ~~(14)~~(12) Cemetery;
- ~~(15)~~(13) Public square or plaza;
- ~~(16)~~(14) Halfway house;
- ~~(17)~~(15) Homeless shelter;
- ~~(18)~~(16) Place of worship;
- ~~(19)~~(17) Shelter for victims of domestic abuse;
- ~~(20)~~(18) Utility use, major;
- ~~(21)~~(19) Veterinary clinic;
- ~~(22)~~(20) Parking lot or parking structure (as a principal use).

(Ord. No. O-2013-06, 9-16-13)

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JUNE 1, 2015.

**William E. Melton, Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Patricia Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____

DRAFT

Board of Supervisors:
William E. Melton, Chairman
Larry J. Nordvig, Vice-Chairman
Angela Y. Cabell
Carson L. Tucker
David T. Williams

County Administrator
Patricia A. Weiler

THE COUNTY OF
POWHATAN
VIRGINIA

3834 Old Buckingham Road, Suite A
Powhatan, Virginia 23139
Tel 804-598-5612 Fax 804-598-7835
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Powhatan County 2017 Legislative Agenda

The Powhatan County Board of Supervisors respectfully requests legislation to address the following priorities for the 2017 General Assembly session:

1. Broadband – Affordable Access to High-Speed Internet Services

The Board seeks assistance from the Commonwealth that will encourage and facilitate the deployment of high-speed internet services (“broadband”) to all underserved and rural areas of the Commonwealth while preserving local land use, permitting, and other regulatory authority. Assistance should include the provision of economic incentives and favorable financing mechanisms, as well as the adoption of budgetary and statutory policies that facilitate greater broadband deployment and usage.

The Board supports continued funding of the Center for Innovative Technology (CIT) Broadband program to provide technical assistance to and support local governments and public-private partnerships to provide broadband infrastructure in un-/underserved areas in the Commonwealth.

2. Mandatory Connection to Water and Sewage Systems

Amend §15.2-2110 (A) of the Code of Virginia to provide Powhatan County with the authority to require connection to the County’s water and sewage systems by owners of property that may be served, and charge a monthly nonuser fee.

3. Transient Occupancy Tax

Amend §58.1-3819(A) of the Code of Virginia to allow Powhatan County to levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days not to exceed five percent (5%) with any excess over two (2%) percent designated solely for tourism and travel marketing or initiatives.

4. Amend §15.2-2303.4, Provisions Applicable to Certain Conditional Rezoning Proffers, of the Code of Virginia.

Joint Resolution directing a study of the current Code of Virginia provisions related to proffers (§15.2-2303 – §15.2-2303.4), best practices for growth management, and the development of new code provisions that provide for equity for the public and private sectors as it relates to the burden of paying for on- and off-site infrastructure improvements resulting from new development. The study committee should include representation from both the Virginia House of Delegates and Senate, the Virginia Association of Counties and the Virginia Municipal League the Virginia Homebuilders Association, the Virginia Local Government Attorney’s Association, the Virginia Chapter of the American Planning Association, and the Urban Land Institute.

5. Declare the Beaumont Juvenile Correction Facility Surplus and Transfer from the Virginia Department of Juvenile Justice and Virginia Building Authority to the County of Powhatan

The Board requests the Beaumont Juvenile Correction Facility located in Powhatan County be declared surplus and ownership transferred to the County of Powhatan. The County intends to pursue the adaptive reuse of the property and buildings from a correctional institute into an economic development zone and a park to benefit the citizens of Powhatan. The closure of the Beaumont Juvenile Correction Facility was announced as part of the 2016-2018 Biennium budget for the Commonwealth of Virginia. The facility encompasses a total of approximately 800 acres and 7,000 feet of frontage along the James River. The site is currently served by water and sanitary sewer. The County plans to establish a passive riverfront park, which in combination with the adjoining Powhatan State Park, will provide access to over four (4) miles of the James River for use by the citizens of Powhatan and the Commonwealth. The entrance to the property would also provide an enhanced entrance to the Powhatan State Park property.

6. Full Reimbursement to Localities for the Cost of Political Party Primaries

The Code of Virginia (§ 24.2-509(A)) permits political parties to choose their candidates by either convention or primary, and requires localities to pay for the cost of primaries (§ 24.2-518). This is an unfunded mandate. Powhatan County respectfully requests legislation requiring full compensation for the cost of political party primary elections conducted by localities at the direction of The Commonwealth.

7. Fiscal Impact on Localities

Legislation to amend §30-19.03 of the Code of Virginia to require that all bills with a local fiscal impact must be introduced by the 1st day of the General Assembly session. This requirement was previously in §30-19.03:14 of the Code of Virginia and was repealed in 2010. Currently there is no requirement on when bills with a fiscal impact must be introduced, which make it difficult for the Commission on Local Government, the Virginia Municipal League, the Virginia Association of Counties, and localities to advise on the potential fiscal impact of a bill in a time sensitive manner.

8. Continue Technical Assistance Funding Percentage for Virginia Agricultural Cost-Share Program

The Board requests that the current level of funding for technical assistance provided to the Soil and Water Conservation Districts to administer the Virginia Agricultural Cost-Share (VACS) program be continued. Technical assistance for cost share projects includes activities such as on-site assessment of required practices, development of plans showing suggested practices, cost estimate of plan implementation, construction oversight and inspection during installation of practices, various administrative duties associated with the processing and tracking of cost-share applications and post construction monitoring of all projects as all practices installed under this program must be maintained for a minimum of 10 years. The 2014 VACS program incorporated changes that now allow for funding of livestock exclusion practices at 100%. This change generated an increased workload associated with processing and monitoring applications, and current funding levels should be maintained to provide for implementation of the program.

Approved by the Powhatan County Board of Supervisors on _____.

Signed: _____
Chairman