

RICHMOND COUNTY, VIRGINIA



SUBDIVISION ORDINANCE

Adopted: August 10, 1989

SUBDIVISION ORDINANCE
RICHMOND COUNTY, VIRGINIA

ARTICLE I.
TITLE, PURPOSE, APPLICATION AND INTERPRETATION

Section 1. Title

This Ordinance shall be known, referred to, and cited as the Subdivision Ordinance of Richmond County, Virginia.

Section 2. Purpose

This Ordinance has been established for the purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the unincorporated territory of Richmond County, Virginia, in order to promote, in accordance with present and probable future needs and resources, the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of the County. In the accomplishment of this purpose, the regulations as herein established provide for, among other things, efficiency and economy in the process of development; the proper arrangement of streets in relation to each other and to the existing and planned streets and other features of the Comprehensive Plan of the County; the protection of water quality, wetlands, wildlife habitats, steeper slopes, shorelines, and other natural features; protection against flooding, erosion and sedimentation; adequate open spaces for recreation, light, and air; convenient distribution of population and traffic; adequate provision for streets, public utilities and other public facilities; and other requirements for land subdivision which will tend to create conditions favorable to the health, convenience, prosperity and general welfare of the citizens of Richmond County, Virginia. Toward this end, the Subdivision Ordinance is adopted in order:

1. To establish procedures, design standards, improvement standards, standards for plats, fees, and penalties for violation as appropriate for the subdivision of land in Richmond County;
2. To provide for a review process which is coordinated with the review and permitting processes of other governmental agencies and jurisdictions;
3. To ensure that purchasers of lots, tracts and parcels purchase a commodity that is accessible and generally suitable for the intended use;
4. To insure proper maintenance of community facilities and spaces;
5. To coordinate the subdivision process with review for compliance with grading, erosion and sediment control regulations, and in general;
6. To insure orderly and safe spacing, size, shape, design, and distribution of lots for residential, commercial, industrial and other uses.

Section 3. Application and Interpretation

This Ordinance shall apply to the unincorporated area of Richmond County in the manner prescribed by law. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or imposes additional standards, or requires additional improvements or larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern, but further provided that where there is or appears to be conflict between the provisions of this Ordinance and the Zoning Ordinance of Richmond County, the provisions of the Zoning Ordinance shall govern.

ARTICLE II
DEFINITIONS

Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure".
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 2. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined as follows:

Accessory Use or Building. A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building, provided that such accessory building shall not be used for dwelling purposes.

Agent. The officer or agency or both of them designated by the Board of Supervisors to review and approve the subdivision of land and the plats of such subdivision when located wholly or partly within the County.

Alley. A public or private way affording secondary means of access to abutting property.

Berm. A mound of soil, either natural or man-made, planted with grass or other vegetation, and used as a view obstruction or for water control.

Buffer. An area within a property or site, generally adjacent to and parallel with the property line or designated natural feature, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties or to maintain vegetation, absorb runoff or protect steep slopes and shorelines.

Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or property of any kind.

Building Line or Building Setback Line. A line within a lot, so designated on a plat of subdivision, between which line and any lot line, the street line of any abutting street, or any slope, waterway, shoreline or wetland or other feature as herein designated, no building or structure may be erected except as herein provided.

Building Setback. The minimum distance that a building must be set back from a street, lot line or other feature as required by a building setback line so designated on a plat of subdivision. The building setback may be more but shall not be less than required in the Zoning Ordinance.

Capped System. A completed water supply and/or sewerage system put in place for future use (contingent upon expansion or availability at connections), rather than to meet immediate development needs.

Cemetery. Any land or structure used or intended to be used for the interment of human remains, with or without sale of lots. The sprinkling of ashes or their burial in a biodegradable container on shall not constitute creation of a cemetery.

Channel. The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Channelization. The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

Cluster Development. See Residential Cluster.

Collector Street. See Street, Collector.

Commission. The Richmond County Planning Commission.

Common Open Space. An open space area as herein defined within or related to a site designated as a development or subdivision, and designed and intended for the use or enjoyment of residents and owners of the development or subdivision. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Concept Plan. A preliminary presentation or sketch plan and attendant documentation of a proposed subdivision or a site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Condominium. Real property and any incidentals thereto or interests therein which have been or are to be lawfully established as such under the Virginia Condominium Act.

Construction Plans. Engineering plans for construction of streets, utilities and other improvements.

Conventional Development. Development other than planned development.

Crosswalkway. A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

Cul-de-Sac. A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or backaround for vehicles.

Days. Calendar days.

D.b.h.. Diameter at breast height. The diameter of a tree measured outside the bark of a point 4.5 feet above the ground.

Detention Basin. A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Developer. The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development or subdivision, including the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. This includes control of runoff during and after construction or development to minimize erosion and sedimentation to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage Facility. Any component of the drainage system.

Drainage System. The system through which water flows from the land, including all watercourses, water bodies and wetlands.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling. A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended to be occupied by one family, and containing kitchen, living, sleeping and sanitary facilities. Definition shall include buildings containing both one and two dwelling units.

Dwelling, Multi-Family. A building containing three or more dwelling units.

Easement. An authorization by a property owner for use by another of any designated part of his property for one or more specified purposes, which purposes are consistent with the general property rights of the owner.

Environmental Constraints. Features, natural resources, or land characteristics that are sensitive to modification and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice, and gravity.

Escrow. A deed, bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Exempt Subdivision. See Subdivision.

Floodplain. (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (b) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Frontage. See Lot Frontage.

General Development Plan. A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

Governing Body. The Board of Supervisors of Richmond County.

Grade. The slope of a street, or other public way, or land area specified in percentage (%) terms.

Ground Cover. Low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

Health Officer. The Health Officer or Sanitarian of Richmond County.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

Intersection. The area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at an angle whether or not one such street crosses the other.

Lot. A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or future.

Lot Area. The total horizontal area within the lot lines of the lot and expressed in terms of acres or square feet.

Lot, Corner. A lot abutting upon two or more streets at their intersection where the interior angle of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot Depth. The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage. A lot, other than a corner lot, which has frontage on two streets.

Lot Frontage. That portion of a lot extending along a street line or upon a water body, beach or wetland as the case may require.

Lot Line. The boundary line of the lot.

Lot, Waterfront. A lot that includes, touches upon, or is within 100 feet of the mean low water mark of a natural or man-made body of water or a beach or wetland.

Lot Width. The horizontal distance between the side lot lines measured at the front building setback line.

Maintenance Bond. Any security that is acceptable to the governing body to assure the maintenance of approved installations by developers.

Maintenance Guarantee. Any security, other than cash, that may be accepted by the County for the maintenance of any required improvements.

Major Subdivision. Any subdivision not classified as a minor subdivision.

Marginal Access Street. A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. It may be designed as a residential access street or subcollector as anticipated daily traffic dictates.

Minor Street. A street other than a major thoroughfare or collector street and intended primarily for providing low volume traffic access to abutting properties of limited number.

Minor Subdivision. A subdivision of land of not more than seven lots provided that such subdivision does not involve (1) a planned development or residential cluster subdivision, or (2) the extension of any off-site improvement, the cost of which is to be prorated pursuant to this Ordinance or other laws and ordinances. (Procedures and conditions for approval of minor subdivisions are contained in Articles III and IV.)

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Perc Test (Percolation Test). A test designated to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

Performance Guarantee. Any security, including cash, which may be accepted by the County to ensure installation of required subdivision and/or site plan

improvements; provided that the County shall not require more than 10 percent of the total performance guarantee in cash.

Pervious Surface. Any material that permits full or partial absorption of storm water into previously unimproved land.

Planned Development. Multifamily dwelling, townhouse or condominium development, planned unit development, planned unit residential development, residential cluster development, planned shoreline commercial development or planned shoreline industrial development.

Planning Commission. The Richmond County Planning Commission.

Plat. A map or maps of a subdivision.

Pre-Application Conference. An initial meeting between developers and County representatives which affords developers the opportunity to present their proposals informally.

Preliminary Approval. The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Agent and the applicant.

Preliminary Subdivision Plat. A map indicating the proposed layout of a development or subdivision and related information that is submitted for preliminary approval.

Primary Highway. A highway designated as a Virginia Primary Highway or U.S. Highway by the Virginia Department of Transportation.

Public Open Space. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school board, state or county agency, or other public body for recreational or conservational uses.

Public Water and Sewer Service or System. A water or sewer system owned and operated by a municipality or county, or owned and operated by a corporation approved by the governing body and properly chartered and certified by the State Corporation Commission, and subject to special regulations as herein set forth.

Regulations. The whole body of regulations, text, charts, diagrams, notations, and references contained or referred to in this Ordinance.

Residential Cluster. An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

Residential Density. The number of dwelling units per gross acre of residential land area, with gross acres including all the land area, including streets, easements, and open space portions of a development.

Resubdivision. See Subdivision.

Retaining Wall. A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin. A pond, pool or basin used for the permanent storage of water runoff.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, drainage ditch, shade trees, or for another special use.

Roadway. The portion of a street or highway available for and intended for use by motor vehicle traffic; generally the paved portion of the street or highway.

Screen. A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

SCS. Soil Conservation Service.

Secondary Highway. A highway designated as a Virginia Secondary Highway by the Virginia Department of Transportation.

Sedimentation. The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Septic System. An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank. A water-tight receptacle that receives the discharge of sewage.

Service Drive. A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Setback. The horizontal distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps, or the horizontal distance between the side or rear line of a building or any projection thereof, excluding uncovered steps, and the side or rear lot line. Setback may also be specified from a designated physical feature such as a water body, beach, or wetland.

Sewer. Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Shade Tree. A tree in a public place, street, special easement, or right-of-way adjoining a street.

Site Plan. The development plan for a project or a subdivision on which is shown the existing and proposed conditions including topography, vegetation, drainage, floodplains, wetlands, waterways, location and bulk of buildings, density of development, open space, public facilities, landscaping, structures and signs and such other information as reasonably may be required in order that an informed decision can be made by the approving authority. For certain projects such as condominium or townhouse projects or water-dependent facilities, the term is used synonymously with subdivision plat, preliminary and final.

Storm Water Detention. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention. A provision for storage of storm water runoff.

Street. A public or private thoroughfare which affords the principal means of access to abutting properties, and whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, or however otherwise designated.

Street, Collector. Any State Secondary Highway designated as a major thoroughfare on the adopted Major Thoroughfare Plan of the County, or any highway designated as a major or minor rural collector by the Virginia Department of Transportation, or a street in a proposed subdivision which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares in addition to providing access to properties abutting thereon.

Street Line. (Right-of-way Line) A dividing line between a lot, tract, or parcel of land and a contiguous street, and also referred to as a right-of-way line.

Street, Major, or Major Thoroughfare. A street or road designated as a Major Thoroughfare (a U.S. Highway, State Primary Highway or State Secondary Highway) on the Adopted Comprehensive Plan of Richmond County or so designated by the Virginia Department of Transportation.

Street, Private. A private thoroughfare or easement of access established in accord with the terms of this Ordinance and which is not publicly owned or publicly maintained.

Street Width. The horizontal distance between street lines measured perpendicular to the street center line.

Subdivide. The process of dealing with land so as to establish a subdivision as defined herein.

Subdivider. Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

Subdivision. The division of any tract or parcel of land into two or more tracts, parcels, lots, or building sites, for the purpose, whether immediate or future, of transfer of ownership or for development. If no new streets are created or existing streets changed, the following (after review by the Agent) shall not be considered subdivisions within the meaning of this Ordinance and therefore are exempted from application of the full design standards, fees and review procedures of this Ordinance:

a. Sale or gift of a single division of a lot or parcel to a member of the immediate family of the property owner. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this Ordinance, and shall be subject to the minimum lot area, dimensional and environmental requirements of this or other County Ordinances, and shall be subject to survey and recording in the land records of the County. A twenty (20) foot right of way shall be required for an immediate family subdivision.

For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, grandchild, grandparent or parent of the owner.

b. The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites or create a lot or parcel which does not meet the minimum area and dimensional requirements of this or other County ordinances.

c. The combination or recombination of portions of previously subdivided lots where the total number of lots is not increased and the resultant lots comply with the minimum area and dimensional requirements of this and other County ordinances.

d. The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, public utility right-of-way, or other public or private right-of-way other than a street, provided no additional building lots are created.

e. The partition of lands by court order.

f. Where a viable dwelling unit exists on a large tract of property, a lot may be created to include the dwelling unit. Such a lot must meet the area and dimensional requirements of the Zoning District in which the proposed lot is located and no nonconformities are created on the residual property. An existing legal right-of-way will be sufficient to provide access to the lot as long as the lot created is precluded from future subdivision by deed restrictions.

g. Divisions of large tracts of property where the resultant parcels shall be used for agricultural, forestal or other undisturbed open space provided such parcels are served by a right-of-way with a minimum width of twenty-five (25) feet. The plats and deeds for such parcels shall show the parcels are not for residential or other use except as aforesaid.

If new streets are created or existing streets changed, the project shall be considered a subdivision notwithstanding the above.

Minor subdivisions and two-lot subdivisions as herein defined are also subject to certain street construction exemptions as provided in Article IV.

The term subdivision shall include resubdivision, and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided, and shall include establishment of any land area as a common element, limited or otherwise, in connection with a condominium or similar project, construction or conversion regardless of the number of parcels involved, and shall include the establishment of any new apartment, townhouse, or condominium project or any waterfront or water-dependent facility such as a marina, yacht club, community dock, pier or boat ramp, or any waterfront business or waterfront industrial establishment of whatever type.

Two lot subdivision. a minor subdivision of two or less lots to be served by a twenty foot private right-of-way. A two lot subdivision shall meet the minimum subdivision requirements of this ordinance with the exception of the road standards. (See Article IV Section 7-13-c

Water-dependent Facility. A development that must be located on the shoreline by reason of the intrinsic nature of its operation, including, but not limited to, ports, the intake and outfall structures of power plants, wastewater outfalls, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas and fisheries facilities.

Waterfront Lot. See Lot, Waterfront.

Wetland. Vegetated and nonvegetated tidal wetlands as defined by the County Wetlands Ordinance and the statutes of Virginia as well as nontidal extensions of tidal wetlands and any clearly recognizable swamp or marsh which surrounds a perennial watercourse.

ARTICLE III

GENERAL PROVISIONS

Section 1. Subdivider Must Prepare Preliminary and Final Plat

From and after the effective date of this Ordinance, any owner, developer, agent, or proprietor of any tract of land located within the territory to which these regulations shall apply, who subdivides such land into lots, blocks, streets, alleys, public ways, or public grounds shall prepare a preliminary plat of such subdivision for preliminary, tentative or conditional approval in accordance with the regulations set forth herein and shall prepare a final plat to be recorded in the office of the Clerk of the Circuit Court of Richmond County.

Section 2. Site Plan Required for Certain Developments

Under the terms of this Ordinance certain developments such as apartments, townhouses, condominiums and waterfront developments are defined as subdivisions and are subject to the review procedures, design and improvement standards of this Ordinance. Where appropriate to the type of development, a general development plan or site plan as herein defined shall be prepared and submitted in accordance with the requirements of this Ordinance or the special additional requirements of the Agent rather than a conventional plat of subdivision.

Section 3. Approval of Plat Required

No final plat of subdivision or approved site plan shall be recorded by the Clerk of the Circuit Court unless and until it shall have been submitted to and approved by the Agent as provided herein and until the verification of compliance with these and other applicable regulations has been made by the Agent.

Section 4. Transfer of Land; Building Permits

No parcel of land in a subdivision as herein defined created after the effective date of this Ordinance shall be transferred, sold, or offered for sale, nor shall a building permit be issued for any structure thereon, nor shall a certificate of occupancy for the use of any land or structure thereon be issued, until a plat of subdivision shall have been recorded with the Clerk of the Circuit Court in accordance with these regulations and the laws of the

Commonwealth of Virginia. Any person who violates this provision shall be subject to the penalties contained herein.

Section 5. Requirements for Plat Preparation

In the preparation of a plat of subdivision or site plan, the subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivisions as set forth in Article IV and with the rules and regulations concerning required improvements as set forth in Article V, and any standards and specifications for improvements adopted by the Board of Supervisors, and in every case the preparation of such plat or site plan shall be in accordance with the procedures of Article VI.

Section 6. Applications for Approval of Subdivision

Applications for approval of subdivision plats or site plans shall be filed with the Agent in accord with the procedures of Article VI. The Agent appointed by the Board of Supervisors is delegated responsibility for administration of this Ordinance in accord with the terms thereof and applicable to State law. In so doing, the Agent shall be considered the agent of the Board of Supervisors, and approval or disapproval by the Agent shall constitute approval or disapproval as though it were given by the Board of Supervisors. The Agent shall submit all major subdivisions and all site plans as herein defined to the Board of Supervisors for approval or denial. The Agent shall be delegated authority to approve or disapprove minor subdivisions as herein defined without referral to the Board of Supervisors; however, a copy of such plat shall be made available to the Board of Supervisors for their information.

An appeal from a decision of the Agent may be filed within 30 days thereof with the Board of Supervisors by submitting said appeal in writing to the Agent for transmittal to the Board. The Board of Supervisors shall hear said appeal at its next regular meeting following submittal and shall decide same within 60 days of the hearing.

Section 7. Amendments

This Ordinance may be amended from time to time by the Board of Supervisors after public hearing and recommendation of the Planning Commission in the manner prescribed by law.

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ARTICLE IV DESIGN STANDARDS

Section 1. General Requirements

1. The subdivision layout shall conform in all essential respects with the adopted Thoroughfares Plan and other elements of the adopted Comprehensive Plan for the County.

2. The subdivision layout shall be in full compliance with the provisions of the zoning district in which it is located and the provisions of the Zoning Ordinance, including any limitations on area, dimensions, number or location of lots.

3. The subdivision layout shall be designed in accordance with the principles and standards contained in this Ordinance with the objective of achieving the most advantageous development of the subdivision and adjoining areas. Experimentation with new layout and design techniques is encouraged and such designs as are approved under the Zoning Ordinance are permitted under these regulations controlling the subdivision of land.

4. A cemetery shall be considered a subdivision for the purposes of this Ordinance and shall be subject to the same general standards and review procedures as any other subdivision but need not comply with the specific design standards for streets, blocks and lots as required for other subdivisions. Any cemetery hereafter established, whether intended for public or private use, shall make provision for public access by a right-of-way at least 50 feet in width.

Section 2. Suitability of Land Generally

1. The Agent shall not approve a subdivision of land if, from adequate investigations conducted by all necessary public agencies concerned, it has been determined by any such agency that the land is not suitable for subdivision and development purposes of the kind proposed. Furthermore, a subdivision for residential development purposes shall not be approved if it contains lots which are not suitable for residential occupancy for one of the following reasons or such other reasons that, in the opinion of the Agent, may endanger the health, safety, property, and welfare of persons building and living on that lot or other properties:

a. Land which is topographically unsuitable which by reason of steep slopes will require extensive grading or unusual construction practices in order for development to take place or which would provide less than 10,000 useable square feet of contiguous building area with slopes of less than 15 percent;

b. Land with soils which by health department regulations or the provisions of this Ordinance are unsuitable for septic system drainfields and where no other means of sewage treatment is provided;

c. Land with potentially injurious conditions resulting from special soil and water conditions such as shrinking and swelling clays and/or marine clays, unless such conditions can be rendered harmless by standard development and construction practices. All such areas must be clearly indicated on the plat; and

d. Land with other adverse physical conditions identified by the public agencies involved, such as habitat of rare and endangered species, special and significant wildlife habitat, and identified sites of archaeological importance.

2. Where on-lot sewage disposal systems, such as septic tanks and drainage fields, are proposed, a professional soils report stating the suitability of the land for such systems shall accompany an application for preliminary approval as set forth in Article VI. Subdivisions shall not be approved where lots are of insufficient size or inappropriately shaped for construction of a residence and a suitable area, as needed, for a well, septic tank, septic drainfield and reserve drainfield. The subdivider shall certify to the purchaser in writing, duly acknowledged as may be required by law for recording a deed, that each lot offered for sale has passed satisfactory percolation tests by the Department of Health and/or an independent engineering analysis approved by the Department of

Health, unless public sewage has been provided. The subdivider shall also certify that adequate drinking water is available for the lot as specified by this Ordinance.

3. Land shall not be subdivided which does not have access provided to each lot over suitable terrain as to provide reasonable means of ingress and egress.

4. Wetlands as defined in the Virginia Wetlands Zoning Act or any land subject to periodic flooding shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve danger to health, life, or property, or aggravate the flood hazard, and any such land within the proposed subdivision whether it be within a lot or reserved for common use of subdivision occupants shall be restricted against buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation. To insure sufficient buildable land which is flood free, the Agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be free of the danger of flood waters.

5. Any land herein described as unsuitable for building sites shall be clearly indicated on the preliminary and final plats or site plan and, except as may be permitted in an approved residential cluster development, shall not be used to satisfy the minimum lot size requirements as prescribed by the County Zoning Ordinance or by the County Health Official for necessary septic and well installations, or the minimum lot area requirements of this Ordinance.

6. A plat for the subdivision of land with poor drainage, excessive slope or other adverse physical conditions will be considered for approval only if the subdivider shall agree in writing to make whatever improvements are necessary, and which, in the judgment of the Agent, will comply with the provisions of this Ordinance and render the land safe and otherwise acceptable for development.

Section 3. Erosion, Sediment Control and Grading

1. Subdivision plans shall provide for control of temporary flooding, erosion and sediment control in accord with applicable laws and ordinances. In general, the design of the subdivision shall be such as to minimize grading and disturbance of natural vegetation. Natural contours and storm water channels shall be respected and retained where possible.

2. The preliminary plat for a major subdivision shall be accompanied by a conceptual grading plan with notes on a topographic map as required to show soil types and limits for clearing and grading and other disturbance, existing and proposed grades, and location of natural watercourses, wetlands and floodplains.

3. The preliminary plat for any subdivision shall show the location of unusual soil conditions, hydric soils, shrink-swell clays, steep slopes (generally those with a grade of 15% or more) and highly erodible areas as delineated on the County's soils and slopes maps and shall be accompanied by a soils report which describes unusual conditions and measures proposed to mitigate hazardous conditions.

4. No grading shall commence without an approved Erosion and Sediment Control Plan.

Section 4. Tree and Vegetation Protection

1. To the extent that is economical and practical, natural vegetation, particularly large trees, shall be protected and preserved within the subdivision. Features and buffer areas to be protected and preserved shall be delineated on the preliminary plat and keyed to an appropriate statement of intent which is shown on the plat.

2. Natural vegetation existing: 1) on slopes of 25 percent or greater; 2) in wetlands; 3) within 100 feet of a perennial watercourse or wetland; and 4) within 55 feet of an intermittent stream, shall be left undisturbed as a buffer area during subdivision and development, provided:

a. Access paths and view corridors or sight lines may be cleared along waterways, lakes or wetlands. In general, trees larger than ten inches d.b.h. shall not be removed.

b. Where natural vegetation is removed it shall be replaced with other vegetation equally effective in retarding erosion and preserving natural appearance.

Section 5. Storm Water, Floodplain Management and Flood Protection

1. The preliminary plat for a major subdivision shall be accompanied by a storm water management plan showing information for determination of improvements necessary for controlling storm water runoff, including drainage plans and flood control devices.

2. The preliminary plat for any subdivision shall show natural drainage patterns and a complete drainage layout, including pipe sizes and types, stormwater detention and retention facilities, drainage easements and means of transporting drainage to a well-defined open stream.

3. The storm water management plan shall preserve natural drainageways and wetlands, maximize infiltration of storm water and minimize off-site discharge of storm water. In general, impervious surfaces near waterfronts and wetlands shall be avoided; grass swales shall be utilized and curb and gutter and paved ditches shall be avoided except where necessary to prevent erosion in accord with the standards of the Virginia Department of Transportation.

4. Where a subdivision is traversed by a natural drainageway through which water flows continuously or intermittently there shall be provided an easement with a minimum width of 15 feet conforming substantially with the boundaries of such drainageway and such additional width as may be necessary for drainage and utilities at a particular location.

5. A continuing maintenance plan, including an owner's association if necessary, shall be submitted for all elements of the drainage and flood control system which will not be the responsibility of the County or the Virginia Department of Transportation. The subdivider shall provide assurance that all facilities are in good repair and properly functioning when the last lot is sold.

6. Areas subject to periodic flooding (100-year flood) shall be delineated on preliminary and final plats.

7. Residential building sites in areas subject to periodic flooding shall be avoided. (Lot areas may include areas subject to flooding which are in excess of minimum lot area requirements.)

8. Construction in areas subject to flooding shall be in accord with National Flood Insurance Program regulations.

Section 6. Shoreline Protection and Waterfront Facilities

1. For shoreline subdivisions which include docks, piers, marinas, boat ramps and other water-related development a joint Virginia Marine Resources Commission (VMRC) permit application for filling, dredging, or construction in wetlands or waterways shall be submitted by the subdivider with the preliminary plat. The joint application will be forwarded to VMRC which will coordinate permit review with the County Wetlands Board, the U.S. Army Corps of Engineers and other local state and federal agencies as required.

2. The preliminary plat or site plan shall show the location of all proposed docks, piers, marinas, boat ramps, community water access and other water-related structures and facilities, together with water depths by contours or otherwise, current flow directions, tidal action, and the location and extent of beaches, wetlands, swamps, subaquatic vegetation and shellfish beds.

3. Design of waterfront facilities or construction in wetlands and other subaqueous areas shall comply with Subaqueous Guidelines and Criteria for Siting of Marinas or Community Facilities for Boat Mooring of the Virginia Marine Resources Commission, Virginia Institute of Marine Science Wetlands Guide lines and other applicable state and federal guidelines, criteria and regulations.

4. Designs shall encourage floating docks rather than fixed piers and joint use facilities rather than single use facilities.

5. Designs shall not include filling on subaqueous land or in wetlands for the purpose of creating highland property.

6. When shoreline stabilization is necessary, the design should rely on nonstructural rather than structural methods in order to preserve natural shoreline vegetation. Bulkheading, riprap, retaining walls, and similar shoreline hardening methods should be avoided. Required shoreline stabilization shall be placed behind vegetated wetlands.

7. Where structural shoreline stabilization methods are used, the preliminary plat shall be accompanied by a maintenance plan which describes responsibility, procedures and anticipated frequency of maintenance. In general, structural stabilization methods should be designed and constructed to be maintenance free for at least 10 years with an expected life of 30 years.

Section 7. Street Layout Standards

1. The location, alignment, grade, width and drainage of all streets and roads shall comply with the design standards and specifications for roads, streets, drainage, water and sewer construction and improvements on file in the office of the Agent and applicable specifications of the Virginia Department of Transportation, and shall substantially correspond to existing and planned streets insofar as topographical conditions, public convenience and safety, and the proposed uses of land to be served will permit.

2. The street layout shall be designed to create desirable building sites while respecting existing topography and shorelines, avoiding impact on wetlands, minimizing street grades, avoiding excessive cuts and fills, and

preserving trees, all to the maximum extent feasible for a reasonable economic use of the land.

3. Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.

4. Where the subdivision adjoins or contains any part of a U.S. Highway, State Primary Highway, or State Secondary Highway designated as a collector street on the Major Thoroughfares Plan of the County, the layout of such subdivision shall provide for the platting and dedication of such part of the major or collector thoroughfare in the location and at the width indicated on such plan, except that the subdivider shall not be required to dedicate that part of such thoroughfare which is in excess of 80 feet in width.

5. Where deemed appropriate to the design of the subdivision and its relation to adjoining areas, the Agent may require the platting and dedication of one or more collector streets, or parts thereof, to serve the subdivision.

6. Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.

7. Streets shall be laid out to intersect one another at as near right angles as topography and the limiting factors of design will permit, and no street shall intersect another street at an angle of less than 70 degrees for a minor street or 80 degrees for an arterial thoroughfare.

8. Proposed streets in the subdivision shall provide for the continuation of existing, planned, or platted streets on adjacent tracts, unless such continuation shall be prevented by topography or other physical condition, or unless the Agent finds such extension to be unnecessary for the coordination of development between the subdivision and such adjacent tract.

9. Where the Agent deems it appropriate or necessary to provide access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts and temporary turnarounds shall be provided at the ends of such streets by means of temporary easements or other appropriate means.

10. Where the subdivision adjoins or contains a U.S. Highway or State Primary Highway as designated on the Major Thoroughfare Plan, the Agent may require that measures to be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such thoroughfare and to afford separation of through and local traffic, through one of the following means.

a. By providing vehicular access to such lots by means of a marginal access street or service drive separated from the highway by a planting strip at least 30 feet in width and connecting therewith at infrequent intervals.

b. By designing reverse frontage lots having access only from a parallel minor street or from a cul-de-sac or loop street, and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.

The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Agent giving consideration to topography and other physical conditions, the character of existing and

contemplated development in the subdivision and its surroundings, and other pertinent factors.

11. Cul-de-sac streets, generally not exceeding 1,200 feet in length, shall be permitted where they are necessitated by topographic conditions or where in the judgment of the Agent, such streets are appropriate to the type of development proposed.

12. Alleys shall be provided in business, commercial and industrial areas, unless adequate access to parking and loading area is provided by other means. Alleys shall not be permitted in residential areas except to provide rear access to attached dwellings or multiple dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements shall be provided for utility lines and/or drainage facilities.

13. Except as listed below in this subsection, there shall be no private streets platted in any subdivision and every subdivided property shall be served from a publicly dedicated street constructed to standards of the Virginia Department of Transportation.

a. In the case of a minor subdivision in which there are no more than seven lots and in which no lot is less than one acre in area, private streets may be permitted, provided:

1) There is a direct connection to a state maintained public street and no more than one such connection;

2) That the right-of-way is not less than 50 feet in width or more than 1,200 feet in length and is graded and constructed to Virginia Department of Transportation standards for an all weather road base. The subdivision plat and all approved deeds of subdivision, or similar instruments, must contain the following statement: THE PRIVATE ROADS IN THIS DEVELOPMENT WILL NOT BE PAVED OR MAINTAINED WITH FUNDS FROM RICHMOND COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION. IN ADDITION, RICHMOND COUNTY SCHOOL TRANSPORTATION POLICIES WILL NOT ALLOW SCHOOL BUSES TO TRAVEL AND PICK UP CHILDREN ON PRIVATE ROADS. IN THE EVENT THAT OWNERS OF LOTS IN THIS DEVELOPMENT SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE ROADS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR RICHMOND COUNTY. PRIVATE ROADS IN THIS DEVELOPMENT ARE NOT DEDICATED AND ARE OWNED BY (trust, corporation, property owners' association).

Subsequent grantors of any subdivision lots to which such statement applies must also include the statement on each deed of conveyance thereof;

3) The subdivision complies with the design and improvement requirements of this Ordinance except for street paving;

4) The subdivision plat is approved by the Virginia Department of Transportation and other state and federal agencies as may be required;

5) That the subdivision and all lots are designed and appropriately restricted so as to preclude any resubdivision or addition which would increase the number of lots served by the street to more than seven or reduce lot area to less than one acre.

b. In the case of a cluster subdivision or planned development as approved by the Board of Supervisors, private streets may be permitted provided the minimum right-of-way is established at not less than 40 feet in width and is graded and constructed to Virginia Department of Transportation standards for an all weather road base and provided the design of streets and lots is such as to inhibit future expansion of the subdivision beyond that area which is approved. The subdivision plat or site plan and deeds shall be restricted as in Subsection a.2) above and the plat shall comply with Subsection a.3) above.

Easements for ingress and egress for public emergency and maintenance vehicles shall be granted to the County for all private streets. Such easements shall be recorded with the instruments which create the private streets. The provisions of this section shall not apply to private streets of record prior to August 10, 1989.

c. In the case of a minor two lot subdivision, a private street may be permitted, provided: (1) There is a direct connection to a state-maintained public street and no more than one such connection; (2) That the right-of-way is twenty feet in width and is for the exclusive use of the lots created and shall therefore serve a maximum of two residential building lots. The subdivision plat and all approved deeds of subdivision, or similar instruments, must contain a statement advising that the street does not meet state standards and will not be maintained by the Department of Transportation or the County, that lot owners are responsible for a equal share of maintenance and repair of the street, and that no public agency shall be responsible for any costs involved in having the street brought up to state standards for acceptance into the State Secondary System of Highways. Subsequent grantors of any subdivision lot to which such statement applies must also included the statement on each deed of conveyance thereof; (3) The subdivision complies with the design and improvement requirements of this Ordinance except for street construction; (4) That the subdivision lots are restricted so as to preclude any resubdivision of the lots created; (5) Only one such two lot minor subdivision shall be allowed per parcel or contiguous parcels under the same ownership.

14. No land shall be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the County or an agency of the State or Federal Government.

Section 8. Street Design Standards

1. Right-of-Way Widths. Right-of-way widths for major thoroughfares, U.S. Highways, State Primary Highways and State Secondary Highways shall be designed in accordance with the current standards of the Virginia Department of Transportation.

Under special design conditions approved as a part of a cluster subdivision, or in the case of a short street section with minimum traffic service requirements, the right-of-way for minor residential streets may be reduced, but in no case to less than 40 feet and provided that the agent may require a minimum right-of-way of 50 feet to insure continuity of the street system and appropriate future subdivision of adjacent properties.

2. Roadway Widths. Roadway pavement widths for all public roads shall be not less than the minimum specified by the Virginia Department of Transportation.

a. Where the design of the subdivision is approved as a minor subdivision with private streets, the street shall be graded in accord with standards of the Virginia Department of Transportation to provide adequate drainage for a compacted gravel or crushed stone roadway at least four inches in depth and 16 feet in width. No surface treatment is required. A performance bond will be required to ensure proper and complete construction.

Where a cluster subdivision or planned development is approved with a private street or common driveway by the Board of Supervisors, the street or driveway shall be graded to provide adequate drainage for a compacted gravel or crushed stone roadway at least four inches in depth and 14 feet in width. No surface treatment is required. A performance bond will be required to ensure proper and complete construction.

All costs of inspection of drainage and pavement, including employment of an engineer, shall be borne by the subdivider.

3. Cul-de-Sacs. Cul-de-sac streets shall be terminated by a turn-around having a minimum right of way radius of 50 feet and a minimum pavement radius of 35 feet, provided that the Agent may approve a "T" or "Y" backaround or other design to facilitate entrance and exit.

4. Scenic Roads. Where an existing or proposed street or roadway is designated as a scenic road, scenic by-way or gateway corridor on the Comprehensive Plan, the purpose and standards established for such roads to maintain their scenic and historic qualities shall be observed in design and development of an adjacent subdivision, including but not limited to, such factors as maintenance of existing alignments and natural vegetation, appropriate pavement design, replanting of vegetation or construction of berms where necessary, and due care with respect to location and design of access points.

5. Street Grades, Curvature and Intersections. Street grades, curvature and intersections shall be designed in accordance with most current standards of the Virginia Department of Transportation.

Section 9. Blocks

1. Residential blocks shall normally not exceed 1,200 feet in length, or be less than 400 feet in length, between street lines. In any residential block more than 800 feet in length, a crosswalkway of not less than 10 feet in width may be required where necessary to provide convenient access to schools, recreation areas, and other community facilities.

2. Residential blocks shall normally be of sufficient width to provide two tiers of lots of appropriate depth.

3. Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including adequate provision for off-street parking and for the loading and unloading of delivery vehicles.

4. Irregularly-shaped blocks indented by cul-de-sacs or looped streets, and containing interior parks or playgrounds, will be acceptable when properly designed and where provision is made for adequate parking and for the maintenance of the public or common-use recreation area.

Section 10. Lots

1. The lot arrangement, design, and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

2. The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located. In any case where public water supply and/or public sewerage are not available or are not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer after appropriate water percolation tests have been performed, which dimensions may be greater than required under the zoning regulations. At least one drain field replacement area shall be designated for use in case of disposal field failure.

3. Waterfront lots shall provide at least 150 feet of water frontage measured in a straight line between the points where side lot lines intersect the beach, wetland or waterbody at mean low water unless otherwise approved as a part of a planned residential subdivision.

4. Where some lots in a subdivision have access to a water body or beach and other lots in the same subdivision do not, provision shall be made for community access to the water body or beach at one or more appropriate locations to be maintained as common open space.

5. Remnants or parcels of land below minimum area, including parcels which fail percolation tests, which may be left over after subdivision of a tract shall be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

6. Excessive lot depth in relation to lot width shall be avoided. Except for unusual topographic conditions, a ratio of depth to width of two to one shall be considered a desirable maximum.

7. Every lot shall abut upon, and have access to, a street or road as herein defined. Where so-called "flag lots" or "panhandle lots" are utilized to provide common access points and minimize street construction, the number of adjacent and parallel narrow lot sections or accessways shall be limited, generally to no more than four, so as not to create an unreasonable potential for confusion and dispute with respect to boundary locations. Provision of a single common use driveway shall be encouraged, particularly at access points to public or private streets or roads. The length of such accessways shall be related to proposed lot size but generally shall be limited to no more than 1,200 feet. Width of accessways shall not at any point be less than required minimum street frontage of 25 feet (20 feet for family divisions) and shall be located and aligned for reasonable access by motor vehicles, including emergency vehicles. Where the lot served is sufficiently large to permit further subdivision the minimum width of the accessway shall be 50 feet so that a street may be constructed when further subdivision takes place.

8. Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from highway traffic.

9. Corner lots shall provide sufficient width for minimum required setbacks from both streets.

10. Generally, side lot lines shall be approximately at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.

11. Where the land covered by a subdivision includes two or more parcels in separate ownership, and where the 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 single ownership simultaneously with the recording of the final plat. Said deed shall be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and both shall then be recorded together.

Section 11. Open Space and Recreation Area

1. The subdivision design shall reflect the community's need for open space sites for public facilities and recreation area as indicated in the Comprehensive Plan and as may be anticipated in demand created by development of the subdivision.

2. Where a proposed park, public waterway and/or waterfront access site, playground, school, refuse container site, public safety facility or other public facility or public use is shown on the County Comprehensive Plan is located in whole or in part in a subdivision, the Agent shall require that such areas within the subdivision be dedicated or reserved for purchase by the County or other appropriate agency. Where large scale development occurs necessitating additional community facilities not shown on the Comprehensive Plan, the Agent may require the dedication or reservation of new sites.

3. All subdivisions containing more than twenty-five lots under five acres in area shall provide common open space and recreation area equal to at least five (5) percent of the total area of all of the lots. This space is to be used by residents of the subdivision and shall include such things as parks, playgrounds, and general recreation areas. Land providing public or community waterfront access shall be considered as contributing to this requirement. Such common or public open space land shall be an amount not less than one acre in any single site and shall be suitable for its designated use in location and topography and shall be maintained by the subdivider until maintenance is assumed by a homeowner's association or other approved agency.

4. Land reserved for public purchase shall be shown for future sale as lots by means of dashed lines and numbers on the preliminary and final plats and may be sold as such without filing an amended plat if public action to acquire the land has not been initiated within 18 months of recording the final plat.

5. Shoreline subdivisions or projects which include multifamily development shall provide community access to and along the water's edge for all residents of the development. In addition, all new residential subdivisions on shorelines and which include lots which do not have direct access to the shoreline shall include community access to publicly owned water bodies by means of a pedestrian easement to the shoreline and a community recreation and open space area along the shoreline. Pedestrian easements along the shoreline are also encouraged. This requirement may be waived if the Agent determines that shoreline is unsuitable for such purposes and/or if the adequate public access already exists in the area.

6. Recreational areas and open space areas, whether publicly or privately owned, which are provided in conformance with approval of any form of cluster, multifamily, townhouse, or planned development provisions, and which equal or

exceed the requirements for dedication as set forth herein, may completely and fully satisfy the above requirements provided the developer or subdivider shall satisfy the Board of Supervisors that there are adequate provisions to assure retention and future maintenance of said recreational areas.

Section 12. Easements

1. Easements shall be of sufficient width to permit the use for which provided and shall include the right of ingress and egress over the easement area for installation and maintenance. Specific easement requirements for water and sewer, wired utilities, roads and drainage are addressed in Article IV, General design and Performance Standards of the Zoning Ordinance.

Section 13. Planned Community Development

1. Planned Community Development is permitted by the terms of this Ordinance and subject to approval by the Agent in accordance with the provisions of this Ordinance and by the Board of Supervisors in accordance with the special provisions of Article VI and applicable zoning regulations. Projects may include single-family dwellings, two-family dwellings, multifamily dwellings (apartments, condominiums, townhouses or other multifamily arrangements. Business and industrial uses may also be located within Planned Community Developments. Design alternatives are intended to encourage permanent reservation of open space and an efficient and improved use of the land to provide good building sites by taking advantage of topography and minimizing grading or destruction of natural vegetation. Plans shall not be approved where the clear purpose of the design is to subvert the purposes of these regulations by inclusion of excessively unbalanced distribution of land among lots or inclusion of open spaces which are inappropriately located or which will not contribute to the future amenity of the subdivision.

2. No resubdivision or sale by any means shall be permitted in a subdivision approved under this section, which resubdivision or sale would in any way create a violation of this Ordinance or applicable zoning regulations.

3. No more than 30 percent of the required minimum area of any lot shall be located in a floodplain area or wetland and no part of the area of any lot shall be covered by any body of water except that no more than 30 percent of the required minimum area of any lot may be covered by the waters of a lake, pond, or canal planned and approved as a part of and wholly within the subdivision or development.

4. An average lot area or residential cluster subdivision shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties and to this end may employ such design techniques as may be appropriate to a particular case, including coordination of yard dimensions, location of lots of various sizes, location of buildings with respect to project boundary lines, location of open spaces and maintenance of vegetation.

5. The preservation of wetlands and natural vegetation, and particularly mature trees on steep slopes, along watercourses and in stream valleys, should be recognized as a primary design consideration in review and approval of an application under this section. Failure to exercise due care in maintenance of landscape amenities in accordance with approved plans shall be considered a violation of this Ordinance.

ARTICLE V
REQUIRED IMPROVEMENTS

Section 1. Required Improvements by Subdivider

The subdivider shall be required to provide and install certain minimum improvements in the subdivision as a condition for approval of the Final Plat by the Agent. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the appropriate County or State agency, or such other governmental agency as may have jurisdiction over a particular improvement. Nothing contained herein, however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.

Section 2. Monuments

Permanent reference monuments, of stone or reinforced concrete and at least 24 inches in length and 3.5 inches by 3.5 inches square with suitable center point, shall be set flush with the finished grade. Such monuments shall be located at all street corners, at all points where street lines intersect exterior boundaries and at angle points and points of curvature and tangency in each street.

Monuments of metal pipe at least 3/4 inches in outside diameter or solid metal rod one-half inch or more in diameter and at least 18 inches in length, shall be set in place flush with the finished grade at all intersections of alleys with streets, at all points on alleys, and boundary lines where there is a change in direction or curvature, and at all lot corners.

Prior to setting monuments, rough staking is permitted for purposes of installing utilities.

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the Agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Agent before any improvements are accepted by the County.

Any person, developer, builder, firm or corporation shall take the necessary precautions to protect all monuments and metal markers during construction. Any monument which is moved or destroyed shall be immediately reported to the Agent and shall be replaced by the subdivider as directed by the Agent.

Section 3. Roads and Streets

All new roads and streets shall be constructed in accordance with the minimum requirements of these regulations and the minimum construction standards of the Virginia Department of Transportation for public streets and/or the County for approved private streets.

Where curbs and gutters are not provided, stabilized shoulders and stabilized drainways outside the shoulders shall be provided.

Section 4. Surface Drainage Facilities

In accordance with the requirements of this Ordinance and good engineering practice, the subdivision shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the subdivision, in order to prevent inundation and damage to streets, lots, and buildings in accordance with the approved storm water management plan for the subdivision.

A continuing maintenance plan shall be submitted in accordance with the requirements of Article IV.

Section 5. Erosion and Sedimentation Control

All subdivision plans shall include adequate provision for control of temporary flooding or erosion and sediment control, both during construction and after completion of construction in accord with applicable laws and ordinances and the requirements of Article IV.

Section 6. Shoreline Protection and Waterfront Facilities

Shoreline subdivisions shall be provided with shoreline protection and waterfront facilities in accordance with the provisions of Article IV.

A continuing maintenance plan shall be submitted in accordance with the requirements of Article IV.

Section 7. Water Supply Facilities

Every subdivision with lots of such size as to require a public water supply under State or County regulations shall be provided with a community water supply and distribution system and appropriately spaced fire hydrants. The source of supply may be a county, municipal, or private water system, in which case the distribution system for the subdivision shall meet the standards for such jurisdiction or State standards or it may be an independent source of supply approved by the County and the State, in which case an arrangement, approved by the County Attorney, shall be made for its ownership and operation.

Section 8. Fire Protection

The Agent may require special fire protection measures and facilities as may be reasonably necessary in a particular case, whether or not a public or community water supply is provided.

Section 9. Sanitary Sewerage Facilities

Every subdivision with lots of such size as to require a public sewer system under the provisions of this Ordinance or the zoning regulations or the regulations of the State or the County shall be provided with a community sanitary sewer system connected to a county or municipal system or to an adequate community sewerage disposal plant meeting the requirements of the State and the County. If connected to a county or municipal system, sewers shall be constructed to meet the standards and requirements of such system and shall become a part thereof without cost to the county or municipality. If built as an independent system, an arrangement, approved by the County Attorney, shall be made for ownership and operation.

Where a public sewerage system will not be available, private on-site means of sewage disposal meeting the requirements of the State Department of Health shall

be provided; and, in addition, the Department of Health and/or the Agent may require the installation and capping of sanitary sewer mains and house connections where plans for central sewer systems have been prepared and where evaluation of such plans indicates that public sewer service will be necessary in the reasonably foreseeable future to protect public health.

The Agent shall not approve any subdivision where sanitary sewers are not provided unless the Agent shall receive in writing from the Health Department a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks and drainfields, and that they will not, so far as can be determined, create hazards to water quality or public health, and that such approval by the Agent is only with the understanding that where septic tanks and drainfields are to be installed, these must be approved on an individual lot basis by the Health Department.

Section 10. Utilities to be Installed on Easements

All utilities, poles or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided or in easements appropriately located, generally along the rear or side lot lines whenever this is possible.

Easements for natural drainageways and other drainage facilities, retention basins and other permanent erosion and sediment facilities shall be provided in accordance with the requirements of Article IV.

Section 11. Underground Utilities

Where new electrical and telephone wires and cables are required for internal service to a subdivision, such wires and cables shall in general be placed underground in accord with the rules and specifications of the Agent and special ordinances of Richmond County. The Agent may waive this requirement in the case of exceptionally large lots or unusual topographic conditions.

Section 12. Off-site Sewer, Water and Drainage Costs

1. The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary sewer, water or drainage improvements located outside of the property limits of the land owned or controlled by him whenever the following conditions exist:

a. The County determines that such off-site improvements to sewer, water, or drainage are necessitated at least in part by the construction or improvement of the subdivision.

b. The County or other appropriate authority has established a general sewer, water, or drainage improvement program for an area having related and common water, sewer and drainage conditions.

c. The subdivider's property is located within said designated area covered by such program.

d. The estimated cost of the total water, sewer or drainage improvement program has been determined.

e. The estimated water flow, sewerage flow or stormwater runoff has been established for the designated area served by such program.

2. The subdivider's share of the above-estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased water and sewage flow or increased volume and velocity of stormwater runoff actually to be caused by his subdivision bears to the total estimated volume and velocity of such water, sewage or runoff from such area in its fully developed state.

3. Such payment received by the County shall be expended only for construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider; provided, however, that in lieu of such payment the County may permit the subdivider to post a bond with surety satisfactory to the County conditioned on payment at commencement of such construction.

Section 13. Off-site Road Improvements

A subdivider may voluntarily contribute, and the County may accept, funds for off-site road improvements substantially generated and reasonably required by the construction or improvement of the subdivision.

Section 14. Open Space and Recreation Area

1. Where improved open space and recreation area are provided in the subdivision such improvements shall be installed in accordance with the approved open space and recreation plan.

2. Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the County Attorney to ensure that:

a. The open space area will not be further subdivided in the future.

b. The use of the open space will continue in perpetuity for the purpose specified.

c. Appropriate provisions are made for the maintenance of the open space.

d. Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

3. The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Agent. Type of ownership may include, but is not necessarily limited to, the following:

a. The County, subject to acceptance by the Board of Supervisors.

b. Other public jurisdictions or agencies, subject to their acceptance.

c. Quasi-public organizations, subject to their acceptance.

d. Homeowner, condominium, or cooperative associations or organizations.

e. Shared, undivided interest by all property owners in the subdivision.

4. If the open space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the

application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

- a. The homeowners association must be established before the homes are sold.
- b. Membership must be mandatory for each homebuyer and any successive buyer.
- c. The open space restrictions must be permanent, not just for a period of years.
- d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- e. Homeowners must pay their pro rata share of the cost; the assessment levied by the association may become a lien on the property if allowed in the master deed establishing the homeowners association.
- f. The association must be able to adjust the assessment to meet changed needs.

5. Maintenance of Open Space Areas

a. In the event that a non-public organization with the responsibility for the open space fails to maintain it in reasonable order and condition, the Board of Supervisors may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within 35 days thereof and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice.

b. At such hearing, the Board of Supervisors may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed 65 days within which they shall be remedied. If the deficiencies set forth in the original notice or in the modification thereof shall not be remedied within said 35 days or any permitted extension thereof, the County, in order to preserve the open space and maintain the same, may enter and maintain such land for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration date of said year, the Board shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days written notice to such organization and to the owners of the development, to be held by the Board, at which hearing such organization and the owners of the development shall show cause why such maintenance by the County shall not, at the election of the County, continue for a succeeding year. If the Board shall determine that such organization is ready and able to maintain said open space in reasonable condition, the County shall cease to maintain said open space at the end of said year. If the Board shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the County may, in its discretion, continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the Board of Supervisors or officer in any such case shall constitute a final administrative decision subject to judicial review.

c. The cost of such maintenance by the County shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with the homeowner's agreement, or if maintenance is not assessed by the homeowner's agreement then by the assessed value at the time of imposition of the lien and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon, and shall be enforced and collected with interest by the same officers and in the same manner as other taxes.

Section 15. Street Name Signs to be Erected

Street name signs shall be erected by the subdivider at each highway, thoroughfare or street intersection at locations approved by the Agent and in accordance with the design standards and specifications for roads and streets of the Virginia Department of Transportation.

Section 16. Trees May be Planted

Trees of a kind approved by the Agent may be planted in that portion of the subdivision dedicated for public purposes and along streets in accordance with approved landscaping standards and specifications.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

Section 1. Procedure Generally

1. The Preliminary Plat - Generally. Whenever a subdivision is proposed to be made, and before any sale or contract for sale or any construction work, including clearing and grading, is started, the owner or proprietor of the proposed subdivision or his duly authorized representative shall cause a preliminary plat to be prepared together with improvement plans and other supplementary materials as required herein. The preliminary plat shall comply fully with the health, zoning and other applicable ordinances in effect at the time the plat is submitted for tentative approval.

2. Sketch Plan or Concept Plan. It is recommended, but not required, that the subdivider submit to the Agent a preliminary sketch plan of the proposed subdivision, or general development plan for a condominium, apartment, townhouse project or water-dependent facility, prior to preparation of engineered preliminary and final plats. The purpose of such preliminary sketch plan is to permit the Agent to advise the subdivider whether his plans are in general accord with the requirements of this Ordinance. The Agent, upon submission of any preliminary sketch, shall study same and advise the subdivider wherein it appears that changes would be necessary. The Agent may mark the preliminary sketch plan indicating necessary changes and any such marked sketch shall accompany the preliminary plat.

3. Application for Tentative Approval. Five copies, or more if necessary, of the preliminary plat together with improvement plans for roads, water, sewer and other utilities and other supplementary material shall be submitted to the Agent with written application for tentative approval. Such application shall be submitted so as to permit the Agent at least thirty days from date of submission

for review and investigation as set forth in the following sections. For major subdivisions which require Planning Commission review, the preliminary plat shall be submitted to the Agent at least two weeks prior to a regularly scheduled meeting of the Commission.

4. Coordination with Site Plan Review. Where a proposed subdivision accompanies and is a part of a development for which site plan approval is required under the Zoning Ordinance, the subdivision plat and the site plan will be reviewed at the same time as nearly as possible under the requirements of these regulations.

5. Coordination with Soils Tests. Prior to approval of the final plat for a subdivision planned for on-lot sanitary sewage disposal systems, a soils test will be performed on each lot, either by the Health Officer or by a qualified soils scientist employed by the subdivider, and the design of the subdivision modified as may be required by the tests and as approved by the Agent.

6. Tentative Approval or Disapproval. When all submittal requirements have been met, the preliminary plat shall be reviewed by the Agent, the Planning Commission, the Board of Supervisors and other agencies as may be required. For a minor subdivision or where no state agencies are involved the Agent shall transmit his comments to the subdivider within 30 days and shall complete action thereon as submitted or as modified within 60 days of submittal. Where state agencies are involved or public hearing is required by the Board of Supervisors, action on preliminary plats shall be completed within a total of 90 days from submission to the Agent. If approved, the Agent shall express approval as tentative approval, or if disapproved shall express such disapproval and the reasons therefor and shall state what corrections or modifications would permit approval of the preliminary plat.

7. Notation of Agent's Action. The action of the Agent shall be noted on two copies of the preliminary plat and referenced to any conditions determined, which conditions shall be noted on or attached to the plat. One copy shall be returned to the subdivider and the other retained by the Agent.

8. The Meaning of "Tentative Approval". Tentative approval of a preliminary plat shall not constitute approval of the final plat or any guarantee of such approval. It shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. No property shall be transferred or offered for sale, nor shall a building permit be issued on the basis of an approved preliminary plat. The final plat will be submitted for approval of the Agent for recording when the requirements of these regulations have been complied with. Approval of a preliminary plat shall be valid for six months. The Agent may grant one extension for an additional period not to exceed one year upon written application therefore and good cause shown.

9. The Final Plat - Generally. The final plat shall conform to the preliminary plat as approved. The subdivider may record as a final plat only that portion of the approved preliminary plat which he proposes to develop immediately, in all cases subject to requirements of the Zoning Ordinance.

If the subdivider records a final plat which is a section of a subdivision as shown on an approved preliminary plat and furnishes to the County a certified check, cash escrow, bond, or letter of credit in an amount and form acceptable to the County for the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the County, the

Commonwealth, or other public agency, the subdivider shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, subject to the terms and conditions of state law and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

10. The Final Plat - Application for, and Approval or Disapproval. Copies of the final plat and other exhibits required for approval showing all or any part of a subdivision planned for immediate development shall be prepared as specified herein and shall be submitted to the Agent within six months after tentative approval of the preliminary plat, otherwise such tentative approval shall become null and void unless an extension of time is applied for and granted by the Agent. The Agent shall act on the final plat within sixty days after it has been officially submitted for approval by either approving or disapproving such plat in writing, and giving with the latter specific reasons therefore. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat. If the Agent fails to approve or disapprove the plat within said sixty days, the subdivider, after ten days' written notice to the Agent, may petition the Circuit Court of Richmond County to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper, which may include directing approval of the plat.

11. Recording Final Plat. After the Agent has approved the final plat, the subdivider shall file such plat for recordation in the clerk's office of the circuit court of the county within six months after approval thereof; otherwise such approval shall become null and void unless an extension of time not to exceed sixty days, is applied for and granted by the Agent in writing.

12. Planned Development. Preliminary and final plats and site plans for planned development shall be subject to the same procedures and requirements as other plats and plans and in addition the general development plan shall be subject to approval by the Board of Supervisors after recommendation by the County Planning Commission and after a public hearing held by the Board and advertised in accordance with Sec. 15.1-431 Code of Virginia 1950, as amended. In authorizing an approval the Board of Supervisors may impose such conditions regarding the location and character of features on the plan as it may deem necessary in the public interest and may require a guarantee or bond to ensure that conditions imposed are being and will continue to be complied with.

Section 2. Improvements to be Installed Before Approval of Final Plat

Prior to the filing with the Agent of a final plat for approval, all improvements required under these regulations shall be completed, or provisions made therefore, in accordance with the provisions of this Article and the design standards and specifications for roads, streets, drainage, water and sewer construction and improvements in Richmond County, in one of the following methods: (1) Installation and completion by and at the cost of the subdivider; (2) the furnishing by the subdivider to the Agent of a certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the County Attorney and sufficient to cover the cost of all improvements required to be installed by the subdivider as estimated by the Agent to guarantee the installation and completion of such improvements; or (3) the furnishing by the subdivider to the Agent of evidence

of the existence of agreements between the subdivider and qualified contractors for the installation and completion of the improvements and the contractors' performance bond with surety for the benefit of the County and the subdivider, and satisfactory to the County Attorney, in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the Agent. In the event that the subdivider elects to proceed by methods (2) or (3) as outlined above, the subdivider shall set a time, subject to the approval of the Agent, by which it is estimated the improvements be installed and completed. Unless an extension of that time is approved by the Agent and a new estimated date of completion established, the Agent shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling on the security of the bond.

Section 3. Certification Upon Completion of Improvements

Upon the completion of the installation of all improvements, the subdivider shall furnish a statement, approved by the Agent and prepared by a certified surveyor or engineer, to the effect that all construction is in substantial conformity to the regulations and requirements of this Ordinance, and the plans as approved by the Agent. The bond, escrow or other guarantee of completion shall be released within thirty days of written notice by the subdivider or developer to the Agent of satisfactory completion of construction, unless such subdivider or developer is notified in writing of a delay in such release and the reasons therefor; provided however that the Agent may retain up to 25 percent of the bond or other obligation for use in repair of improvements as may be necessary within one year of completion. Any bond, escrow or guarantee posted in lieu of payment may be released partially as a portion or portions of such construction progresses and is approved as completed by the Agent. In the event the subdivider has, in the opinion of the Agent, just cause for not completing the improvements in the entire subdivision where either a certified check or surety bond or performance bond has been posted, the Agent may release the subdivider from his obligation to complete all of the improvements in the subdivision provided the subdivider furnishes a statement by a certified surveyor or engineer to the effect that all construction which has been completed conforms to the regulations and requirements of this Ordinance and the plans as approved by the Agent; and provided further, that the subdivider has furnished satisfactory evidence that the undeveloped portion of the subdivision has been vacated by proper authority.

Section 4. Filing Final Plat for Recordation

When the provisions of the two preceding sections have been complied with, the subdivider shall file with the Agent the final plat for all of the subdivision or for that portion being developed at the time, in accordance with the requirements of these regulations in order to secure the final approval of the plat by the Agent.

Section 5. Requirements for Preliminary Plats and Supporting Data

When required by the Agent, the subdivider shall submit prior to or at the time of submitting a preliminary plat, five prints or copies of the following:

A Vicinity Map. The vicinity or location map may be in the form of an inset map and shall be made at an appropriate scale and shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it, and shall include subdivision name and location, main roads and streets, schools, parks and playgrounds, scale, north arrow and date.

A Sketch Plan (optional). The sketch plan or general development plan designated as such and drawn at an appropriate scale shall show the general topography of the subdivision and in simple form the proposed layout of streets, lots and other features in relation to existing topography.

A Preliminary Plat. An application in writing for the tentative approval of subdivision shall be submitted to the Agent together with five prints or copies of the preliminary plat having a horizontal scale of not more than two hundred feet to the inch and prepared by a registered professional engineer, professional landscape architect, registered land surveyor, planner, architect or other person having training or experience in subdivision planning or design and authorized to do business in the state, and clearly showing the following:

1. Subdivision name and location and name of person or firm preparing the plat.

2. The name and address of the record owner of the land proposed to be subdivided; the source of title with deed book references; and the owner or proprietor of the subdivision and the surveyor.

3. The location and names of adjoining subdivisions or names of the owners of adjoining parcels of land, establishing the boundary lines of the tract to be subdivided.

4. The location, width and names of all existing or platted streets or public ways within or adjacent to the subdivision for a distance of at least three hundred feet and the location, width and names of all proposed streets, and location and width of proposed alleys within the proposed subdivision. Except for extension of existing streets, street names shall not duplicate nor closely resemble existing street names in the County.

5. The location, width and purpose of other rights of way and easements and the location of all setback lines, whether or not controlled by zoning regulations.

6. The location of existing physical features to assist in identifying and studying the plat, including existing buildings, wooded areas, watercourses, wetlands, unusual soil conditions, areas subject to flooding, or any other significant natural or man-made physical features affecting the proposed subdivision. For waterfront property or property abutting a wetland, swamp or marsh, the plat shall show the approximate high-water line, the edge of the wetland, swamp or marsh as best it can be defined, the top of bank or bluff, toe of slope, and height of bank or bluff.

7. The delineation of the Resource Protection Area boundary, including the 100-foot buffer component. (Amended June 14, 2012)

8. Notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable. (Amended June 14, 2012)

9. The location of proposed buildings, accessways, parking areas and other site design features for multifamily, townhouse, condominium or waterfront developments.

10. The boundaries of all property to be dedicated for public use, and of all property to be reserved by covenant in deeds for the common use of the occupants

of lots in the subdivision, or otherwise reserved with a statement of the purpose for which such covenant or reservation is made or such use is restricted or limited.

11. General location of proposed docks, piers, water access and water-related structures, shoreline stabilization structures, water depths and shellfish beds.

12. General indication of plans for drainage and utilities, including permanent flood control structures, retention basins, lagoons and the like.

13. The layout, lot lines, lot numbers and block letters and approximate dimensions of proposed lots.

14. The proposed use of the property to be subdivided and the zoning of same and the land adjacent to the tract.

15. Scale, north arrow (true meridian where practicable) and date. The Agent may approve a modification of scale for a large subdivision.

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the Agent.

In accordance with the requirements of Article IV and where it is economically or technically practical to do so, the subdivider shall protect and preserve physical features such as large trees, natural growth, watercourses, scenic points, historic places, topsoil and other similar community assets that will add attractiveness and value to the property if preserved. Such features to be protected and preserved shall be delineated on the preliminary plat and keyed to an appropriate brief statement of intent to be set forth thereon.

Where the subdivision design is such that certain open spaces or other features are to be reserved for the common use of occupants or where private streets are proposed, the Agent shall require, subject to approval by the County Attorney, that suitable measures be taken for permanent maintenance of such spaces, features, or streets, in accordance with the requirements of this Ordinance. Documentation of such measures shall be filed with the preliminary plat.

Where applicable, the Agent may require that the preliminary plat be accompanied by a letter from pertinent utility companies that the plat has been reviewed by them and containing comments on nature and location of existing and proposed utilities.

Section 6. Construction Plans

Following conditional approval of the preliminary plat by the Agent, the subdivider shall, if he has not previously done so, submit two blue or black line prints or copies of construction plans for improvements to be installed in accordance with the provisions of this Ordinance and prepared by a registered professional engineer or registered land surveyor in accordance with state law and authorized to do business in the state, as follows:

1. Profiles along the center and both sides of each street, with tentative construction grades indicated, shall be shown on a standard profile sheet at a vertical scale of one inch equals ten feet and a horizontal scale of one inch

equals one hundred feet unless otherwise permitted by the Agent, and all elevations shall be based upon mean sea level.

2. The proposed water supply, if any, and plan of water distribution system showing existing and proposed water mains, pipe sizes, storage facilities, location of valves and fire hydrants, or other system of water supply.

3. The proposed method of sewage disposal and plans and profiles of proposed sanitary sewers, if any, including existing sewers within the proposed subdivision and immediately adjacent thereto on a standard profile sheet and plan sheet at a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals one hundred feet unless otherwise permitted by the Agent, with grades and sizes indicated, or method of sanitary sewage disposal in lieu of sanitary sewers.

4. Plans for storm sewers or other methods of disposal of storm waters shall be submitted in the same manner as outlined in Subsection 3. above.

5. Plans for shoreline stabilization structures, docks, piers, boat ramps and other water-related structures.

6. Plan of the proposed street lighting system, if any, showing locations, type, wattage, height, etc.

7. Plan of the proposed tree planting, if any, showing location, kind, d.b.h., etc.

Section 7. Requirements for the Final Plat

The subdivider shall submit to the Agent five black line prints of the final subdivision plat prepared by a registered professional engineer or registered land surveyor authorized to do business in the state, and one black-line mylar reproducible of the final plat, the original of which shall be clearly and legibly drawn on a sheet eighteen by twenty-four inches, including a margin of one-half outside ruled border lines at top, bottom, and right sides, and one and one-half inch for binding on the left eighteen inch end. The plat shall have a scale of one hundred feet to the inch and shall clearly show the following:

1. The title of the plat shall be included within a space four inches high and six inches wide in the lower right-hand corner of the plat. The data therein shall be confined to the following: Name of subdivision with designation of section if only a portion of the approved preliminary plat is being developed, the county and magisterial district applicable, date, scale and the registered surveyor or engineer who prepared the plat. The name of the subdivision shall be in bolder type than the rest of the title.

2. The name of the record owner of the land being subdivided and the name of the subdivider.

3. The boundaries of the subdivision showing the length of its courses and distances to one hundredths of a foot and bearings to half minutes, having been determined by an accurate survey thereof in the field, which shall close with an error of closure not exceeding one foot in ten thousand feet. The names and locations of adjoining subdivisions or the names of the owners of adjoining parcels of land that may be unsubdivided.

4. The exact location, alignment, arrangement and width along property lines of all streets, whether opened or not, intersecting or paralleling the boundaries of the subdivision.

5. The exact location and material of all permanent reference monuments.

6. The exact location, alignment or arrangement of streets and alley lines in the subdivision, the names of all streets, the bearing, angles of intersection and width thereof, including their width along the line of any obliquely intersecting street.

7. The radius, delta and arc length of all curves.

8. The exact location, alignment or arrangement of all easements provided for use by public service corporations, with a statement of any restrictions or limitations placed on such use.

9. The exact location, alignment or arrangement of all lot lines with their dimensions expressed in feet and hundredths of a foot and with their bearings or angles to half minutes.

10. All lots shall be numbered with consecutive Arabic numerals in each block, and all blocks shall be lettered in consecutive alphabetical order. In case of a re-subdivision of lots in any block, the lots shall be numbered with consecutive Arabic numerals, beginning with the numeral following the highest lot numeral in the block.

11. The exact boundaries of all property to be dedicated for public use, and of all property to be reserved by covenant in deeds for the common use of all owners of lots in the subdivision or otherwise reserved, with a statement of the purpose to which such covenant or reservation is made or such use is restricted or limited.

12. The location of setback lines.

13. The delineation of the Resource Protection Area boundary, including the 100-foot buffer component. (Amended June 14, 2012)

14. Notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable. (Amended June 14, 2012)

15. The north point with magnetic bearing or if true meridian is shown the basis of its determination shall be stated.

16. A certificate of the engineer or surveyor who prepared the plat certifying that the plat represents and is based on a survey made by him or under his direction and supervision; that all monuments shown thereon are actually in place or will be put in place before a date specified by him; that their location and character are truly shown on the plat; and that all of the provisions and requirements of this article have been observed and fully complied with.

17. A statement to the effect that the subdivision as it appears on the plat, including the dedication of all streets, alleys, easements and other land for public purposes and use is with the free consent and in accordance with the desire of the subdivider and of the trustee or mortgagee, or each of them if more than one, in any deed or other instrumentality, if any, creating a lien on

the land in the subdivision, or any part thereof, which shall be signed by the subdivider and trustee or mortgagee, and shall be duly acknowledged before some officer, authorized to take acknowledgements to deeds. All cloth prints and transparent copies shall contain such signatures.

18. A certificate signed by the surveyor or engineer who prepared the plat setting forth the source of title of the owner of the land subdivided and the court in which the last conveyance or source of title is recorded. When the land in the subdivision was acquired by the subdivider from more than one source of title, the land acquired from each source shall be indicated on the plat.

19. In a case where private streets have been approved every such plat shall contain the following statement:

"THE PRIVATE ROADS IN THIS DEVELOPMENT WILL NOT BE PAVED OR MAINTAINED WITH FUNDS FROM RICHMOND COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION. IN ADDITION, RICHMOND COUNTY SCHOOL TRANSPORTATION POLICIES WILL NOT ALLOW SCHOOL BUSES TO TRAVEL AND PICK UP CHILDREN ON PRIVATE ROADS. IN THE EVENT THAT OWNERS OF LOTS IN THIS DEVELOPMENT SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE ROADS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR RICHMOND COUNTY. PRIVATE ROADS IN THIS DEVELOPMENT ARE NOT DEDICATED AND ARE OWNED BY (trust, corporation, property owners' association)."

a. Restrictive Covenant. The deed to each tract in a private road subdivision shall carry a restrictive covenant containing the above referenced statement.

b. Affidavit of Buyer. No deed to a tract of land in a private road subdivision shall be recorded unless the same carries an affidavit duly signed and acknowledged by the grantee in said deed to the effect that he acknowledges that the roads in said subdivision are private roads and the statement above in Section 7-17 shall apply to the subdivision.

Section 8. Changes, Preliminary or Final Plats

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

Section 9. When Final Plat to be Recorded

When a final subdivision plat has been approved, executed and acknowledged in accordance with the provisions of this article, it shall be recorded in the office of the clerk of the circuit court of the county within six months after final approval thereof. Three black line prints and two film positives shall be submitted to the Agent. Unless such plat shall be filed for recordation's as aforesaid within six months after final approval thereof, such approval shall be withdrawn and the plat marked void and returned to the Agent.

Section 10. Vacation of Plats

Vacation of plats before or after sale of lots shall be accomplished in the manner provided by law. Any such vacation shall operate to destroy the force

and effect of the recording of the plat or part thereof so vacated, to divest public interests and revest title in the owners in the manner provided by law.

Section 11. Responsibilities of Clerk of the Circuit Court

No final plat of a subdivision shall be recorded unless and until it shall have been submitted to and approved by the Agent; and no clerk or deputy clerk of the circuit court of the county shall file or record a plat of subdivision until such plat has been approved by the Agent and unless such plat is submitted within six months of the date of the final approval of the Agent.

Section 12. Modification for Unusual Situations

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in substantial injustice or hardship to the subdivider because of unusual topography or other situations or conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Board of Supervisors may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Ordinance or being contrary to the goals and objectives of the Comprehensive Plan for the County. In no case shall any variation, modification, or waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with the proposals of the adopted Major Thoroughfares Plan for the County or the applicable zoning regulations.

Section 13. Approval of Modification and Waivers

Variances, modifications, and waivers from the requirements of this Ordinance shall be granted only by the affirmative vote of majority of the members of the Board of Supervisors. In granting variances, modifications, and waivers, the Board of Supervisors may require such conditions as will, in its judgment, substantially secure the objectives of the requirements so varied, modified, or waived.

Section 14. Fees

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the Agent. At the time of filing the preliminary plat, the subdivider shall deposit with the Agent checks payable to the Treasurer of Richmond County in the amount of such fees which shall be computed in accordance with the schedule of fees adopted by the Board of Supervisors.

Section 15. Enforcement and Penalties

No building permit shall be issued or construction shall be authorized by the County on lands where a subdivision plat is required to be approved and recorded as provided herein and no certificate of occupancy shall be issued until the compliance with this Ordinance and other applicable provisions regarding the use of any structure or land where a subdivision plat is required to be approved and recorded as provided herein has been made by the Agent.

The violation of any provision of this Ordinance shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or not more than five hundred dollars for each lot or parcel of land subdivided or transferred or

sold in violation hereof. The County may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation of this Ordinance, in any court of competent jurisdiction.

ARTICLE VII

SEVERABILITY, CONFLICT, EFFECTIVE DATE

Section 1. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 2. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date

This Ordinance shall take effect immediately upon adoption at 4:15 P.M. on August 10, 1989.

Section 4. Filing of Certified Copies

Certified copies of this Ordinance and any subsequent amendments thereto shall be filed in the office of the Clerk of the Circuit Court of Richmond County and the office of the Agent.

APPENDIX A

CERTIFICATES REQUIRED

OWNER'S CONSENT AND DEDICATION

Know all men by these presents, that the subdivision of land as shown on this plat, containing _____ acres, or more or less and designated as _____ Subdivision situated in the _____ District of Richmond County, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; that all streets shown on said plat are hereby dedicated to the public use, and that all lots within the subdivision are subject to certain restrictions, reservations, stipulations and covenants as contained in a writing executed by the undersigned, under date of _____, 19____, and recorded in the clerk's office of Richmond County in Deed Book _____, Page _____. The said _____ acres of land hereby subdivided having been conveyed to _____ by _____ by deed dated _____, 19____, and recorded in the clerk's office of the Circuit Court of Richmond County, Virginia, in Deed Book _____, Page _____.

Given under our hands this _____ day of _____, 19____.

_____ (SEAL)
_____ (SEAL)
_____ (SEAL)
_____ (SEAL)

SURVEYOR'S CERTIFICATE

I hereby certify that to the best of my knowledge and belief, all of the requirements of the Board of Supervisors and ordinances of Richmond County, Virginia regarding the platting of subdivisions within the County have been complied with.

Given under my hand this _____ day of _____, 19__.

State Certified Engineer (or Land Surveyor)

CERTIFICATE OF APPROVAL

This subdivision known as _____ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

_____ Date	_____ Highway Engineer
_____ Date	_____ Health Officer
_____ Date	_____ Agent or Representative of the Governing

MANUFACTURED HOME REGULATIONS SECTION OF THE
SUBDIVISION ORDINANCE FOR
RICHMOND COUNTY, VIRGINIA
(Amended 5/11/89 and 11/9/89)

SECTION 1- PURPOSE

1-1

The purpose of this Ordinance is to regulate and govern the establishment and operation of Manufactured Homes and Manufactured Home Parks and to promote the public health, comfort, safety, and general welfare of the citizens of Richmond County by providing for the locations and operation of individual manufactured homes and manufactured home parks; establishing minimum standards for conditions and facilities thereof, fixing the responsibilities and duties of owners and operators thereof; and fixing penalties for violations.

SECTION 2 - DEFINITIONS

2-1 MANUFACTURED HOME - A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (Code of Virginia, Section 36-85.3)

2-2 MOBILE HOME - A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

2-3 MANUFACTURED HOME PARK - A tract of land or a combination of tracts of land under single ownership or management which has been designed, constructed, equipped, operated and maintained for the placement of two (2) or more manufactured homes.

2-4 RECREATIONAL VEHICLE - "Recreational Vehicle" means any vehicle, with or without collapsible sides, designed, used, or maintained for use as a conveyance upon highways, either self-propelled or designed to be towed by another vehicle, and which is so designed and constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons. The term "recreational vehicle" shall include the terms "camper", "camping trailer", "travel trailer", "self-propelled motor home", "motor home", "camper vehicle", and "R-V".

2-5 CERTIFICATE OF OCCUPANCY - A certificate issued by the County Building Official certifying that a structure is in compliance with all applicable requirements of the Uniform Statewide Building Code and County Building Ordinance.

SECTION 3 - ADMINISTRATION

3-1 The Richmond County Board of Supervisors shall administer this Ordinance. In doing so, the Board may designate an agent to act for it in making a recommendation as to the approval or disapproval of any plan of development submitted; however, the sole responsibility for the enforcement of this Ordinance shall rest with the Board, which shall not be bound by the recommendations of any agent appointed by it.

Any person whose application for a permit under this Ordinance has been denied may request, and shall be granted, a hearing on the matter before the Board of Supervisors.

3-2 PERMITS - No individual manufactured home shall be located or relocated within Richmond County until a building permit is granted. No building permit shall be granted for residential use of a manufactured home in Richmond County until an approved water well and septic tank disposal system has been installed and certified operational by the County Sanitarian, Virginia Department of Health.

Once all requirements have been met regarding the placement of a mobile home within Richmond County except for the installation of water and septic disposal systems, the Building Official shall provide to the applicant a "Conditional Certificate" which shall guarantee the issuance of a building permit when the approved water well and septic tank disposal system has been installed and certified operational by the County Sanitarian, Virginia Department of Health.

3-3 MOBILE HOMES PROHIBITED IN HURRICANE ZONE - No mobile homes shall be located in any area in Richmond County designated as a "hurricane zone" unless such mobile home is brought up to current HUD standards for manufactured homes.

3-4 MANUFACTURED HOME USED AS RESIDENTIAL DWELLING - No person, persons, firm, corporation, manufactured home dealer or seller, installer or transporter shall locate or relocate a manufactured home within the boundaries of Richmond County for the purpose of being eventually used as a dwelling without first verifying that an approved water well and septic tank system has been installed before placing the manufactured home on the site.

3-5 MAIN STRUCTURE - All manufactured homes to be occupied as a dwelling shall be considered a main structure and regulated as such.

3-6 INDIVIDUAL SEWAGE DISPOSAL SYSTEM - No individual manufactured home shall be connected to the sewer system of any other manufactured home or to the sewer system of any other main structure.

3-7 ENTRY INTO THE COUNTY/ RELOCATION WITHIN THE COUNTY - No person, persons, firm, corporation, manufactured home dealer or seller, installer, or transporter shall move or transport a manufactured home into Richmond County for the purpose of said manufactured home being eventually located in the county without first having obtained a building permit.

No person, persons, firm, corporation, manufactured home dealer or seller, installer, or transporter shall move, transport, store, or maintain a manufactured home within the boundaries of Richmond County for the purpose of relocating said manufactured home onto another site within the county without first having obtained a building permit.

Manufactured home dealers licensed by the Commonwealth of Virginia for the sale of such homes, which transport a manufactured home into the county to said dealer's place of business for the purpose of resale to the general public shall be exempt from this section for that period during which the manufactured home unit remains on the dealer's sale lot.

3-8 REMOVAL OF UNIT LOCATED OR RELOCATED IN COUNTY WITHOUT BUILDING PERMIT - Provided that if a manufactured home is illegally located or relocated in Richmond County in violation of this Ordinance, the Richmond County Board of Supervisors, after giving ten (10) calendar days notice to the owner of the said

manufactured home or the owner of the real property on which the manufactured home is located if the owner of the manufactured home cannot be determined or located , shall have the right to cause the removal of said manufactured home from its location and store said manufactured home in a location approved by the Board for that specific enforcement purpose until such time as the owner reclaims the manufactured home. The expenses of removing the manufactured home and storing it shall be a lien against the manufactured home and must be paid before the manufactured home is released to the owner, provided that the Board shall not be required to release the manufactured home until such time as the owner can present evidence that the manufactured home will be removed from the County or located in the County in conformance with this Ordinance. Richmond County, its Board of Supervisors, or any of its agents shall not be responsible for any damage occurring to unit in process of moving or storage under this section.

It is further provided that after thirty (30) days, the Board shall have the right to enforce the lien against any manufactured home removed or stored under the provisions of this section by following the provisions of Section 43-34 of the Code of Virginia, 1950 as amended, or by following the provision of any Code section replacing Section 43-34.

3-9 NOTIFICATION - The County building official must be present and on the site at the time that a manufactured home is delivered to any such site within the boundaries of Richmond County for the purpose of being set up on such site. It shall be the responsibility of the homeowner, landowner, seller, manufactured home dealer, installer, and hauler to assure that the building official has been notified at least 24 hours in advance of the delivery and that a time suitable to the building official has been arranged for such delivery. No manufactured home shall be set on a site until the Building Official is present and has inspected the site.

The building official shall be notified that a manufactured home will be moved or transported within the county to a location within the county and shall be provided with the following information:

- (a) Destination
- (b) Date
- (c) Time
- (d) Owner
- (e) Landowner
- (f) Title Number
- (g) Serial Number
- (h) Make
- (i) Model
- (j) Year
- (k) Dimensions (length and width)

(1) HUD Number

The Building Official shall also be notified within ten (10) days of the removal of a manufactured home from Richmond County.

3-10 PERIMETER ENCLOSURE - Every manufactured home to be located or relocated in Richmond County shall be skirted on all four sides; skirting shall be securely fastened in place. The skirting shall be installed prior to the issuance of an occupancy permit and the authorization for electrical service.

Skirting shall be of rigid weatherproof material approved by the Building Official. Any such skirting shall be properly vented and supplied with an approved means of access to meet the requirements of the Building Code.

3-11 CERTIFICATE OF USE AND OCCUPANCY - No individual manufactured home shall be occupied until a Certificate of Use and Occupancy shall have been issued by the Building Official.

The Certificate of Use and Occupancy shall not be issued until the following have been completed, inspected and approved by the Building Official:

- (a) Footing/foundation inspection;
- (b) Mounting/support pillar inspection;
- (c) Anchoring/tie-down inspection;
- (d) Drainage line inspection;
- (e) Water line inspection;
- (f) Step, stoop, and handrail inspection;
- (g) Electrical power supply approval inspection;

After these have been approved by the Building Official, a certificate of use and occupancy shall be issued; but not until such time is anyone to be living in said manufactured home.

Within thirty (30) days after receipt of the certificate of use and occupancy, the owner or occupant shall verify to the Building Official that a successful bacteriological examination of the water to be used within the manufactured home has been completed.

3-12 COMPLIANCE - The owner, landowner, permit holder, or their authorized agent shall bring the manufactured home into compliance with the provisions of the Virginia Industrialized Building Safety Law, the Virginia Uniform Statewide Building Code, and the Richmond County Manufactured Home Ordinance, including any existing amendments and amendments which may hereafter be adopted, within sixty (60) days after the issuance of the building permit.

Should the manufactured home not be in compliance as stated above within the initial sixty (60) days, the Building Official shall give written notice to the owner, landowner, or permit holder, that unless the necessary conditions or practices to bring the structure into compliance are completed to the satisfaction of the building official within an additional thirty (30) days, the Building Official shall immediately initiate the appropriate legal proceedings.

3-13 EXISTING MANUFACTURED HOMES - Nothing contained herein shall be construed as authorizing the continuation of violations in connection with any mobile or manufactured home located in Richmond County. The Building Official is hereby expressly authorized to require the correction of any such violations to the extent necessary to bring any such mobile or manufactured home into compliance with said regulations and codes as they existed on the date on which the mobile or manufactured home was located in Richmond County.

3-13-1 Existing mobile or manufactured homes may be replaced with manufactured home units meeting the requirements of this section and setback requirements.

3-14 ENFORCEMENT - The Health Officer and Building Official are authorized, empowered, and directed to make periodic and frequent inspections throughout the county to ascertain whether there are manufactured homes or manufactured home parks within the county in violation of county and state laws. The Health Officer shall notify the Building Official of any such violations so that action may be taken to correct the situation.

The Building Official shall have the right, at all reasonable hours, to enter onto any landowner's property for examination as to compliance with all local, state, and federal laws and regulations.

3-15 VIOLATION AND PENALTY - Whenever, upon inspection of any manufactured home, the Health Officer or Building Official finds that conditions exist which are in violation of any of the provisions of the Virginia Industrialized Building and Manufactured Home Safety Regulations, the Virginia Uniform Statewide Building Code, or the Richmond County Manufactured Home Ordinance, the Building Official shall give written notice to the owner, landowner, and/or permit holder that unless such conditions or practices are corrected within thirty (30) days, such owner, landowner, or permit holder shall be deemed in violation of the appropriately referenced regulation, law or code.

Any person, persons, firm, or corporation which fails to comply with any or all of the requirements of the aforementioned codes or laws or directions of the Building Official shall be guilty of any offense and, upon conviction, shall pay a fine or not less than twenty-five (\$25) dollars nor more than one thousand (\$1,000) dollars. Each day during which any violation continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action, in equity for the proper enforcement. The imposition of a fine or penalty for any violation or noncompliance shall not excuse the violation or noncompliance or permit it to continue; all such persons shall be required to correct, abate, or remedy such violations or non-compliances within a reasonable time. A reasonable compliance time should normally not exceed thirty (30) days.

3-16 UNDUE HARDSHIP OR DEPARTURE WITHOUT DESTROYING INTENT - The provisions of this Ordinance may be deemed not applicable in those situations where, in the opinion of the Board of Supervisors, undue or unnecessary hardship would be

caused, and where a departure may be made without destroying the intent of this Ordinance to regulated the orderly development of the County for the protection of its citizens, provided that all applicable Health Department regulations are followed. The request for a waiver of requirements must be made in writing to the Board of Supervisors. Furthermore, the Board of Supervisors shall grant a departure from the provisions of this Ordinance for the duration of the hardship only.

3-17 RIGHT TO REFUSE BUILDING PERMIT - In order to exercise the intent of this Ordinance and provide some limited control over the number and location of manufactured homes in Richmond County, the Board of Supervisors reserves the right to refuse to issue a building permit when, in its judgment, an individual manufactured home or manufactured home park is not in keeping with the best interests of the community.

Any person or persons whose application for a permit has been denied may request and shall be granted a hearing on the matter by the Board of Supervisors.

SECTION 4 - INDIVIDUAL MANUFACTURED HOMES

4-1 MINIMUM LOT AREA WITH PUBLIC WATER OR SEWER: Individual manufactured home lots served by either public water or public sewer shall have a minimum area of twenty-five thousand (25,000) square feet.

MINIMUM LOT AREA WITHOUT PUBLIC WATER OR SEWER: Individual manufactured home lots served by neither public water nor public sewer shall have a minimum area of one (1) acre.

For manufactured homes utilizing individual sewage disposal systems, a greater lot size may be required if deemed necessary by the Health Department.

4-2 MINIMUM SETBACK: Individual manufactured homes shall be located seventy-five (75) feet or more from any street right-of-way.

Further, the lot shall be one hundred fifty (150) feet or more in width at the building line and the manufactured home shall not be closer than twenty-five (25) feet from any lot boundary line. "Building line" shall mean the horizontal distance between side boundary lines, measured along the setback line. This line shall be parallel to the front boundary line of a rectangular parcel/tract or land, or in the case of a curved front boundary line, parallel to the chord of the curve.

Manufactured homes that front on a river, creek, or other body of water shall have a minimum set-back of one hundred (100) feet from the mean high water line of any such body of water.

4-3 SITE OF MANUFACTURED HOME - Any individual manufactured home located in Richmond County shall be placed on its own recorded parcel of land, which shall be owned by the owner and occupant of said manufactured home.

A variance from the requirement above may be granted by the Board of Supervisors provided (a) the occupant of a manufactured home placed upon a parcel with an existing dwelling shall be a family member of the parcel owner, meaning child, spouse, parent, sibling, grandparents and grandchildren; (b) no more than two units shall be placed upon a parcel with an existing dwelling; (c) the area to be occupied by the manufactured home shall meet all requirements of lot size and setbacks, exclusive of a reasonable area occupied by the existing dwelling, such area to be determined by the building official and which shall include, at a minimum, the existing dwelling, driveway, septic system and drainfield, and well; (d) there shall be at least fifty (50) feet distance between the manufactured home and the existing dwelling; and (e) such manufactured home shall have a sewage disposal system which is separate from the existing structure on the parcel.

4-3-1 A manufactured home may be used for temporary dwelling for up to two (2) years during construction of a primary dwelling unit. The manufactured home must meet all requirements of this ordinance, however, a relaxation of the dimensional requirements (setbacks, lot size and width etc.) may be allowed so that the primary dwelling structure may receive optimal placement. Building permits for the manufactured home and the primary dwelling unit must be obtained concurrently. If more than two (2) years is needed to complete construction on the primary dwelling the applicant must request an extension of time from the Board of Supervisors.

4-4 SURVEYOR'S CERTIFICATE - When it is difficult for the Building Official to determine that the location of a manufactured home is in accordance with the setback requirements, the Building Official may request that the placement be certified by a registered land surveyor and a statement completed and submitted to the Building Official. The owner shall pay the cost for any such survey.

4-5 APPURTENANCES - Any appurtenance (such as a room, deck, or screened porch) to a manufactured home shall require a building permit issued by the building official. Any such appurtenance shall comply with applicable requirements for the Virginia Uniform Statewide Building Code, including amendments thereto.

The Building Official may, in his discretion, order the immediate removal of any appurtenance or detached structure for which no building permit or certificate of use and occupancy was obtained.

4-6 STORED MANUFACTURED HOMES - No manufactured home shall be located or relocated in Richmond County exclusively for the purpose of being stored and eventually being set up or relocated in the county. The Building Official shall immediately initiate legal proceedings for the removal of any such manufactured home.

4-7 MANUFACTURED HOMES USED FOR STORAGE PURPOSES - No manufactured home shall be located or relocated in Richmond County exclusively for the purpose of being used for storage purposes. The Building Official shall immediately initiate legal proceedings for the removal of such manufactured home.

4-8 MANUFACTURED HOME FOR RESALE OTHER THAN BY A LICENSED DEALER- No manufactured home that is for resale by anyone other than a licensed dealer shall be placed on property in Richmond County, unless it complies with all applicable laws and codes pertaining to individual manufactured homes. A

manufactured home owner who has replaced a manufactured home with another dwelling structure on his land shall have sixty (60) days in which to remove the manufactured home from his property, either by sale or other means, provided that the manufactured home is not inhabited during that period.

4-9 MANUFACTURED HOME USED AS A RENTAL UNIT - No manufactured home shall be located or relocated on an individual lot within Richmond County for the sole purpose of providing rental housing. Such manufactured homes to be used for rental housing shall be located only within approved manufactured home parks.

4-10 RECREATIONAL VEHICLES - Recreational vehicles are not intended as single family dwellings and shall not be used as such in Richmond County. Any such use shall be considered a violation of this ordinance.

SECTION 5 - MANUFACTURED HOME PARKS

5-1 DENSITY - The total density of any manufactured home park shall not exceed four (4) units per gross acre, and the net density on any particular acre within such park shall not exceed five (5) units per acre.

5-2 MINIMUM PARK SIZE - NUMBER OF SPACES - The minimum area for any manufactured home park shall be two (2) acres, and the minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be four (4), unless otherwise permitted by the Board of Supervisors.

5-3 MINIMUM LOT SIZE - The minimum area for any individual manufactured home lot within the park shall be eight thousand (8,000) square feet, exclusive of the area required for the mobile home stand. The minimum average width for each manufactured home lot shall be sixty-five (65) feet, except that for any stands designed for manufactured homes greater than fifteen (15) feet in width, the minimum average lot shall be one (1) additional foot over for every additional foot of width of the manufactured home.

5-4 YARD AND SETBACK REQUIREMENTS - No manufactured home shall be placed within thirty (30) feet of any permanent structure. The minimum distance from the line or corner of any manufactured home stand to a private access drive, a common parking area, a common walk, a buffer strip, or other common area shall be fifteen (15) feet. Patios, carports, and individual storage facilities may be disregarded in determining yard widths.

5-5 BUFFER STRIPS - Each manufactured home park shall include a greenbelt buffer strip around its perimeter, for the purpose of providing an adequate distance between any manufactured home and any park boundary. This buffer strip shall have a minimum width of twenty-five (25) feet where such strip abuts any public street or highway, or residential property, and fifteen (15) feet where such strip abuts any other property boundary.

5-6 THE MANUFACTURED HOME LOT - No manufactured home park lots shall be offered for sale or sold. The limits of each manufactured home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on approved plan of development.

5-7 MANUFACTURED HOME STAND - The manufactured home stand shall be an improved area to provide adequate support for the placement and tie-down of the manufactured home. Each stand shall be constructed of an appropriate material properly placed, graded and compacted, so as to be durable and adequate for the support of the maximum anticipated loads during all seasons, and shall not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, or other forces.

The manufactured home stand shall be of sufficient size as to be suitable for the adequate support of manufactured homes of the dimensions anticipated.

The location of each manufactured home stand shall be at such elevation, distance, and angle in relation to the access street that placement and removal of the manufactured home is practical.

5-8 ACCESSORY STRUCTURES - Accessory structures shall depend upon the manufactured home and shall not provide complete independent living facilities with permanent provisions for sleeping, cooking, or sanitation. Such structures shall be erected or constructed on a manufactured home lot as directed by the management of the manufactured home park, as required by applicable national, state, or local standards, and as specified herein:

1. Accessory structures shall not obstruct required openings for light and ventilation of the manufactured home, and shall not prevent inspection of manufactured home equipment and utility connections.

2. Construction and electrical installations, unless otherwise specified, shall comply with applicable ANSI Standard A119.1.

3. Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the manufactured home.

5-9 RECREATION AREA - Not less than ten (10) percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location. In larger developments recreation facilities can be decentralized with at least one area two-thirds (2/3) of an acre suitable for a ball field. All recreation areas shall be located as to be free of traffic hazards.

5-10 DRIVEWAYS - Improved driveways should be provided on lots where necessary for convenient access to manufactured homes. The minimum width in such case shall be ten (10) feet.

The design criteria for automobile parking shall be based on two parking spaces for each manufactured home lot. Parking may be in tandem.

5-11 STREETS: GENERAL - All manufactured home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways or other means.

Entrance Streets: Entrances to manufactured home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning.

Circulation: The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to 1,000 feet and their closed end shall be provided with an adequate vehicular turn-around (60 feet diameter cul-de-sac).

Pavement Widths: Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with 10 feet minimum moving lanes for collector streets, 9 feet minimum moving lands for minor streets, 7 feet minimum lanes for parallel parking, and in all cases shall meet the following minimum requirements.

1. Entrance and collector streets with guest parking allowances 36 feet
2. Collector streets without parking allowances 26 feet
3. Minor streets serving less than 40 lots (no parking) 18 feet
4. One-way Minor streets serving less than 20 lots (no parking) 12 feet

Street Grades: Grades of all streets shall be sufficient to insure adequate surface drainage, but should not be more than eight (8) percent. Short runs with a maximum grade of 12 percent may be permitted, provided traffic safety is assured.

Intersections: Street intersections should generally be at right angles. Off-sets at intersections and intersections of more than two streets at one point should be avoided.

Extent of Improvements: All streets shall be provided with a smooth and dense surface which shall be durable. The surface shall be maintained in a condition which permits safe and comfortable transit.

5-12 SIDEWALK REQUIREMENTS - All manufactured home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, with access from all manufactured home sites to all facilities for general use. Construction of walks shall be of a hard and dense material such as asphalt or concrete.

5-13 WATER - An adequate supply of potable water approved by the Health Department shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply outlets located within the area of each manufactured home stand.

5-14 SEWAGE - An adequate and safe sewerage system or septic tank installation, approved by the Health Department, shall be provided for conveying and disposing of all sewage, waste, or wastewater. All improvements shall be designed, constructed, and maintained in accordance with Health Department regulations.

5-15 REFUSE HANDLING - Corrosion-resistant metal garbage cans or other non-combustible containers, with tight-fitting covers, shall be provided in quantities adequate to permit proper storage of all garbage and rubbish. The cans shall be kept in sanitary condition as determined by Health Department inspection. Where suitable collection service is not available from the county, the manufactured home development operator shall provide this service.

5-16 ELECTRICAL - Adequate electrical service to each manufactured home lot shall be installed in accordance with the National Electrical Code, as approved by the Building Inspector. Distribution systems shall be installed underground, unless economically impractical.

5-17 REGISTRATION OF OCCUPANTS - Every Manufactured Home Park Owner or Operator shall maintain a register containing a record of all manufactured homes and occupants using the Manufactured Home Park. Such register shall be available to any authorized person inspecting the Park, to the Commissioner of Revenue of Richmond County, and any law enforcement officer in the performance of his official duties and shall be preserved for a period of not less than three (3) years. Such register shall contain the following information:

(a) Name and address of each occupant, with ages of all occupants under the age of eighteen (18) years old;

(b) Manufactured home license number, if any, serial number, and manufacturer's name;

(c) Automobile license number of occupant;

(d) Manufactured home space to which assigned;

(e) Last place of location;

(f) Date of Arrival;

(g) Date of Departure.

5-18 FIRE HYDRANTS - The water system of all manufactured home parks shall have at least one fire hydrant available for hook-up by the Fire Department. The minimum size connection shall be one and one-half inches (1-1/2 ").

5-19 LOCATION OF MANUFACTURED HOME PARKS - Manufactured homes may be located or manufactured home parks established in Richmond County where not lawfully prohibited by governmental ordinance, statute or regulation or by restrictive covenant or agreement, it being the intent of this Ordinance to neither restrict the location of manufactured homes and manufactured home parks nor to authorize their location where not otherwise permissible.

