

Subdivision Ordinance

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ARTICLE 1 – PURPOSE, TITLE, AUTHORITY

- 1.1 General Purpose** These subdivision regulations are adopted in order to provide for the harmonious development of Powhatan County; to provide wholesome living environments, including sound building sites, for the residents of Powhatan County; to effect the coordination of roads in subdivisions with other existing or planned roads; to aid in coordinating subdivision plans with Municipal and State plans; to provide adequate open space for light, air, and recreation; to conserve natural, scenic, historical, and recreational areas; to aid in enhancing the public health, safety, and welfare by requiring that facilities, such as roads, water mains, sewers, and drainage facilities, be installed with subdivisions prior to the sale of lots in order that excessive public expenditures for such facilities will be avoided.
- 1.2 Titles**
- 1.2-1.0 Title of Regulation** Regulations governing the subdivision of land within the unincorporated territory of Powhatan County, establishing procedures for the submission and review of subdivision plats, establishing procedures for the design and installation of improvements to subdivisions, providing for the administration and enforcement of these regulations, and providing for penalties for their violations.
- 1.2-2.0 Short Title** Regulations for the subdivision and development of land in Powhatan County, Virginia.
- 1.3 Authority** Authority has been conferred by the Virginia General Assembly by Title 15.2, Chapter 22, Article 6, Sections 15.2-2240 through 15.2-2279, of the Code of Virginia, 1950, as amended.¹
- 1.4 Mutual Responsibility of Subdivider and County** There is a mutual responsibility between the subdivider and the County to divide the land so as to improve the general pattern of the land being subdivided.
- 1.5 Relationship of Chapter to Private Contracts** This chapter bears no relationship to any private easement, covenant, agreement or restriction; nor is the responsibility of enforcing a private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control. In the case of any plat on which is shown any road, sewage or water supply system, or other feature, improvement, facility or element not to be maintained by any public agency, which is designed to serve or to be used by more than one lot on such plat, the Director will require, as a prerequisite to approval of such plat, that provision be made for the payment of the costs of construction, maintenance, upkeep or replacement of such facilities to be borne ratably by the owners of lots to be served by or to use the same.

For roads, such provisions shall be made in the deed and plat of each tract on a private street Large Lot Development and shall plainly state the streets in the development are private in nature and shall not be maintained by VDOT (as defined below), Powhatan County or other public agency and that the maintenance and improvements thereof shall be the sole obligation of the landowners in the developments abutting said roads and 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 Powhatan County Board of Supervisors shall have recommended that said road be taken into the state system of highways.

¹ Adopted 7/10/2006

ARTICLE 2 – DEFINITIONS

2.1 Purpose The purpose of this article is to eliminate ambiguity by providing a full definition of certain words and phrases which are used in these regulations. Words found capitalized in the text of this Ordinance shall have the meaning set forth in Article 2.2.

2.2 Definitions of Words For the purposes of these regulations and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses; words in the singular number include the plural, and words in the plural number include the singular; the word “person” includes a firm, partnership, or corporation as well as an individual; the word “lot” includes the word “plot” or “parcel”; the word “building” includes the word “structure”; and the terms “shall” and “will” are always mandatory and not directory, and the word “may” is permissive.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

Alley A permanent service way providing access to abutting properties.

Average Ground Elevation The elevation of the mean finished grade.

Bench Mark A permanent marker which designates elevation.

Block A surface land area which is 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.

Buffer A strip of land with existing vegetation retained and supplemented as required with landscaping plants and maintained as open space. Buffers shall be provided as required except where vehicular entrances or utility rights of way cross the buffer.

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 Any enclosed structure intended for shelter, housing, or enclosure of persons, animals, or chattel.

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 which is 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 An individual, partnership, corporation, or other legal entity or agent thereof which undertakes the activities covered by these regulations. Inasmuch as the subdivision plan drawings are merely an necessary means to the end of assuring satisfactory development, the term “developer” includes “subdivided”, “owner” or “builder”, even though the persons and their precise interests may vary at different project stages.

Director The Director of Planning and Community Development of the County of Powhatan, Virginia, who for the purposes of this Ordinance shall be deemed the agent of the Planning Commission.

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 The right to use another person’s property, but only for a limited and specifically named purpose. The owner generally may continue to make use of such land since he has given up only certain, and not all, ownership rights.

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

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

Family Division The single division of a lot or parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner. Additional provisions regarding Family Divisions appear in Article 5.5 of this Ordinance.

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.

Large Lot Developments All of the lots in Large Lot Developments are (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 Developments appear at Article 5 of this Ordinance.

Lot A parcel of land which is or may be occupied by a building and its accessory buildings or use customarily incidental thereto, together with such yards or open spaces within the lots lines as may be required by these regulations.

Lot Corner A lot of which at least two (2) adjoining sides abut on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

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 which does not meet minimum frontage requirements and has access for the bulk of the lot to a public street provided by a narrow corridor recorded in fee or easement at least thirty (30) feet in width.

Lot, Interior A lot other than a corner lot.

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 square footage included within the lot lines.

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 bounding a lot as defined herein.

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,
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.²

Lot Line, Front In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street.

² Amended 1/8/2007

Lot Line, Rear The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line not less than ten (10) feet long and wholly within the lot. See diagrams in the Appendix.

Lot Line, Side Any lot boundary not a front or rear lot line.

Lot Number The official number assigned to a lot for identification purposes.

Lot Width The width of a lot at the building setback line measured at right angles to its depth.

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 on the 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, Final The material which comprises the second and last "official" submission of a subdivision scheme for recordation.

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.

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 An intermittent stream is a hydrographic feature containing free flowing surface water for more than thirty (30) consecutive days. They are depicted as a broken blue line on the most recent U.S. Geological Survey 7 1/2-minute topographic quadrangle map (scale 1:24,000) (such map may be used to determine the existence and location of intermittent streams unless site-specific information demonstrates the map resource to be incorrect).

Stream, Perennial A perennial stream is a hydrographic feature containing water throughout the year, except for infrequent and extended periods of severe drought, which is capable of supporting aquatic life. During extended dry spells this feature may contain small pools that may or may not be connected by free flowing surface waters. They are depicted as a solid blue line on the most recent U.S. Geological Survey 7 1/2-minute topographic quadrangle map (scale 1:24,000) (such map may be used to determine the existence and location of perennial streams unless site-specific information demonstrates the map resource to be incorrect).

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 upon which a lot fronts. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

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 land shall not be considered a subdivision:

1. A division of land made to establish rights-of-way or well lots.
2. A division of land by will or intestate succession among descendants of the deceased property owner, provided that all lots are smaller parcels so created meet the requirements of the Zoning Ordinance.
3. A division made in connection with a lot line adjustment.
4. A division of land resulting in a Large Lot Development.
5. A division of land resulting from a court-ordered partition of property among co-tenants, provided that particular uses of any such resulting lots or parcels may be restricted or prohibited if requirements of the Zoning Ordinance are not met.

Additional provisions regarding Subdivision Exceptions appear in Article 5 of this Ordinance.

Subdivision, Primary The term “Primary Subdivision” shall include any subdivision of more than two lots which is designed and developed as a single unit, regardless of the number of owners and subdividers involved, or the number of parcels or tracts of land encompassed by the subdivision.

Subdivision, Single Cut A subdivision of only two lots created by a single division of land from a parent tract. Additional provisions regarding Single Cut Subdivisions are in Article 5.2 of this Ordinance.

Supervisors The Board of Supervisors of Powhatan County, Virginia.

Surveyor A qualified 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 The term “Utility Entities” shall include the utility districts and other entities providing gas, water, sewer, electric, cable and telephone services.

VDOT The term “VDOT” shall be used to refer to 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 An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

Yard, Rear An open (other than for permitted accessory structures) space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard, Side An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or front line shall be deemed a side line.

Zoning Ordinance The duly adopted Zoning Ordinance of Powhatan County, Virginia.

ARTICLE 3 – ADMINISTRATIVE REVIEW OF PROPOSED PRIMARY SUBDIVISIONS

3.1 Purpose The purpose of this article is to establish the step-by-step administrative procedures which will be applied to review of plats of proposed Primary Subdivisions.

3.2 Mandatory pre-application meeting. Before the submission of a preliminary plan or plat for review, all applicants shall participate in a mandatory pre-application meeting with Department of Planning and Community Development staff. The purpose of the pre-application meeting is to assure that the applicant is advised of all the requirements and interpretations of these Ordinances plus any amendments which are pending at the time of the plan or plat preparation.³

3.3 Administrative Procedures

3.3-1.0 In General The Director, the Planning Commission, the Commission Staff and the Planning Department shall perform the following duties in regard to the administrative review process.

3.3-1.1 Maintenance of Records The Planning Department shall maintain permanent and current records of these regulations, including amendments thereto.

3.3-1.2 Submission and Distribution of Plats The Director shall determine the number of copies of preliminary and final subdivision plats to be submitted. The Planning Department shall receive and distribute all preliminary and final plats to appropriate members of the Commission Staff and Utility Entities for review of conformance to the individual entity's requirements. Plats shall also be submitted in a digital format as required by Article 11.⁴

3.3-1.3 Design Review The Commission Staff shall review all preliminary and final plats for subdivision design and conformance to regulations governing the subdivision of land.

3.3-1.4 Field Trips The Commission Staff may arrange for and conduct conferences and field trips necessary for proper investigation of preliminary plats.

3.3-1.5 Records The Planning Department shall keep a record of all preliminary and final plats and actions pertaining thereto.

3.3-2.0 County Health Department The Health Department, as a member of the Commission Staff, shall review preliminary and final plats relative to the possible success of individual sewage treatment facilities on tracts where sanitary sewers are not provided, and make recommendations concerning other health factors. The Health Department will provide the Planning Department with a written statement of any deficiencies it notes.

³ Adopted 2/9/2009

⁴ Adopted 5/11/2009

- 3.3-3.0** VDOT, as a member of the Commission Staff, shall review preliminary and final plats relative to the adequacy of all proposed roads and drainage systems. VDOT will provide the Planning Department with a written statement of any deficiencies it notes.
- 3.3-3.1** VDOT, when requested by the Planning Department, will cooperate in the inspection of subdivision street construction where it is contemplated that VDOT subsequently will be requested to add such streets to the state highway system.
- 3.3-3.2** Where it is proposed that subdivision streets be taken into the state highway system, the developer will submit complete plans of his subdivision in order that they may be reviewed by VDOT's Engineer. If the plans are found acceptable, they will be approved. All work is to be in accordance with the approved plans and the current road and bridge specifications of VDOT.
- 3.3-3.3** Upon the satisfactory completion of the streets, they will be accepted for maintenance provided:
- A. The developer dedicates the prescribed rights of way.
 - B. The Supervisors make the request by suitable resolution.
 - C. The streets render a public service; that is, from a standpoint of occupied dwellings and continuing traffic service to the same.
 - D. That streets have been properly maintained since completion.
 - E. The developer furnishes VDOT a bond in sufficient amount to guarantee the satisfactory performance of the streets for a period of one year from the time of acceptance; or, as an alternative, the developer may construct the streets under VDOT supervision, the cost of said supervision to be borne by the developer.
 - F. The developer pays the estimated cost of maintenance for the remainder of the fiscal year.
- 3.3-3.4** The developer will submit construction plans to the Residency Office of VDOT showing:
- A. The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting storm runoff to a natural watercourse.
 - B. A cross-section showing the proposed street construction, depth and type of base, type of surface, etc.
 - C. A profile showing the proposed grades for the streets and drainage facilities.
 - D. A location map tying the subdivision into the existing road system.
- 3.3-3.5** Upon receipt of the plans, the Resident Engineer is to study them thoroughly and determine if the plans as set forth comply with all requirements of the VDOT, noting thereon any corrections he feels should be made; and the Resident Engineer will return the corrected or approved plans to the developer, keeping one copy for his files, and shall in his letter of transmittal advise the developer of the corrections made.

3.4 Preliminary Plat

- 3.4-1.0 Preparation** The preliminary plat shall be prepared in conformance with Article 4.2 of this Ordinance.
- 3.4-2.0 Review** Upon receipt of a completed application form, administrative fee, and the required number of copies of the preliminary plat, the plat shall be submitted to the Commission Staff for review in accordance with Article 3.3 Administrative Procedures. Such review by Commission Staff shall be completed within forty-five (45) days of receipt of such plat.
- 3.4-3.0 Approval or Disapproval** The Director of Planning and Community Development shall receive the recommendations of Commission Staff and approve or disapprove the preliminary plat for Primary Subdivision based on whether the plat is in conformity with the provisions of this Ordinance, the Zoning Ordinance, the Comprehensive Plan, and the requirements of the Commission Staff and Utility Entities.
- 3.4-3.1 Disapproval** If the Director does not approve the preliminary plat, the Director shall provide the subdivider in writing the specific reasons for disapproval and shall identify, in general terms, such modifications or corrections as will permit approval of the plat.
- 3.4-3.2 Approval** If the preliminary plat is approved, the developer is authorized to proceed with the construction plans and/or final plat.
- 3.4-3.3 No Decision on Plat** In the event that the Director fails to either approve or disapprove a preliminary plat for such Primary Subdivision within sixty (60) days of its submission or if such preliminary plat must be reviewed by a state agency, in which case final action must be completed within ninety (90) days, the subdivider may petition the circuit court to enter an order directing approval of the plat. However, if the applicant requests that a decision be deferred, such deferral shall postpone the running of the decision-making period accordingly.
- 3.4-4.0 Resubmission** In the event of the disapproval of a preliminary plat by the Director, the developer may correct the plat's deficiencies and submit the revised preliminary plat in conformance with the required procedures.

3.5 Construction Plans

- 3.5-1.0 Submission Timetable** Following approval of the preliminary plat by the Director, the developer will prepare construction plans and submit them to the Commission Staff for review.
- 3.5-2.0 Approval** If the construction plans are approved by the Commission Staff, the developer is authorized to proceed with his physical improvements after securing any required construction permits. However, individual lots may not be sold until approval and recordation of the final plat.
- 3.5-3.0 Disapproval & Resubmission** In the event of the disapproval of the construction plans by the Commission Staff, the developer may correct the deficiencies and submit the revised plans in conformance with the required procedures.

- 3.6 Final Plat** The final plat, filed with the County Clerk of the Court, is the permanent record of the subdivision. It shows all property lines and other dimensions important for the accurate and legal transfer of property and records the location of street lines and easements.
- 3.6-1.0 Preparation** After the preliminary plat has been approved by the Director, the final plat will be prepared in conformance with Article 4 of this Ordinance.
- 3.6-2.0 Submission Timetable** Unless an extension has been requested by the developer and granted by the Director, final plats will be submitted within three (3) years of the approval date of the preliminary plat. Otherwise, the plats cannot receive “Final Plat” consideration, but will be considered as, and resubmitted as, new preliminary plats; provided, however, that if a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnished the Board a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction if the facilities to be dedicated within the section for public use, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section, subject to engineering and construction standards and zoning requirements in effect at the time the final plat is submitted.
- 3.6-3.0 Review** Following submission of the final plat, the Planning Department and appropriate members of the Commission Staff shall examine the final plat and plans and all necessary certificates to determine conformance to the preliminary plat, conditions attached thereto, and the requirements established in this Ordinance, and shall within thirty (30) days of its submission to the Planning Department, unless the time is extended by the Commission Staff in agreement with the developer, either approve or disapprove said plat and/or plans.
- 3.6-3.1 Minor Adjustments** Minor adjustments to the preliminary plat may appear on the final plat and be approved by the Planning Department without resubmitting a revised preliminary plat for approval under the procedures of this Article. For purposes of this article, the term “minor adjustments” shall not include changes which increase the number of lots from that number proposed by the preliminary plat.
- 3.6-3.2 Bonds** The Commission Staff shall make recommendations as to the sufficiency of all necessary bonds for the financing of required improvements.
- 3.6-4.0 Certification** The Planning Department shall certify its approval of the final plat for recording with the Clerk of the Court of Powhatan County. In the event that either approval or disapproval of a final plat is not made within ninety (90) days of its submission to the Planning Department, such plat shall be regarded as approved; provided, however, that if the applicant requests that the decision be deferred, such deferral shall postpone the running of the decision period accordingly.
- 3.6-5.0 Resubmission** In the event of the disapproval of a final plat and/or plans by the Planning Department, the developer may correct the deficiencies and submit the revised final plat and/or plans in conformance with the required procedures.
- 3.6-6.0 Recording of Plat** Upon approval of the final plat by the Planning Department, the final plat will be filed for recording with the County Clerk of the Court. In addition, one (1) mylar copy of the final plat and additional copies will be provided to the Planning Department as needed.

3.6-7.0 Sale of Lots No individual lot in any subdivision can be sold until a final plat of the subdivision has been approved and recorded.

ARTICLE 4 – SPECIFICATION FOR PLANS AND PLATS

4.1 Purpose The purpose of this article is to specify the information required to be included on plats and plans of proposed Primary Subdivisions. Three (3) types of plats and/or plans are required to be submitted: the preliminary plat, construction plans and the final plat. The overriding consideration in requiring the submission and approval of three (3) types of plats is to assure that subdivisions develop soundly. One objective in requiring three (3) types of plats is to assist the sound and economical development of property for subdivision developments before improvement costs are incurred. A second objective in requiring three (3) types of plats is that administrative and utility agencies may aid in the design of proposed subdivisions so that improvements, including roads and utilities, may be installed at minimal costs.

4.2 Preliminary Plats

4.2-1.0 Preparation The preliminary plat will be prepared by a Surveyor or Engineer, and be used for presentation to the Director.

4.2-2.0 Drawing The preliminary plat shall be drawn to the specifications and shall contain the information required below.

4.2-2.1 Subdivision Name The proposed name of the subdivision, which will not duplicate nor closely approximate (phonetically or in spelling) the name of any other subdivision in Powhatan County, preceded by the words “Preliminary Plat of _____, Powhatan County, Virginia” will be indicated.

4.2-2.2 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.

4.2-2.3 Date and Scale The date of design of the preliminary plat, north point, and scale shall be indicated.

4.2-2.4 Total Acreage

4.2-2.5 Acreage of Each Lot Such acreage is to be shown within each lot.

4.2-2.6 Tax Reference Map Number

4.2-2.7 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.

4.2-2.8 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 Planning Department.

- 4.2-2.9 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.
- 4.2-2.10 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.
- 4.2-2.10.1** Contours will be at intervals of ten (10) feet or at more or less frequent intervals if required by the Commission Staff for land with unusual topography.
- 4.2-2.10.2** Where possible, all contour information will be referenced to the U.S. Geographical Survey datum.
- 4.2-2.11 Non-Residential 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 other uses (other than single-family dwellings) such as multi-family dwellings, shopping centers, churches, etc., will be indicated.
- 4.2-2.12 Other Conditions** Other conditions on the tract to be shown on the preliminary plat will include the information required below.
- 4.2-2.12.1** Existing and proposed zoning designations, highways, parks, schools, or other major improvements will be indicated.
- 4.2-2.12.2** Watercourses, railroads, bridges, or other structures will be indicated.
- 4.2-2.12.3** Soil map prepared by a qualified soil scientist with soil classifications and recommended usage when required by the Commission Staff.
- 4.2-2.12.4** Stream buffers, wetland buffers, and wetland buffer setbacks shall be shown as required by Article 25 of the Zoning Ordinance.⁵

4.3 Construction Plans

- 4.3-1.0 Preparation** The construction plans will be prepared by an Engineer or Surveyor.
- 4.3-2.0 Drawing** The construction plans will be drawn on sheets 24" x 36" and shall include the information required below.
- 4.3-2.1 Drainage Plan** No permanent foundation structure shall be constructed within either one (1) foot vertically or ten (10) feet horizontally of a drainage swale, storm water conveyance channel or flood plain. Specific plans for handling storm water including, but not limited to, the following information: existing contours; the locations, sized, and profiles of storm drains and culverts; and other pertinent information requisite in dealing with storm drainage problems. Additional requirements for any such drainage plan are set forth in Article 6.5 of this Ordinance.
- 4.3-2.1.1** Easements required in the construction and maintenance of the drainage system and buffers required by Article 4.2-2.12.4 shall be shown on the construction plans.

⁵ Amended 9/8/2008

4.3-2.2 Existing and Proposed Streets The following is required for existing and proposed streets.

4.3-2.2.1 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.

4.3-2.2.2 The plan and profile of each proposed street indicating the existing ground surface and proposed street grades at a horizontal scale of 1" – 10" and a vertical scale of 1" – 10" or such other scales as may be approved by the Commission Staff.

4.3-2.2.3 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.

4.3-2.2.4 In order that the Commission 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.

4.3-2.3 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 and electrical lines. All utility design will conform to County standards and specifications.

4.3-2.3.1 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.

4.3-2.3.2 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.

4.3-2.3.3 The drainage plan as required in Article 4.3-2.1 and all easements related thereto will be shown.

4.3-2.3.4 Areas or space dedicated for utilities will be shown.

4.3-2.4 Lot Lines The location of lot lines, along with the appropriate lot and block numbers will be shown on the plans.

4.4 Final Plat

4.4-1.0 Preparation The final plat of a subdivision will conform substantially to the preliminary plat and will be prepared in accordance with the requirements below.

4.4-1.1 Materials and Size The final plat will be drawn on Mylar on a sheet the size of which shall be specified by the Clerk of the Court.

4.4-1.2 Scale The final plat will be drawn to a scale of one hundred (100) feet or less to the inch.

4.4-1.3 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.

- 4.4-2.0 Mapping and Engineering Information** The final plat will include sufficient data to accurately reproduce the subdivision on the ground and will include the information required below.
- 4.4-2.1 Street Lines on Adjacent Land** The final plat will show the exact location with dashed lines and the width along the property lines for all existing or recorded streets intersecting or paralleling the boundaries of the tract.
- 4.4-2.2 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.
- 4.4-2.3 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.
- 4.4-2.4 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.
- 4.4-2.5 Monuments of Tract** The final plat will show the accurate location and type of all permanent reference monuments.
- 4.4-2.6 Street, Easement, and Lot Lines on Tract** 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, points of curvature, and tangent bearings; for all easements or other rights-of-way, show the locations and width; for all lot lines, show dimensions to hundredths of a foot and bearings to the nearest second.
- 4.4-2.7 Easements Along Property Lines** Any easements along property lines will be noted on the final plat.
- 4.4-2.8 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.
- 4.4-2.9 Block and Lot Designations** The lots will be numbers in numerical order and the blocks lettered in alphabetical order.
- 4.4-2.10 Flood Plain** The 100-year HUD designated flood plain area of all watercourses shall be shown on the final plat.
- 4.4-2.11 Drainage Buffers** Easements required in the construction and maintenance of the drainage system and buffers required by Article 4.2-2.12.4 shall be shown on the final plat.
- 4.4-2.12 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 Planning Department along with the final plat.

- 4.4-2.13 Soils Analysis** Prior to final subdivision plat approval, a soils analysis shall be performed and submitted to the Commission 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 lots. The professional providing the soils analysis shall state in writing the laboratory 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.
- 4.4-3.0 Title Block** The title block for the final plat drawing will contain the information required below.
- 4.4-3.1 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 unit number or other necessary identification will be indicated. Such subdivision name will not duplicate or closely approximate any other subdivision name in the County.
- 4.4-3.2 Tax Reference Map Number**
- 4.4-3.3 Person Identification** The name of the property owner, the developer, the Surveyor, and any other persons directly involved with the transaction will be shown.
- 4.4-3.4 Legend Information** The graphic scale, written scale, north point, date of preparation, and any other pertinent legend information should be indicated.
- 4.4-3.5 Location Sketch** A 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 community features.
- 4.4-3.6 Total Acreage**
- 4.4-3.7 Acreage per Lot, Shown in Each Lot**
- 4.4-4.0 Certification** The appropriate certificates as defined below, with required signatures, will accompany all final plats.
- 4.4-4.1 Ownership** The Certificate of Ownership and general dedications will be as follows:

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 _____, 200__.

Owner

(Also leave blanks for Trustees if necessary.)

4.4-4.2 Survey The Certification of Survey will be as follows:

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.

(Name of Company)

By _____

4.4-4.3 Approval for Recording Upon approval and certification of all elements of the final plat, the Planning Department will certify the plat for recording as follows:

Date Approved: _____

Planning Department

ARTICLE 5 – ADMINISTRATIVE REVIEW OF SINGLE CUT SUBDIVISIONS, SUBDIVISION EXCEPTIONS, AND FAMILY DIVISIONS

5.1 Purpose The purpose of this article is to delineate special administrative procedures and requirements which will be applied to review of plats of Single Cut Subdivisions, Subdivision Exceptions, and Family Divisions

5.2 Single Cut Subdivision

5.2-1.0 Intent The provisions of this Article shall apply to Single Cut Subdivisions. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the Zoning Ordinance. PRIVATE ROAD STANDARDS AS DEFINED IN Article 6.2 OF THIS CHAPTER WILL BE APPLIED TO SINGLE CUT SUBDIVISIONS.

5.2-2.0 Access A Single Cut Subdivision shall either abut a public road by a minimum of thirty (30) feet or have access to a public road via a dedicated access right-of-way or easement at least thirty (30) feet in width. Single Cut Subdivisions shall be prohibited on private roads where the main parcel does not front on a public road, unless provided in accordance with Article 6.2-2.0.⁶

5.2-3.0 Plat Requirements The plat of a Single Cut Subdivision shall be drawn to scale and shall show the following:

- A. Date, scale and north arrow
- B. Boundaries, dimensions, bearings and area of the new lots; provided that, any lot hereby created exceeding ten (10) acres in area may be platted by reference to a previously existing survey of the original parcel forming the basis of the Single Cut Subdivision, and a new survey shall not be required.
- C. Public road to which the lot has access
- D. Zoning district
- E. Location of existing utilities and proposed easement access for Utility Entities
- F. Surveyor's certificate and Surveyor's seal
- G. Owner's consent statement
- H. Location of all recorded easements and any other rights of way, easement or otherwise.⁷

5.2-4.0 Plat Approval Copies of the plat of a Single Cut Subdivision, the number of which shall be determined by the Director, together with a complete application form shall be submitted to the Planning Department, who shall approve the plat for recordation within two (2) business days if it meets these requirements and the minimum lot size requirements of the Zoning Ordinance. If deficiencies are noted on the plat, it shall be marked disapproval and the reasons therefore shall be transmitted to the subdivider in writing. Plats shall also be submitted in a digital format as required by Article 11.

⁶ Adopted 10/18/2004

⁷ Adopted 9/8/2008

5.3 Subdivision Exceptions

5.3-1.0 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 Planning Department. 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 Planning Department that the division qualifies as a Subdivision Exception.⁸

5.3-2.0 Recordation of Exceptions 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 Planning Department. 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 Planning Department. Plats shall also be submitted in a digital format as required by Article 11.⁹

5.4 Large Lot Developments

5.4-1.0 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.

5.4-2.0 Remnants All parcels smaller than ten (10) acres remaining after subdivision of a tract shall be added to adjacent parcels or lots.

5.4-3.0 Street Frontage All lots of a Large Lot Development shall either abut a public road by a minimum of thirty (30) feet or have access to a public road via a dedicated access right-of-way or easement at least thirty (30) feet in width.

5.4-4.0 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.

5.4-5.0 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.

5.4-6.0 Plat Requirements The plat of a Large Lot Development shall be governed by the same requirements for the plat of a Single Cut Subdivision.

⁸ Adopted 5/11/2009

⁹ Adopted 5/11/2009

5.4-7.0 Plat Approval Copies of a Large Lot Development plat, the number of which shall be determined by the Director, shall be submitted to the Planning Department for review, which shall approve it upon determining that the development meets the requirements of this Ordinance. If the plat is not approved, the reasons therefore shall be transmitted in writing to the applicant. Plats shall also be submitted in a digital format as required by Article 11.¹⁰

5.5 Family Divisions

5.5-1.0 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.

5.5-2.0 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.

5.5-3.0 Restrictions

5.5-3.1 No lot hereby created which contains less than ten (10) 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 twenty (20) feet for 1-2 lots served by a private road constructed to the residential driveway standard outlined in § 6.4-3.4.
- b. Minimum of forty (40) feet for 3-10 lots served by a private road constructed to standards outlined in §6.2.¹¹

5.5-3.2 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 (10) 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 (10) acres in size but no smaller than two (2) acres in size.

5.5-3.3 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 (10) consecutive years by the current owner or member of the current owner's immediate family.¹²

¹⁰ Adopted 5/11/2009

¹¹ Adopted 8/17/2009

¹² Adopted 8/17/2009

5.5-3.4 During the initial five (5) 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 Article 5.5-2.0 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 Article 5.5-2.0 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 (5) years.¹³

5.5-3.5 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 §6.2 of this ordinance.¹⁴

Minimum Lot Size Reference Chart

Scenario	Result
Family member division; main parcel on public road, or access provided to public road via main parcel by an exclusive easement or a shared easement that is not to be used by anyone other than that family (A-1 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-1 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.

5.5-4.0 **Plat Requirements** The plat of Family Division lots shall be governed by the same requirements for the plat of a Single Cut Subdivision (Article 5.2-3.0). Plats shall also be submitted in a digital format as required by Article 11.¹⁵

5.6 **Charitable Exception**¹⁶

5.6-1.0 A division of one (1) parcel of land may be permitted for conveyance to a bona fide charitable organization. A “bona fide charitable organization” is defined as an entity holding a valid 501(c) (3) designation from the Internal Revenue Service.

5.6-2.0 Requirements:

¹³ Adopted 8/17/2009

¹⁴ Adopted 1/11/2010

¹⁵ Adopted 5/11/2009

¹⁶ Adopted 8/9/2004

- 5.6-2.1 Charitable Exceptions may only be taken from A-1 Agricultural-zoned parcels.
- 5.6-2.2 A Charitable Exception division taken from a parent tract shall not result in the loss of the property owner's Single Cut Subdivision exception per Article 5.2 of this Ordinance.
- 5.6-2.3 A Charitable Exception parcel shall be a minimum of two (2) acres in size and shall produce a residual parcel of not less than ten (10) acres in size. All other lot requirements shall follow the Zoning Ordinance provisions for the A-1 Agricultural District.
- 5.6-3.0 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.

ARTICLE 6 – GENERAL DESIGN REQUIREMENTS

6.1 Streets and Roads Constructed to VDOT Standards

- 6.1-1.0 **Construction Standards** With the exception of pavement design for public roads in a subdivision, the construction of all streets, roads and alleys will be in accordance with the design standards and specifications of the Virginia Department of Transportation (VDOT). Pavement for all public roads in a subdivision shall, at a minimum, be designed utilizing six (6) inches of base stone, three (3) inches of base asphalt, and one and one-half (1 ½) inches of surface asphalt as approved by VDOT.¹⁷
- 6.1-2.0 **Relation to Adjoining Road Systems** The proposed road system of a subdivision will generally provide for the continuation of existing or dedicated streets in adjoining or nearby tracts. Stub roads may be required by the Commission Staff to adjacent properties to facilitate appropriate traffic circulation for possible future development. When the adjacent property is developed, the developer of such property shall connect and construct such roads to VDOT for the connection of a subdivision to any adjoining land.
- 6.1-3.0 **Classification of Streets and Roads** Streets and roads will be classified as follows:
 - 6.1-3.1 **Arterial Streets** Arterial streets are used primarily for the movement of vehicles, but may provide for vehicular access to adjacent property. When access to adjacent property is permitted, it should be by means of a marginal access type of street to serve several properties rather than permitting each property owner to have his own private driveway access point.
 - 6.1-3.2 **Collector Streets** Collector streets are used for more movement of vehicles than for provided access to adjoining properties. Access to adjacent property should be planned and controlled so that minimum disturbance is made to the traffic moving efficiency of the collector street.
 - 6.1-3.3 **Local Streets** Local streets are used primarily for providing access to adjacent properties. Vehicles moving on these streets should have an origin or destination in the immediate vicinity, and all types of through traffic should be eliminated through initial design of its connections with other streets.

¹⁷ Adopted 4/10/2006

- 6.1-4.0** **Rights-of-Way and Pavement Widths** Rights of way for public streets shall be no less than 50 feet in width unless a more narrow width is approved by the Board of Supervisors as a condition of rezoning. Pavement width shall conform to VDOT standards.¹⁸
- 6.1-4.1** **Cul-de-Sacs** Cul-de-sacs shall have a right-of-way radius of not less than fifty (50) feet and a transition curve radius of the paved area in a turn around of not less than thirty-five (35) feet.
- 6.1-5.0** **Designs of Streets and Roads** Streets and roads will conform to VDOT designs and standards.
- 6.1-5.1** **Street Names** Street which are obviously in alignment with existing streets will generally bear the name of the existing street. Street names will not duplicate or closely approximate the names of existing streets in Powhatan County. All names will be approved through Richmond Regional Planning District Commission.
- 6.1-5.2** **Street Signs** Street signs shall be installed by the developer in accordance with VDOT standards.
- 6.1-5.3** **Additional Width on Existing Streets** 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 (½) 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.
- 6.1-5.4** **Extension of Street** Where practical, roads will be designed so that they may be feasibly extended into adjacent property.
- 6.1-6.0** **Service Roads** All subdivision lots adjacent to an arterial or collector road should be served by a service road wherever possible to reduce the number of driveways on collector and arterial streets.
- 6.1-7.0** **Restriction on Issuance of Permits** No more than eighty (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.

6.2 **Streets and Roads – Private Road Construction Standards**¹⁹

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 Planning Department and shall be constructed in accordance with all applicable VDOT standards. The applicant's licensed professional engineer shall certify and provide documentation that VDOT standards are met on any such entrance.

¹⁸ Adopted 10/16/2006

¹⁹ Adopted 7/21/2008

6.2-1.0 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.

6.2-2.0 Eligibility Criteria for Private Roads The Planning Commission may approve any private road under the following circumstances:²⁰

- A. No lot of a subdivision to be served by such road shall be less than ten (10) acres in land area; or
- B. A subdivision contains only two (2) lots and such private road serves only the lots in such subdivision; each lot is not less than two (2) acres in land areas; and is the sole and direct means of access to a road in the state highway system.

6.2-3.0 Additional Eligibility Criteria for Private Roads In addition to the provisions of Article 6.2-2.0, the Planning Commission may approve a subdivision served by one or more private roads in any case in which the subdivider, in accordance with Article 6.2-7.0 of this chapter demonstrates to the reasonable satisfaction of the Planning Commission that:

- A. 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
- B. 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.
- C. 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 (1) year from the completion of the private road construction for maintenance purposes, including but not limited to road surface integrity and soil stabilization.
- D. A private road shall be deemed completed when Planning Staff has received all required documents from the Applicant's licensed professional engineer certifying compliance with 6.2-5.0 and any other requirements of Article 6.2.

6.2-4.0 Criteria for Final Approval by Planning Commission No subdivision or development shall be approved pursuant to Article 6.2-2.0 or Article 6.2-3.0 unless and until the Planning Commission shall determine that:

- A. Any such private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by such subdivisions; and

²⁰ Adopted 1/10/2005

- B. 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
- C. 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.

6.2-5.0 Private Road Construction Standards All private roads approved pursuant to this article shall be constructed in accordance with the following. A licensed professional engineer shall certify and provide documentation to the Planning Department that the private road meets the construction standards of this ordinance.

6.2-5.1 Right-of-Way Width For any single-family residential use, any private road serving more than two (2), but not more than ten (10) lots shall have a right-of-way width of fifty (50) feet.

6.2-5.2 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 fifty percent (50%) for a distance not more than thirty (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 roads shall have an approach grade not exceeding four percent (4%) for a distance of not less than forty (40) feet in all directions. Intersections of private and public roads shall have an approach grade not exceeding three percent (3%) for a distance of not less than forty (40) feet in all directions. Approach grade distances shall be measured from the edge of the roadway being intersected.

6.2-5.3 Drainage and compaction. Specifications for crowning, ditching and other provisions for drainage shall meet VDOT standards. Road surface compaction shall also meet VDOT standards.

6.2-5.4 VDOT Standards For any single-family residential use, any private road serving more than ten (10) 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 (10) 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.

6.2-5.5 Road Design The developer shall submit to the Planning Department a map of proposed subdivision or development having contour intervals not greater than ten (10) feet showing the horizontal alignment together with field-run profiles and typical cross-section of such roads. The Planning Department 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.

6.2-5.6 Street Signs Street signs shall be installed by the developer in accordance with VDOT standards.

6.2-5.7 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 1 (following) for residential uses and with the construction standards presented in Table 2 (following) for uses other than residential.

Table 1 – Private road construction standards for single-family residential use				
# OF LOTS SERVED BY ROAD*	MINIMUM PAVEMENT WIDTH**	DEPTH OF ROAD BASE	SURFACE TREATMENT	MINIMUM SIGHT DISTANCE
2	SEE CERTIFICATION REQUIREMENT 6.4-3.4			
3-5	14 FEET	6" #21A STONE	GRAVEL	100 FEET
6-10	20 FEET	6" #21A STONE	GRAVEL	120 FEET
<p>*NUMBER OF LOTS SERVED shall mean the aggregate of all lots served by such road and all lots having access to a public road.</p> <p>**Beyond the minimum pavement width stated above, a fifty foot dedicated right-of-way is required.</p>				

Table 2 – Private road construction standards for other than single-family residential uses
<ol style="list-style-type: none"> 1. Minimum standards: dedicated right-of-way (50 feet), minimum pavement width (24 feet), depth of base (6" #21A Stone) and surface treatment. 2. Horizontal and vertical curvature shall be subject to the approval of the applicant's Engineer or Surveyor in accordance with VDOT standards. 3. The Planning Commission may require increased minimum pavement width to provide for on-street parking upon a determination that provisions for off-street parking may be inadequate to reasonably preclude unauthorized on-street parking. 4. Minimum sight distance shall be provided in accordance with Table 1. 5. Where vehicular traffic on such road is projected to exceed 100 vehicular trips per day, depth of base and surface treatment shall be in accordance with VDOT standards.

6.2-5.8 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 Supervisors shall have recommended that said road be taken into the state system of highways.

6.2-6.0 Minimum Right-of-Way Exception The minimum right-of-way width requirements of Article 6.2-5.0 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 Article 6.2-7.0 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 Article 6.2-5.0, together with area adequate for maintenance of the same.

6.2-7.0 Filing Procedure An applicant requesting Planning Commission approval pursuant to Article 6.2-2.0 or Article 6.2-3.0 of this chapter shall file with the Planning Department 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.²¹ Such request shall be submitted to the Planning Department at least forty-five (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 Planning Department. The Planning Department may recommend approval, approval with conditions, or denial. A recommendation of approval or conditional approval shall be accompanied by a statement from the Planning Department as to public purpose served by such recommendation, particularly in regard to the purpose and intent of this chapter, the Zoning Ordinance, and the Comprehensive Plan.

6.3 Sidewalks, Monuments and Lot Corners

6.3-1.0 Sidewalk Location Required For the safety of pedestrians and children at play, the Planning 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 this connection.

6.3-2.0 Monuments In all subdivisions, permanent reference monuments will be set on at least two (2) corners of the boundary of the record plat and at such intermediate points as may be required.

6.3-3.0 Lot Corners Iron pins will be place 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 place next to each pin with the lot number and the number of the adjoining lot plainly lettered on the flat faces of the stakes.

6.4 Blocks, Lots and Access to Public Street

6.4-1.0 Blocks The design of blocks in regard to length, width, and shape should reflect adequate provision for building sites, needs for access and circulation and limitations created by topographic features.

6.4-1.1 Width of Blocks Blocks should be of sufficient width to allow for two (2) tiers of lots of appropriate depth.

6.4-1.2 Pedestrian Mid-Block Sidewalks Pedestrian mid-block sidewalks may be required to provide access to schools, recreational facilities, or commercial establishments, and improve pedestrian circulation where block length is excessive.

6.4-2.0 Lots Land for subdivision purposes will be so selected as to provide sound building sites on suitable lots.

²¹ Adopted 9/8/2008

6.4-2.1 Lot Area and Building Setback Lines Lot area, width, depth, and minimum building setback line for residential use will meet the minimum standards required by the Zoning Ordinance.

6.4-2.2 Double Frontage and Reverse Frontage Lots Double frontage and reverse frontage lots will be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation.

6.4-2.3 Land Remnants If remnants of land exist after subdividing which have no apparent future use that can be properly controlled, they will be incorporated into the lots of the proposed lot scheme.

6.4-2.4 Lot Lines Lots shall not be designed to circumvent the orderly subdivision of land. Side lot lines will generally be at right angles to straight street center lines, and radial to curved street center lines.

6.4-2.5 Flag Lots Due to topographic features or other unique physical characteristics of land, flag lots may be created to utilize building sites that do not have sufficient lot width on a public road. Flag lots may be created in Single Cut Subdivisions, Subdivision Exceptions, Large Lot Development, Family Divisions, and for lots on the turning circle of cul-de-sacs in primary subdivisions. Not more than two (2) flag lot access points to a public road shall abut each other.

6.4-3.0 Access All lots, except those created by a Family Division, will abut a publicly maintained street for at least thirty (30) feet or have access to a public road via a dedicated access right-of-way or easement at least thirty (30) feet in width, and will have readily apparent physical means of pedestrian access from the lot onto the street.

6.4-3.1 Interior Roads A subdivision on an existing public road shall have access limited through one of the following means:

- A. Full access for subdivision lots shall be provided by an interior subdivision road owned and maintained by VDOT. A minimum fifty (50) foot buffer along an existing public road shall be required with existing or enhanced screening or landscaping approved by the Director; or
- B. Access to the public highway shall be not more than once access per every five-hundred (500) feet. If more than one lot occurs within the five hundred (500) foot access minimum, a shared access road or adjacent paired entrances will be provided. The shared access road is accepted from private road review as required in other portions of this Ordinance.

A proposed subdivision created from the remainder of a tract from which an existing subdivision was created, shall adhere to the above access requirements.

6.4-3.2 Entrance to Public Road An interior subdivision road required by Article 6.4-3.1 accessing a public road shall be provided with an entrance of such dimensions and location including any tapers and turn lanes as required by VDOT.

6.4-3.3 Additional Entrances All subdivision shall provide for a second public road access prior to recordation if the cumulative total of lots served is in excess of fifty (50).

A third public road access shall be provided prior to the recordation of 251 lots accessed through the subdivision. In addition, the County shall not issue more than fifty (50) or 250 building permits for lots accessed through the subdivision road until the subdivider or developer completes construction of an approved second or third public road access.

At the discretion of the Director, a boulevard entrance may substitute as a second access.

6.4-3.4 Residential Driveway Standards

- a. To assure safe and convenient access for emergency vehicles to residential uses, required off-street parking spaces for single-family residences shall be served by a driveway with at least a gravel road bed ten (10) feet in width, a two (2) foot cleared buffer on each side, and a minimum vertical clearance of twelve (12) feet. Driveways shall provide vehicular access to a distance within one hundred (100) feet of the dwelling unit. At any point where there is a curve in a driveway with a radius of less than one hundred (100) feet, the gravel road bed shall be fourteen (14) feet in width and have two (2) foot cleared buffers on each side.
- b. Certification requirement for private roads using the residential driveway standard. The surveyor shall certify on the plat that the existing or proposed right-of-way is of adequate width and horizontal and vertical alignment to accommodate a road passable by ordinary passenger vehicles in all but temporary extreme weather conditions, together with area adequate for maintenance of such road. Such certification shall be accomplished by the following wording on the plat: "This private road will provide reasonable access by motor vehicles as required by Article 6.4-3.4 of this Ordinance."²²

6.5 Storm Drainage Plan 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.

6.5-1.0 Driveway Culverts All secondary driveway culverts shall be sized by a Surveyor or Engineer to accommodate a 10-year storm event without overtopping.

6.5-2.0 Drainage Easements 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.

6.6 Flooding of Subdivisions Along Watercourses 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.

6.6-1.0 Separation Requirements All residences constructed on lots within a 100-year HUD designated flood plain area shall maintain a ten (10) foot horizontal and one (1) foot vertical separation from the flood plain.

²² Adopted 7/21/2008

6.7 Sanitary Sewage

6.7-1.0 Required Public Sanitary Sewer Improvements 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.

6.7-2.0 Sanitary Sewer Plan 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.

6.7-3.0 Required Community Sewer Systems 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.

6.7-4.0 Individual Sewage Treatment If the developer can provide evidence to the Director that public sewers are not reasonably available and that community sewers are not feasible the subdivision may be served by individual subsurface sewage treatment system.²³

6.7-4.1 Individual subsurface sewage treatment systems shall conform to the following criteria:

A. Two (2) septic tanks shall be installed in series.

B. A one hundred percent (100%) drainfield reserve area shall be provided.

6.7-4.2 [Repealed]

6.7-4.3 In accordance with Article 9.2-1.0 (Variances), the Planning Commission may grant a variance from the provisions of Article 6.7-4.0 provided that such variance does not create a threat to the public health as determined by the Powhatan Health Department.

6.7-5.0 Prohibited Development No subdivision will be developed with lots not served by public sewers, community sewers, or individual sewage treatment facilities.

6.8 Utilities

6.8-1.0 General The design and construction of utilities will conform to the County design standards and specifications and other regulations as may be required by the Commission Staff. All utilities must be underground and the easement for the utilities must be shown on the plat approved and on file with the County.

6.8-1.1 As used in this Ordinance, the term “customer utility service” means all of those wires, conduits, pipes, cables and appurtenant equipment located between the pole and the wall of the building occupied by a customer in the case of an electric power, telephone, telegraph, or cable television system; and all those conduits, pipes and appurtenant equipment located between the street main and the wall of the building occupied by a customer in the case of gas, water, steam, petroleum or sewer system.

²³ Adopted 3/13/2006

6.8-1.2 All new customer utilities services, including but not limited to all wires, cables, pipes, conduits and appurtenant equipment located between the street main and the wall of the building occupied by a customer in the case of gas, water, steam, petroleum or sewer system, shall, after the effective date of this Ordinance be placed below the surface of the ground; provided that:

- A. Equipment such as electric distribution transformers, primary distribution 12.47 K. and above, switch gear, meter pedestals, and telephone pedestals, which are normally installed above ground and in accordance with accepted utility practices for underground distribution systems may be so installed;
- B. Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed; and
- C. Overhead utilities services existing as of the effective date of this Ordinance may be repaired, replaced or increased in capacity.
- D. Temporary overhead facilities required for construction purposes will be permitted.
- E. Whenever relocation of utility facilities is compelled by any construction undertaken by any unit of government, the provisions of this Article shall be waived.

6.8-1.3 All improvements herein required shall be in accordance with accepted standards of utility practice for underground construction.

6.8-2.0 Water Supply Every lot in all proposed subdivisions will have available a public water supply, or an individual water supply. Prior to the issuance of a building permit on any lot, a well shall be dug which would provide adequate capacity.

6.8-2.1 Individual water supply systems shall conform to the following criteria:

- 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 (1) gallon per minute. All bored wells shall contain storage capacity within the well for twenty-four (24) hours of service.
- C. All drilled wells shall have a minimum output of one (1) gallon per minute and storage capacity for twenty-four (24) hours of service. Drilled wells yielding more than three (3) gallons per minute output shall not require such storage.
- D. Storage capacity requirements shall be based on one hundred fifty (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 twenty (20) feet.
- F. All wells, drilled or bored, shall be grouted by the well contractor within two (2) 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.

G. 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.

H. Provided that from November 18, 2002 through September 30, 2003, the timing requirement of subsection 6.8-2.1 (A) of this section shall be waived by the building official upon request. When such a waiver is issued, the subsection 6.8-2.1(A) requirement that a well be installed and approved by the Health Department shall be satisfied before issuance of a certificate of occupancy for the structure involved. In case of such waiver, the building permit shall contain a plainly visible notation that no well has been installed or approved, and that the structure may not be occupied until such requirements are met. Additionally, the owner of the parcel and any contract purchasers shall sign acknowledgement of the waiver, in a form acceptable to the County Attorney.²⁴

6.8-2.2 In accordance with Article 9.2-1.0 (Variances), the Planning Commission may grant a variance from the provisions of Article 6.8-2.1; provided that, such variance does not create a threat to the public health as determined by the Health Department.

6.8-3.0 Easements Utilities easements will be adequate to serve all lots contained in any proposed subdivision.

6.9 Site Development Erosion and Sediment Control

6.9-1.0 Authority In the further interest of health, safety, and welfare of the general public the County may require the developer to submit erosion and sedimentation control plans, and to conform to all requirements of the Erosion and Sediment Control Law of 1973 of the Code of Virginia as may hereafter be amended.

6.9-2.0 Plan Submittal In the event that any land owner or developer will intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, filling, excavating, or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon under a building permit, site development plan, subdivision plat, or otherwise, submitted to this County, the same will only be accomplished after the owner or developer of said land or his agent has submitted to the Planning Department for approval, a plan for erosion and sedimentation control.

6.9-3.0 Grading Graded slopes shall not exceed a ratio of 3:1, unless the plans for such slopes have been otherwise approved by the Commission Staff. Grading and related land disturbance activities shall be confined to the parcel in question unless owners of adjacent affected parcels grant written permission and such activities are so designated at the time of plan submission.

6.9-4.0 Review of Plans The Planning Department will review the plans as submitted, and will take necessary steps to insure compliance by the developer with the plans as finally approved.

6.9-4.1 Plans for the control of erosion and sedimentation will be submitted to appropriate members of the Commission Staff at the time construction plans are submitted.

²⁴ Adopted 11/18/2002

6.9-4.2 Final plans for the control of erosion and sedimentation will be a part of the construction plans, compliance with the plans must be assured by an agreement or bond.

6.9-4.3 At the building permit application stage, review will be conducted by the Planning Department to insure conformance with the plans as approved.

6.9-5.0 Evaluation The Commission Staff will make a continuing review and evaluation of the methods used and the overall effectiveness of the erosion and sedimentation control program.

6.9-6.0 Topography, Soils The development plan should be fitted to the topography and soils so as to create the least erosion potential.

6.9-7.0 Construction Staging Construction operations will be staged so that the area being developed is not exposed for a long period of time without stabilization and so that the first disturbed areas are completely controlled before the next section is opened.

6.9-8.0 Exemptions Persons engaging in agricultural operations are not required by this Ordinance to obtain seasonal approval of said operations. Further, this Article does not restrict nor is it applicable to kitchen or ornamental gardens maintained by a resident at his place of residence solely for his use and enjoyment.

6.9-9.0 Enforcement This Article will be administered and enforced by the Planning Department who will have the full cooperation of all other County officials in the enforcement of this Ordinance.

6.10 Fire Protection Prior to recordation of any lots, the applicant and/or assignees, shall have a fire protection plan approved by the Fire Department.

ARTICLE 7 – INSTALLATION AND BONDING REQUIREMENTS

7.1 Land Disturbance Prior to the issuance of any land disturbance permit, the Director will require from the applicant a performance bond, cash escrow or such combination thereof, or other legal arrangement as is acceptable to the Supervisors to insure that measures can be taken by the Supervisors at the applicant's expense should he fail after proper notice within the time specified to initiate or maintain appropriate conservation action which may be required of him by such approval plan as a result of any land disturbance activity.

7.2 Actual Completion or Posting Bond Prior to the Planning Department's review of the final plat for approval, all public improvements required under these regulations shall be completed at the expense of the subdivider. Pending actual completion, the subdivider may obtain final plat approval by furnishing by the subdivider to the Planning Department of a certified check, cash escrow, surety bond, or a bank or savings and loan association's letter of credit on certain designated funds, approved by the County Attorney, in an amount to cover the cost of all improvements required to be installed by the subdivider as estimated by VDOT.

7.2-1.0 Amount of Bond The amount required for the certified check, cash escrow, bond or letter of credit offered in lieu of completion of construction shall not exceed the total of the estimated costs of construction based on unit prices for new, most current public or private sector construction in the locality, plus a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

7.2-2.0 Date for Completion In the event the subdivider elects to post bond rather than proceed to actual completion of public improvements, the subdivider shall complete all required public improvements no later than two (2) years following the date of final plat approval. Unless an extension of that time is approved by the Planning Department and a new estimated date of completion established, following the expiration of such 2-year period, the Planning Department shall take necessary steps to proceed to complete construction of the improvements making use of the certified check, cash escrow, letter of credit or by calling on the surety of the bond.

7.3 Periodic Releases Upon written request by the subdivider, the Planning Department shall make periodic partial releases of such bonds, escrows, letters of credit, or other periodic partial releases of such bonds, escrows, letters of credit, or other performance guarantees in a cumulative amount equal to no less than 80% of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the Supervisors, local administrative agency or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30% of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, or after completion of more than 80% of said facilities. The Planning Department shall not be required to execute more than three (3) periodic partial releases in any 12-month period.

7.4 Partial Release of Bonding A partial release of bonding must be requested in writing by the subdivider to the Planning Department. The written request shall consist of a statement requesting reduction or release of the performance guarantee along with a set of as-built plans and a certificate of completion by a duly licensed Engineer. The Planning Department must respond within a 30-day period, either by approving the request or notifying said subdivider of specific defects or deficiencies in construction and suggested corrective measures. If no response is forthcoming within the 30-day period, the request shall be deemed approved and a partial release granted to the subdivider.

7.5 Final Release of Bonding Upon final completion and acceptance of any required public improvements, the Planning Department shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operations and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance. No final release shall be granted until a request for such release in writing is sent, accompanied by a certificate of completion by a duly licensed Engineer and such other documents evidencing acceptance as may be required by the Planning Department, by certified mail return receipt to the chair of the Supervisors. The Planning Department shall act within 10 working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider.

ARTICLE 8 – WATER AND SANITARY SEWERS

This article is available upon request. The text includes standards and specifications for public water transmission and sanitary sewer design.

ARTICLE 9 – GENERAL PROVISIONS

9.1 Area of Jurisdiction The Supervisors, through this Ordinance, shall have jurisdiction and control over the subdivision of all unincorporated land in Powhatan County, Virginia, which area shall also be considered as the planning area. Unless otherwise stated, the Supervisors hereby delegate authority for administration of this Ordinance to the Planning Commission and Director of Planning and Community Development, of his designees, as specified in this Ordinance.

9.2 Variations and Appeals

9.2-1.0 Variations Whenever, because of unusual size, topography, shape of the property, location of the property, or other unusual conditions, the strict application of the provisions of this Ordinance would result in substantial injustice or hardship to the developer, the requirement may be varied by the Commission to permit subdivision consistent with the spirit of this chapter and provided any such variance shall not be detrimental to public safety health, and general welfare, and to the orderly development of this area. Upon finding in any case that by substitution of technique, design, or materials of comparable quality but differing from those required by this chapter, a developer can achieve results which substantially satisfy or effect the standards required herein, then the Commission may approve such substitution of technique, design, or materials. No variance shall be granted until there has been notice and a public hearing.

9.2-2.0 Appeal Procedures Any applicant aggrieved by the final decision of the Director of Planning or the Planning Commission, made pursuant to this ordinance, may appeal such decision to the Board of Supervisors. Such appeal shall be filed in writing with the office of the County Administrator within fifteen (15) days after the decision appealed from, or, if no decision is made, within fifteen (15) days after expiration of the time period for a decision to have been made. The appeal must specify the particular action being appealed and specify the basis for the appeal. The Board of Supervisors shall hear and decide the appeal within sixty (60) days of filing the appeal. This appeal procedure does not apply to decisions regarding subdivision exceptions, single cut subdivisions, final subdivision plats, variations, or family divisions. Appeals by the applicant from the decision of the Board of Supervisors to Circuit Court shall be taken as allowed by the Code of Virginia. The appeal procedure hereby created shall not preempt any other appeals allowed by this Ordinance or the Code of Virginia.

9.3 Amendments The Supervisors may from time to time revise or modify or amend this Ordinance by appropriate action in compliance with the Code of Virginia.

9.4 Fees

9.4-1.0 Review Fees At the time of the filing of a preliminary plat and a final plat for review, the developer shall pay to the Treasurer as a fee for the checking and verifying of the preliminary and final plats, a sum computed from the County's fee schedule available in the Planning Department.

9.4-2.0 Suspended Fees No fee shall be charged for Single Cut Subdivision applications, or for applications for classification of a division of land as a Subdivision Exception.

9.4-3.0 Resubmission Fees In the event that the developer changes certain portions or sections of a final plat, said plat can be resubmitted to the Planning Department, with the appropriate fee.

9.5 Enforcement and Penalties for Violations The enforcement of these regulations and penalties for the unapproved recordation or transfer of land is provided by state law in the authority granted by public acts of the Commonwealth of Virginia.

9.5-1.0 Enforcement The following procedures are provided in the Code of Virginia for the enforcement of subdivision regulations.

9.5-1.1 Recording No plat or plan of (a) subdivision, or (b) of any other land division required by this ordinance to have its plat or plan approved by the Planning Department shall be admitted to the land records of the County or received or recorded by the County Clerk of the Court until said plat or plan has received final approval in writing by the Planning Department, as provided in Section 15.2-2254 of the Code of Virginia, 1950, as amended.²⁵

9.5-1.2 Acceptance of Streets and Utilities No board, public officer, or authority shall light any street, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Department, or on a street plan made and adopted by the Planning Commission as provided in Section 15.2-2265 of the Code of Virginia, 1950, as amended.²⁶

9.5-2.0 Penalties For violation of these regulations, the following penalties are provided by law:

9.5-2.1 Recording No Clerk of Court shall receive, file, or record a plat of a subdivision within the county without the approval of the Planning Department, as required in Section 15.2-2254 of the Code of Virginia, 1950, as amended, and any clerk so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.²⁷

9.5-2.2 Transfer or Sale of Land Whoever being the owner or agent of the owner of any land transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision or such land without having submitted a plat of such subdivision to the Planning Department, and obtained its approval as required before such plat is recorded in the office of the appropriate County registrar, Clerk of Circuit Court, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law provided herein; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The County, through its County Attorney or other official designated, may enjoin such transfer or sale or agreement by action or injunction any violation of this Ordinance, and enforce this Ordinance by any appropriate proceeding.

9.5-2.3 Erection of Structures Any building or structure erected or to be erected on land in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the County Attorney may bring action to enjoin such erection or cause it to be vacated or removed as provided in the law. No building permit or certificate of occupancy shall be granted to such building.

9.5-2.4 Fine Any person violating the foregoing provision shall be subject to a fine of not more than \$500 for each lot or parcel so subdivided or sold.

9.6 Vacation of Plat Any plat recorded pursuant to this Ordinance may be vacated by the owner or owners of such lot or lots, in accordance with the provisions of Sections 15.-2271, 15.2-2272 and 15.2-2275 of the Code of Virginia, 1950 as amended, and any other applicable law.²⁸

²⁵ Adopted 7/10/2006

²⁶ Adopted 7/10/2006

²⁷ Adopted 7/10/2006

²⁸ Adopted 7/10/2006

- 9.7 **Separability** Should any section, subsection, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations, it being the intention of the Supervisors to adopt each and every provision of these regulations separately.
- 9.8 **Effective Date of Ordinance** This Ordinance is to take effect immediately upon approval by the Supervisors.
- 9.9 **Relationship to the Zoning Ordinance.** No provision of the Subdivision Ordinance is intended in any way to contradict or negate any provision of the Powhatan County Zoning Ordinance. In the event that such contradiction may occur, the Zoning Ordinance provisions shall supersede the Subdivision Ordinance.²⁹

ARTICLE 10 – ACCESS MANAGEMENT STANDARDS FOR THE ENHANCEMENT OF TRAFFIC SAFETY AND MOBILITY

10.1 Purpose and Intent; Application and Enforcement

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 Article, the access classification system and standards shall apply to all public roadways within the County.

This Article 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 of the Department of Planning and Community Development (“Director”) shall be responsible for the application of this Article in conjunction with the Zoning and Subdivision Ordinances. The Director has the discretion to consult with the Virginia Department of Transportation (“VDOT”) to aid in the application of this Article.

- 10.2 **Access Categories** The following access categories designation enables appropriate application of design standards and access management strategies for roadways within the County. These categories are based on the adopted functional classification of roadways as specified on the Powhatan County Thoroughfare Plan Map (See Appendix A). The categories are as follows:

- (1) Access Category 1: Interstate and Limited Access/Primary Systems
VDOT rural principal arterial freeways with a 70 MPH design speed
- (2) Access Category 2: Major Arterials/Primary System
VDOT rural principal arterial with a 60 MPH design speed

²⁹ Adopted 10/14/2010

- (3) Access Category 3: Minor Arterials/Primary & Secondary Systems
VDOT rural minor principal arterial with a 60 MPH design speed
- (4) Access Category 4: Collectors/Primary & Secondary Systems
VDOT rural collector streets with a 50 MPH design speed
- (5) Access Category 5: Local Streets/Secondary System
VDOT Design Guide for Subdivision Streets

10.3 Access Standards All access connections on roadway segments that have been assigned an access category shall meet the minimum connection spacing requirements of that category, as specified in Appendix B. The access standards in Appendix B limit the number of access connections, crossovers and/or signalized intersections on a roadway by mandating minimum separation distances between them. The spacing standards in Appendix B 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 Appendix C.

Corner clearance for access connections and street intersection spacing shall be measured from the closest edge of pavement at the existing intersection, as specified in Appendix C.

If the access connection spacing standards cannot be achieved, the Director may reduce the required separation distances of access points contingent upon the following:

- (1) Shared access driveways and cross access easements are provided where feasible, or,
- (2) The connection does not create a safety or operational problem upon review of a site-specific traffic impact analysis of the proposed connection prepared by a licensed professional engineer or other professional acceptable to the Director, or,
- (3) At an intersection where no other access is available and shared access driveways and cross access easements are not feasible, the Director may approve the installation of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right-in/right-out) may be required.

10.4 Subdivisions of Land

10.4-1.0 All land parcels having a single tax identification number and recorded prior to April 11, 2005 shall be entitled to one (1) 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.

10.4-2.0 Parcels in existence as of April 11, 2005 with frontages that exceed the minimum spacing requirements as shown in Appendix B may be permitted additional access connections.

10.4-3.0 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.

10.4-4.0 This Section shall not apply to agricultural operations as defined in the Zoning Ordinance or to access roads for family divisions as defined in the Subdivision Ordinance.

10.5 Connectivity of Subdivisions or Commercial and Industrial Developments The street system of a proposed subdivision or commercial/industrial development shall be designed to coordinate with existing, proposed or planned streets adjacent to or in close proximity to the proposed development. Street stubs may be required whenever a proposed development abuts unplatted property or property planned for development, as deemed necessary by the County to provide access to adjacent properties or to logically extend the street system into the surrounding area. Right-of-way for all required street stubs shall be dedicated to the County of Powhatan, free for use as unrestricted public right of way. The developer shall install and maintain signage on all stub roads to advise the public that the extension of the stub road is planned using language as approved by the Director. The restoration and extension of the stub street shall be the responsibility of the developer of the abutting land.

10.6 Traffic Impact Analysis 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:

- (1) All development proposals that will generate more than 100 total new peak hour vehicle trips on the adjacent street.³⁰
- (2) 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.³¹
- (3) 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.

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.³²

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.

10.7 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 Appendix D) 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:

³⁰ Adopted 12/11/2006

³¹ Amended 12/11/2006

³² Adopted 6/11/2007

- (1) At a minimum, left and right turn lanes will be required at all access connections onto Access Category 2 roads.
- (2) Twenty-year traffic projections based upon VDOT's most current Roadway Traffic History shall be utilized when performing auxiliary lane analysis on Access Category 3 and 4 roads.³³
- (3) Acceleration lanes are required when the projected number of exiting right turns are 200 turns per hour or greater on Access Category 2 and 3 roads.
- (4) 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 Access Category 2 and 3 roads.
- (5) 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.

10.8 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 number of connections permitted shall not exceed the maximum number allowed in Appendix B. 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.

10.9 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:

- (1) 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..
- (2) Service driveways of sufficient width to accommodate two-way traffic aisles to accommodate automobiles, service vehicles and loading vehicles.
- (3) 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.
- (4) A unified access and circulation plan that includes coordinated or shared parking is required.

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.

³³ Amended 5/8/2006

10.10 Driveway Design Standards for Commercial and Industrial Zoned Parcels

10.10-1.0 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 of pavement 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 pavement 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 of pavement, and one inbound lane with a minimum width of 14 feet of pavement. All access connections that enter a major thoroughfare shall provide VDOT-designated signage.

10.10-2.0 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.

10.11 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.

10.12 Interchange Areas at Limited Access Facilities (State Route 288) To protect the safety and operational efficiency of the limited access facility and the interchange area, the distance to the first access connection along Huguenot Trail (SR# 711) from the interchange area (measured from the end of the taper of the ramp for that quadrant of the interchange) shall be a minimum of 625 feet where the posted speed limit is greater than 45 MPH or 440 feet where the posted speed limit is 45 MPH or less. This section does not apply to connections approved by VDOT as of April 11, 2005.

10.13 Nonconforming Access Features Except as reserved in § 10.10, 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 (2) 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).

10.14 Approval Process Unless otherwise required, compliance with this Article shall be demonstrated in conjunction with the subdivision approval process set forth in the Subdivision Ordinance (as amended) and the site plan approval process in the Zoning Ordinance (as amended), where applicable.

10.15 Appeals Process In the event that an Applicant is aggrieved by a decision of the Director in applying this Article, the Applicant shall have the right to appeal the Director's determination to the Planning Commission in accordance with the following procedures:

- (1) Within fifteen (15) business days of the Director's decision, the Applicant shall file written notice of appeal with the Director. The written notice shall state the specific reason for the appeal and the relief sought by the Applicant. Failure to file written notice of appeal within the specified time period shall render the decision final and unappealable to the Planning Commission.
- (2) The Director shall place the appeal on the next regular meeting agenda of the Planning Commission for consideration.
- (3) The Planning Commission shall render a decision on the appeal within sixty (60) days of the date of the first meeting in which the appeal is considered.
- (4) No fee shall be charged for an appeal under this subsection.
- (5) The Applicant may appeal an adverse decision by the Planning Commission to the Board of Supervisors in accordance with § 9.2-2.0, and thereafter to the Circuit Court as provided by law.

10.16 Applicability The provisions of this ordinance are effective for site plans and subdivision plats filed with the Powhatan County Planning Department after April 11, 2005.

ARTICLE 11 – DIGITAL SUBMISSION OF PLATS

11.1 Purpose In addition to the required hard copy documents, all plats submitted to the Planning Department shall include a completed computer drafted digital drawing file. 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 Powhatan Planning Department staff.

11.2 **Content and Format** The digital files shall contain all of the information pertaining to the drawings as required by Article 4 of the County Subdivision Ordinance. 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 are also 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.

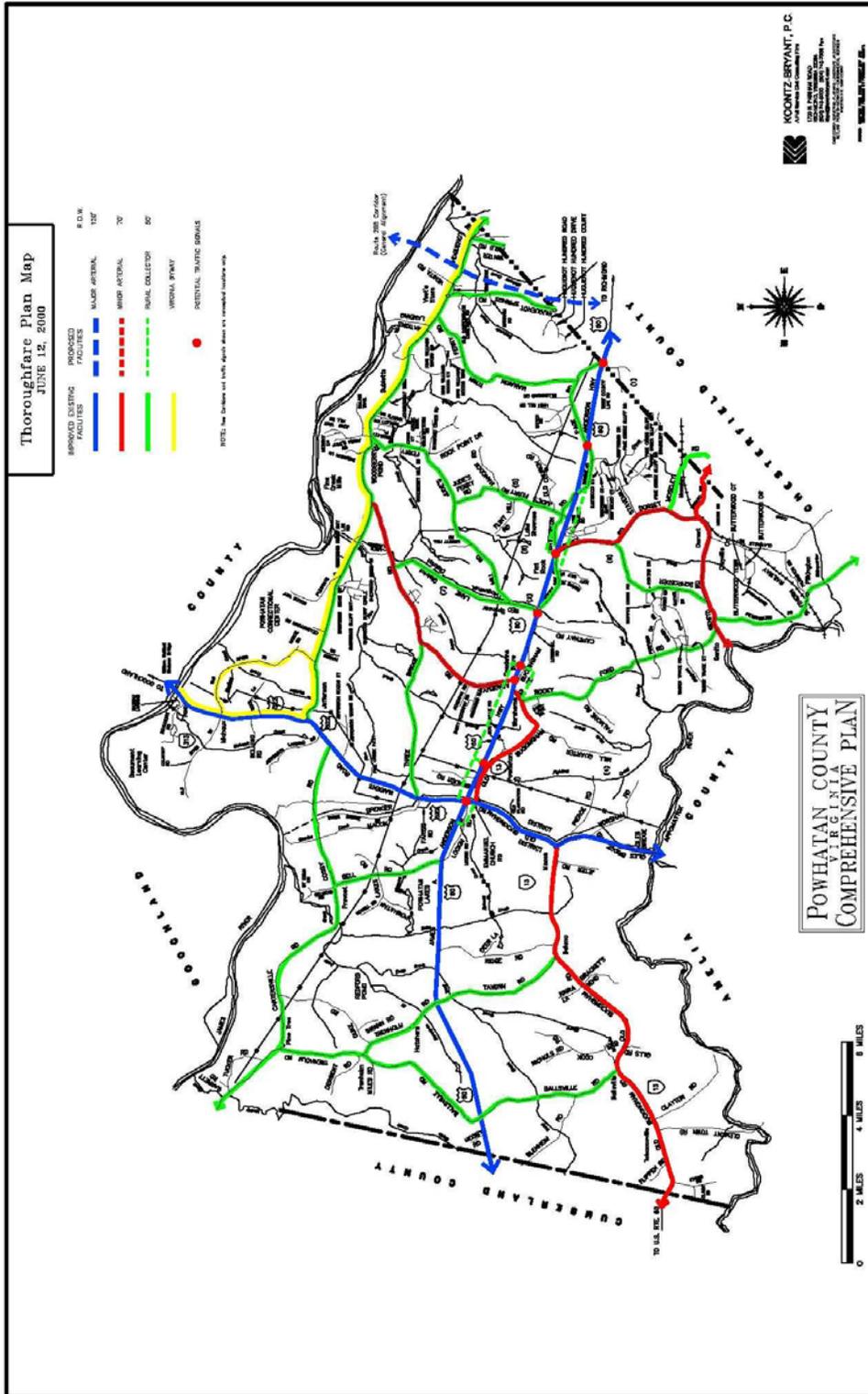
11.3 **Applicability** This section shall apply to preliminary plats, final plats, and plats for single cuts, family divisions, large lot divisions, and subdivision exceptions.

Minimum Lot Size Reference Chart	
Scenario	Result
Minimum Lot Size (A-1 District)	10 acres
Lot Line Adjustment (A-1 District)	2 acres for parent tract on a public road; 10 acres for all other parcels; parcels less than 10 acres may be increased but not decreased in size by the lot line adjustment ³⁴
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 ¹⁸
Single cut subdivision exception; main parcel on public road (A-1 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 (A-1 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-1 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-1 District, RR 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)
Family member division (R-2 District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)

³⁴ Adopted 1/8/2007

Minimum Lot Size Reference Chart	
Scenario	Result
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-1 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-1 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-1 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-1 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-1 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-1 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-1 District)	20 acres total (1 dwelling per 10 acres); minimum lot size requirements waived if dwelling is for an elderly or infirmed family member

Appendix A County Thoroughfare Plan Map



Appendix B Access Design Standards

Powhatan County Access Design Standards (Minimum in feet)

Access Category	Functional Class	Driveway Spacing & Corner Clearance >45 MPH	Driveway Spacing & Corner Clearance ≤45 MPH	Crossover Spacing	Signal Spacing
2	Major Arterials (Primary)	625 (1)	440 (2)	2640 (2)	2640 (2)
3	Minor Arterials (Primary/Secondary)	625 (1)	440 (2)	1320 (2)	2640 (2)
4	Collectors (Primary/Secondary)	625	440	1320 (2)	1320 (2)
5	Local Roads (3)	245	200 (1)	n/a	n/a

(1) American Association of State Highway and Transportation Officials

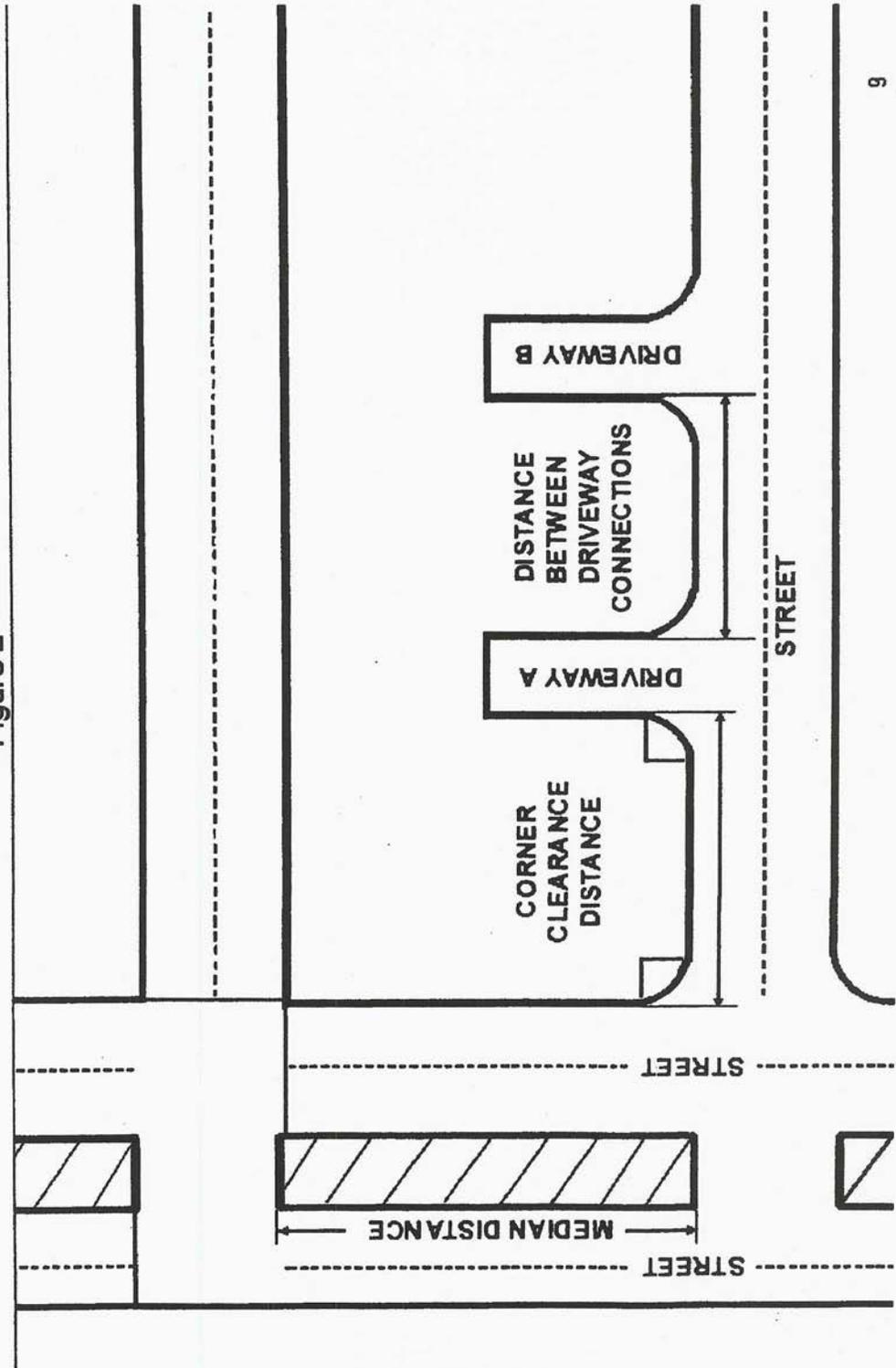
(2) Institute of Transportation Engineers

(3) Does not include cul-de-sac streets, dead end roads, or subdivision streets

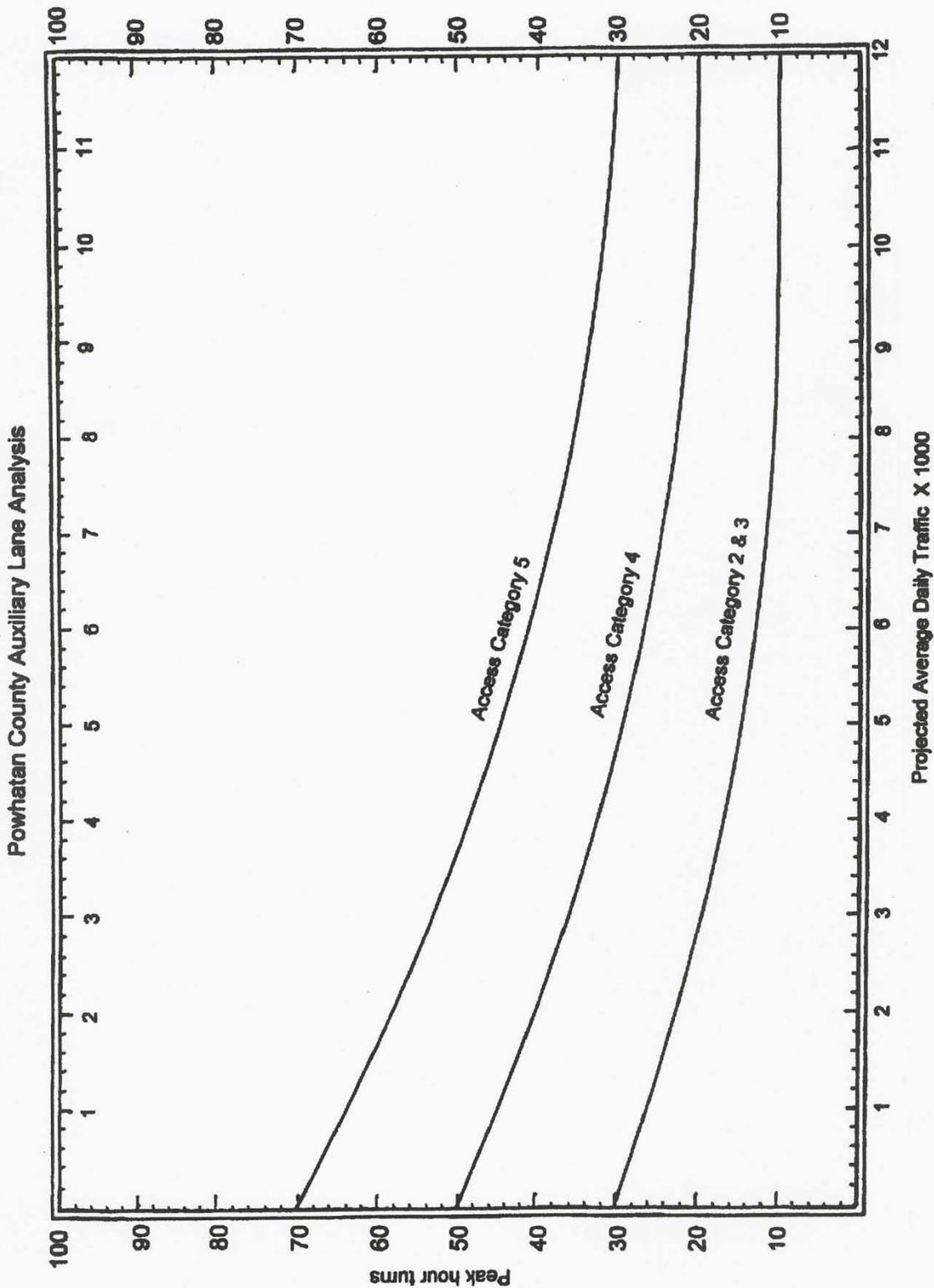
Note: Category 1 Standards (Interstate and Limited Access) are determined by VDOT.

Appendix C
Spacing Diagram

ACCESS DESIGN
Figure 2



Appendix D Auxiliary Lane Analysis



Appendix E

Local Road Classifications

Category 1 Interstate & Limited Access/Primary Systems

<u>#</u>	<u>Name</u>	<u>Segment</u>
288	Route 288	Chesterfield County Line to Goochland County Line

Category 2 Major Arterials

<u>#</u>	<u>Name</u>	<u>Segment</u>
60	Anderson Highway	Cumberland County Line to Chesterfield County Line
522	Maidens Road	Anderson Highway to Goochland County Line
13	Old Buckingham Road	Emmanuel Church Road to Giles Bridge Road
609	Giles Bridge Road	Old Buckingham Road to Amelia County Line
1002	Emmanuel Church Road	Anderson Highway to Old Buckingham Road
711	Huguenot Trail	Route 288 to Chesterfield County Line

Category 3 Minor Arterials

<u>#</u>	<u>Name</u>	<u>Segment</u>
13	Old Buckingham Road	Giles Bridge Road to Cumberland County Line
13	Old Buckingham Road	Anderson Highway to Emmanuel Church Road
603	Academy Road	Anderson Highway to Three Bridge Road
603	Rocky Ford Road	Old Buckingham Road to Genito Road
604	Genito Road	Dorset Road to Amelia County Line
615	Three Bridge Road	Maidens Road to Huguenot Trail
622	Dorset Road	Anderson Highway to Genito Road
634	Stavemill Road	Urbine Road to Dorset Road
711	Huguenot Trail	288 to Maidens Road
714	Winterfield Road	Huguenot Trail to Chesterfield County Line

Category 4 Rural Collectors

<u>#</u>	<u>Name</u>	<u>Segment</u>
603	Petersburg Road	Genito Road to Chesterfield County Line
605	Moseley Road	Dorset Road to Chesterfield County Line
607	Huguenot Springs Road	Huguenot Road to Chesterfield County Line
610	Schroeder Road	Dorset Road to Genito Road
613	Mill Road	Red Lane Road to Judes Ferry Road
613/614	Judes Ferry Road	Anderson Highway to Huguenot Trail
621	Cosby Road	Maidens Road to Bell Road
628	Red Lane Road	Anderson Highway to Three Bridge Road
629	Trenholm Road	Anderson Highway to Cartersville Road
629	Old Tavern Road	Anderson Highway to Old Buckingham Road
630	Ballsville Road	Old Buckingham Road to Trenholm Road

Category 4 Rural Collectors – cont.

<u>#</u>	<u>Name</u>	<u>Segment</u>
635	Manakintown Ferry Road	Page Road to Huguenot Trail
675	Page Road	Anderson Highway (W) to Anderson Highway (E)
676	Urbine Road	Anderson Highway (W) to Anderson Highway (E)
677	Batterson Road	Anderson Highway (W) to Anderson Highway (E)
678	Rocky Oak Road	Anderson Highway (W) to Anderson Highway (E)
684	Bell Road	Anderson Highway to Cartersville Road
684	Cartersville Road	Bell Road to Cumberland County Line

Category 5 Local Roads (excluding Subdivision Streets)

<u>#</u>	<u>Name</u>	<u>Cross Streets</u>
300	Scottville Road	Anderson Highway to Tilman Road
600	St. Emma Drive	Belmeade Road to Dead End
601	Lockin Road	Anderson Highway to Anderson Highway
602	Moyer Road	Rocky Ford Road to Schroeder Road
606	Blenheim Road	Ballsville Road to Cumberland County Line
608	Moore Road	Clayville Road to Dead End
611	Capeway Road	Lower Hill Road to Dead End
612	Old Church Road	Judes Ferry Road to Dead End
614	Judes Ferry Road	Huguenot Trail to Dead End
615	Three Bridge Road	Maidens Road to Cosby Road
616	Pleasants Road	Huguenot Trail to Dead End
617	Old River Trail	Maidens Road to Dead End
617	Old River Trail	Maidens Road to Huguenot Trail
618	Jefferson Landing Road	Maidens Road to Dead End
619	Pineview Drive	Rocky Ford Road to Dead End
619	Pineview Drive	Rocky Ford Road to Moyer Road
620	Mill Quarter Road	Old Buckingham Road to Dead End
622	Clayville Road	Genito Road to Chesterfield County Line
623	Worsham Road	Giles Bridge Road to Dead End
624	Venita Road	Huguenot Road to Dead End
625	Powhatan Lakes Road	Bell Road to Dead End
626	Brauer Road	Anderson Highway to Dead End
627	Ridge Road	Anderson Highway to Old Buckingham Road
628	Lee's Landing Road	Huguenot Trail to Three Bridge Road
628	Lower Hill Road	Anderson Highway to Anderson Highway
631	Clayton Road	Old Buckingham Road to Dead End
632	Evans Road	Old Buckingham Road to Dead End
633	Monte Road	Old River Trail to Dead End
636	Cook Road	Old Buckingham Road to Dead End
637	Howell Road	Powhatan Lakes Road to Dead End
638	Gills Road	Old Buckingham Road to Dead End

Category 5 Local Roads (excluding Subdivision Streets) – cont.

#	Name	Cross Streets
639	Pilkington Road	Petersburg Road to Clayville Road
640	Old Confederate Cem. Road	Huguenot Springs Road to Dead End
641	Robert E. Lee Road	Huguenot Trail to Huguenot Trail
642	Boyer Road	Page Road to Dead End
643	Liberty Hill Road	Judes Ferry Road to Dead End
644	Old Plantation Road	Old Buckingham Road to Dead End
645	Bracket's Bend	Old Buckingham Road to Dead End
645	Kisra Lane	Old Buckingham Road to Dead End
646	Derwent Road	Trenholm Road to Dead End
647	Bolling Road	Maidens Road to Dead End
648	Flippen Road	Old Buckingham Road to Dead End
649	Garrett Road	Tucker Road to Dead End
650	Nichols Road	Cook Road to Dead End
651	Farriss Road	Maidens Road to Three Bridge Road
652	Watkins Landing Road	Huguenot Trail to Dead End
653	Buckingham Road	Anderson Highway to Anderson Highway
654	Fairlane Drive	Rocky Ford Road to Dead End
655	Kool Lane	Maidens Road to Dead End
656	Goodwyn Road	Academy Road to Dead End
657	John Tree Hill Road	Judes Ferry Road to Dead End
658	May Way Drive	Rocky Oak Road to Dead End
659	Caesartown Road	Huguenot Trail to Dead End
661	Palmore Road	Rocky Ford Road to Dead End
662	Deer Lane	Ridge Road to Dead End
663	Belmeade Road	Bell Road to Dead End
664	Bourbon Lane	Huguenot Trail to Dead End
665	Country Road	Old River Trail to Dead End
666	Clark Road	Evans Road to Cumberland County Line
667	Manakin Road	Huguenot Springs Road to Dead End
668	Medway Lane	John Tree Hill Road to Dead End
669	Batteau Landing Road	Beaumont Road to Dead End
671	County Line Road	Anderson Highway to Chesterfield County Line
672	Bradbury Road	Moseley Road to Dead End
673	Reams Road	Rocky Oak Road to Dead End
681	Clement Town Road	Old Buckingham Road to Amelia County Line
687	Mann Road	Old Buckingham Road to Dead End
689	West County Line Road	Chesterfield County Line to Dead End
715	Duke Road	Trenholm Road to Cartersville Road
716	Hancock Road	Judes Ferry Road to Dead End
717	Tucker Road	Cartersville Road to Cartersville Road
718	Pierce Road	Giles Bridge Road to Dead End

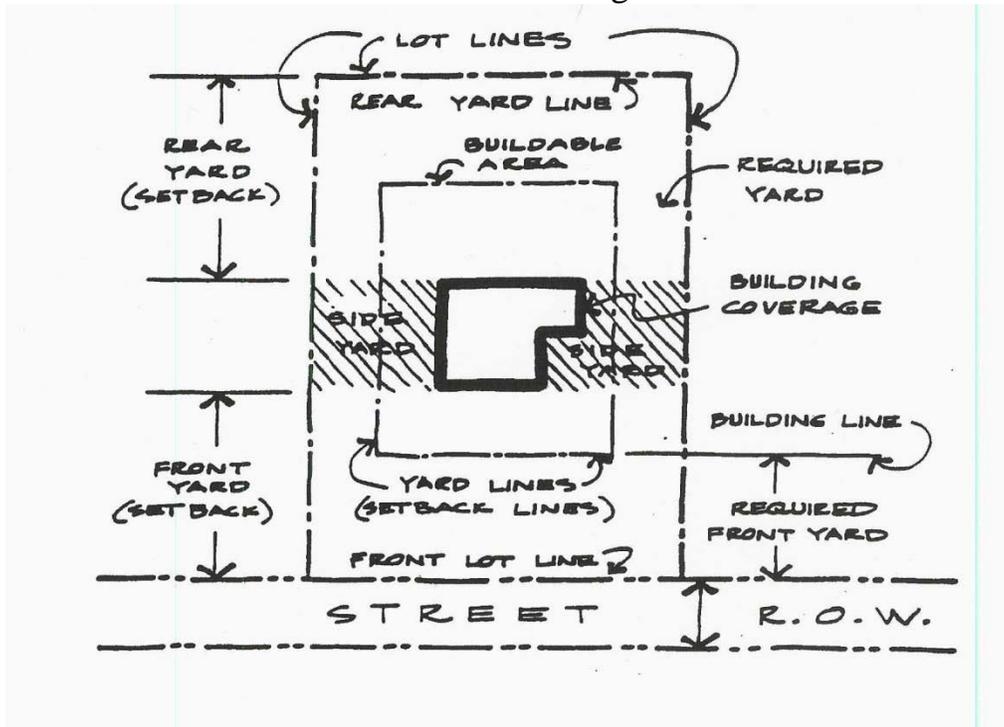
Category 5 Local Roads (excluding Subdivision Streets) – cont.

<u>#</u>	<u>Name</u>	<u>Cross Streets</u>
719	Harris Road	Huguenot Trail to Dead End
720	Mt. Moriah Road	Cook Road to Dead End
721	Woolridge Road	Huguenot Springs Road to Huguenot Trail
722	Miles Road	Ballsville Road to Dead End
723	Flint Hill Road	Judes Ferry Road to Dead End
724	Jeter Road	Old Buckingham Road to Dead End
725	Swann Road	Duke Road to Dead End
726	Mitchell Road	Anderson Highway to Dead End

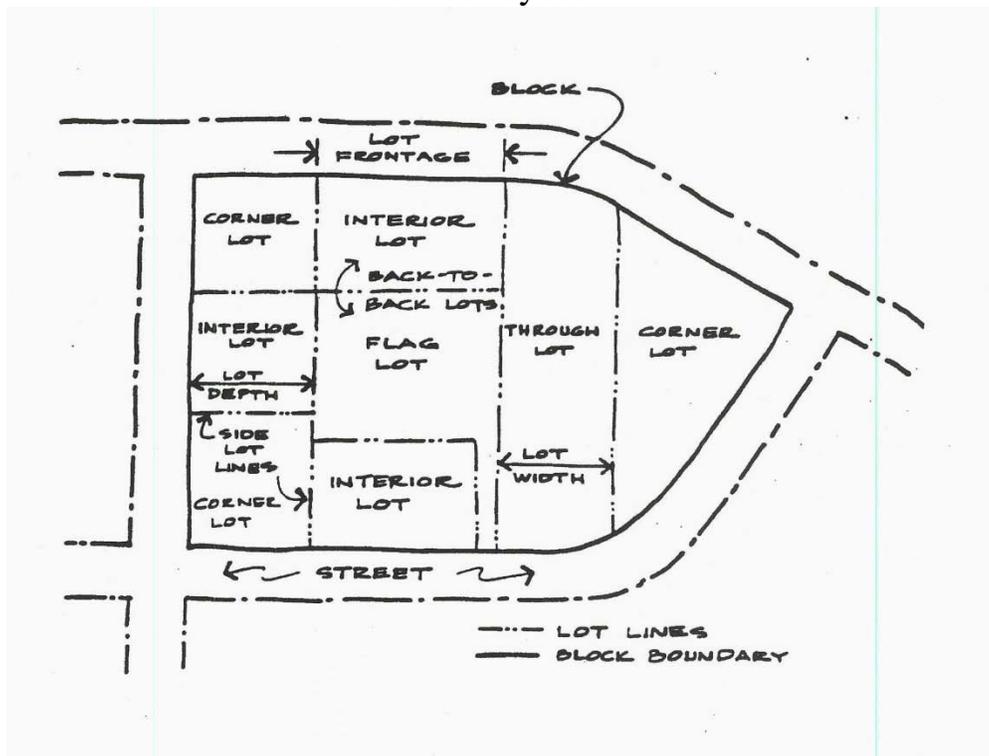
Note: All roads numbered 1000 and higher are Category 5 roads with the exception of Emmanuel Church Road (Rt. 1002).

Other Information

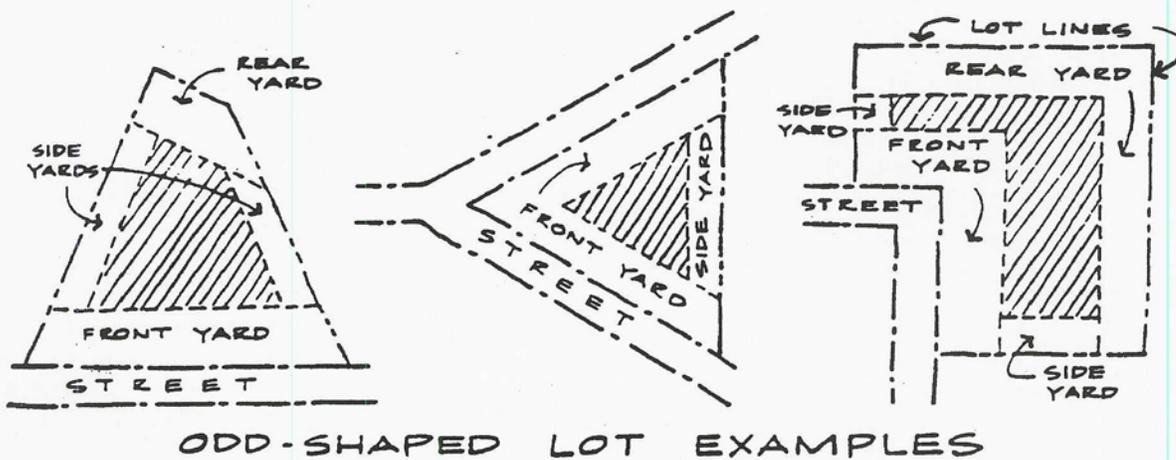
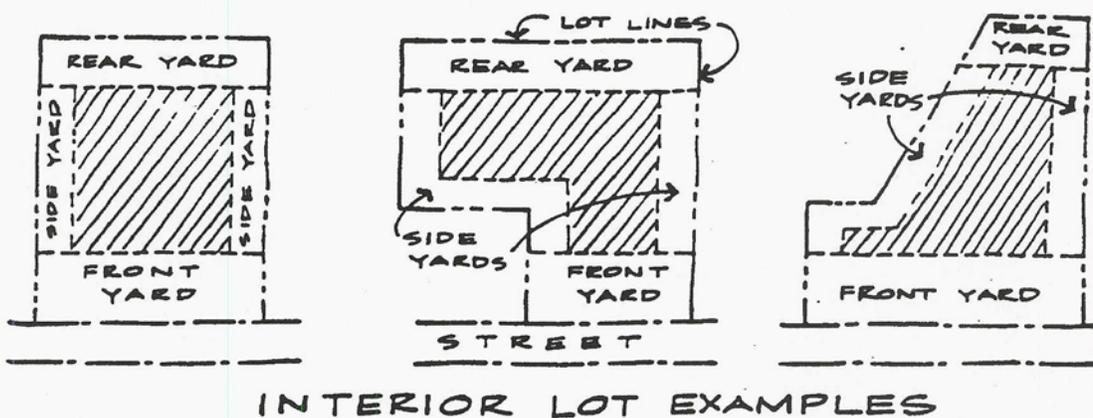
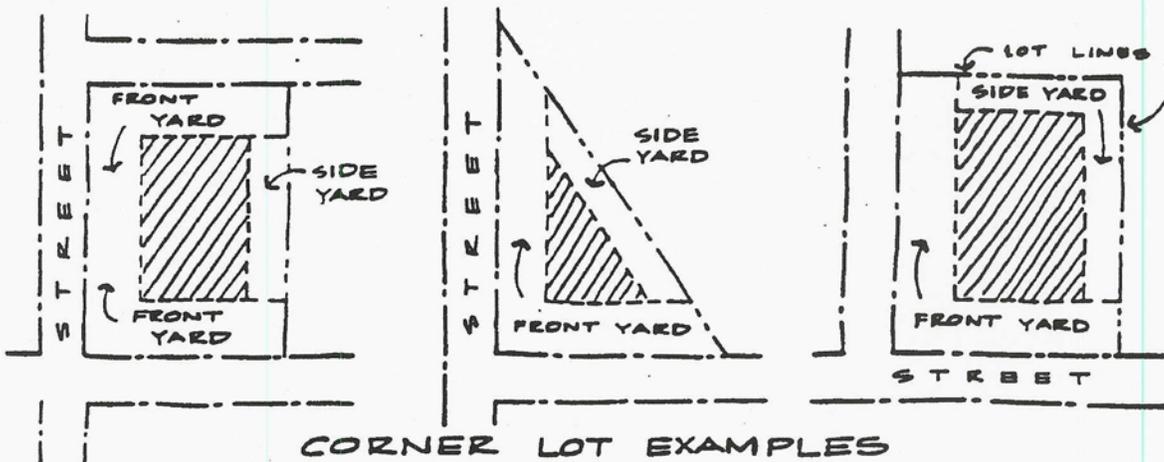
Lot Coverage



Lot Layout



Required Yards



REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)