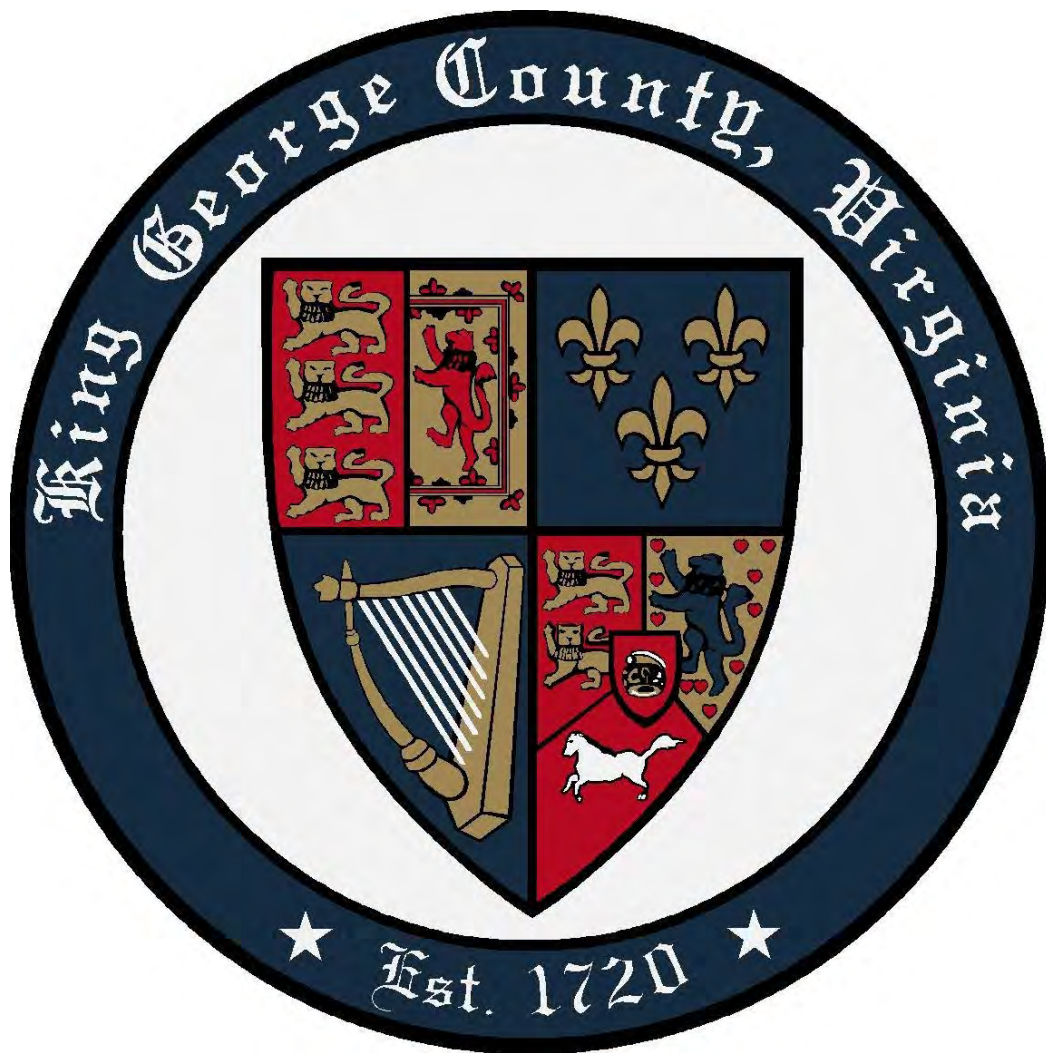


# KING GEORGE COUNTY, VIRGINIA



## SUBDIVISION ORDINANCE

MARCH 6, 2007

Last Amended 4-18-2017

# KING GEORGE COUNTY SUBDIVISION ORDINANCE

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## ARTICLE 1 GENERAL PROVISIONS

### 1.1 TITLE

This Ordinance shall be known as the "Subdivision Ordinance of King George County, Virginia".

### 1.2 PURPOSE

The purpose of this Ordinance is to establish standards for the subdivision of land and development procedures for King George County, Virginia and such of its environs as come under the jurisdiction of the Governing Body, as provided by the Code of Virginia. More specifically, the purposes of these standards and procedures are:

1. To promote the public health, safety and general welfare.
2. To establish standards and procedures for the orderly subdivision and development of land in King George County Virginia.
3. To ensure proper legal description and proper monumenting of subdivided land
4. To ensure purchasers of lots, tracts and parcels of land purchase a commodity that is suitable for the intended use.
5. To provide for safe legal, efficient and environmentally compatible ingress and egress to properties and neighborhoods.
6. To facilitate the provision of adequate public facilities, services and utilities in the safest, most efficient, economic and environmentally compatible manner possible.
7. To avoid undue congestion of land and streets
8. To facilitate the implementation of the official King George County Comprehensive Plan
9. To implement Article 6, Title 15.2, Chapter 22 Article 6, of the Code of Virginia (15.2-2240 - 15.2-2279, Land Subdivision and Development).

### 1.3 AUTHORITY AND ENACTMENT CLAUSE

The Subdivision Regulations herein shall apply to the subdivision of lots, tracts, or parcels of land unless, specifically exempted, situated either wholly or partly with the boundaries of King George County Virginia in accordance with Article 6, Title 15.2, Chapter 22 Article 6, of the Code of Virginia (15.2-2240 - 15.2-2279, Land Subdivision and Development). This Ordinance was duly considered, following the required public hearings and was adopted by the Governing Body of King George County, Virginia.

## 1.4 PLAN AND PLAT: GENERAL

### 1.4.1 Platting Required

No person shall sell convey or record a deed to land dividing off a parcel without making and recording a plat of such subdivision and without fully complying with the provisions of this ordinance and Title 15.2, Chapter 22, Article 6, of the Code of Virginia, 15.2-2200.

- a. No person shall sell, convey, or record a deed to land subdividing off a parcel without making and recording a plat of such subdivision and without fully complying with the provisions of this Ordinance.
- b. No plat of survey and/or subdivision plat of a parcel of real property located in King George County, Virginia shall be recorded in the office of the Circuit Court Clerk of King George County, Virginia, unless said plat of survey bears a written notation by the Subdivision Agent of King George County, Virginia stating whether or not the provisions of the King George County Subdivision Ordinance are applicable to the proposed division of real property as depicted by said plat of survey.
- c. When a new subdivision abuts one side of an existing or platted road or street having a total width of less than fifty (50) feet, a dedication of additional right-of-way to the County of King George is desirable and in accordance with the objectives in the Comprehensive Plan and as such the subdivider shall be required to dedicate at least half the right-of-way necessary so that the road is no less than twenty-five (25) feet in width on the subdivision side measuring from the centerline of said road. The land area required and accepted for dedication shall count toward the gross area of the lot for the purpose of determining lot area.
- d. Plat details shall meet the standard for plats as adopted under Section 42.1-82 of the Virginia Public Records Act, (Code of Virginia, 42.1-82).

### 1.4.2 Compliance with Zoning Ordinance

- a. No plan or plat of subdivision shall be approved unless all lots shown thereon comply with all applicable requirements of the Zoning Ordinance.
- b. A plat of a division of property, in which the division is such that it is defined by this Ordinance as an "exempt subdivision", shall contain the following information:
  1. Tax Map and Parcel Number of property being divided, along with reference to the deed book and page number where the title is recorded.
  2. Zoning designation of the property being divided. The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, must be in accordance with the provisions of the Zoning Ordinance.
  3. Current ownership of the property being subdivided.
  4. Total acreage of the property being subdivided along with the residual acreage.
  5. If the property to be divided does not front on a State maintained road, indicate how access to the property is being provided (i.e., location and width of easement in conformance with the requirements of this ordinance).
  6. Chesapeake Bay Preservation Area designated Resource Protection Areas May Not Be Disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, King George

County Zoning Ordinance. Water dependent facilities and/or redevelopment may be permissible in Resource Protection Areas per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance.

7. The parcels shown hereon are subject to having sewage disposal system pumped out every five years.
8. A primary and reserve sewage disposal system must be provided and system sites cannot be altered by construction or excavation.
9. Area tabulation providing the total area before division, area of adjustment, and total lot area after the division or adjustment.
10. "This exempt subdivision known as \_\_\_\_\_ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record."

\_\_\_\_\_  
Agent for King George County Governing Body                      Date

#### 1.4.3 Private Restrictions and Agreements

This Ordinance bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing a private easement, covenant, agreement, or restriction implied herein to any public official. When the provisions of this Ordinance are more restrictive than those required by private contract the provision of this Ordinance shall control.

#### 1.4.4 Application Fee

With the preliminary plat, the subdivider shall submit the required review fee to the Treasurer of King George County through the Department of Community Development in such amount as the Governing Body may by resolution from time to time provide.

#### 1.5 GENERAL USAGE

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

Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

The word shall is mandatory.

Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel".

The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".

The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building".



The word "State" means the Commonwealth of Virginia.

The word "County" means the County of King George, Commonwealth of Virginia, and the term "county boundary" means any exterior boundary of the unincorporated territory within the county.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The term "Code of Virginia" shall include "as amended".

The word "adjacent" means "nearby" and not necessarily "contiguous", but may mean next to.

The word "He" shall include "she", and it.

### 1.6 INTERPRETATION BY AGENT

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning. In the case of any dispute over the meaning of a word, phrase or sentence, whether defined or not, the Subdivision Agent is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance as set forth in Article 1, provided however, that an appeal may be taken from any such determination as provided in Section 9.2.

### 1.7 DEFINITIONS

Adjoining: Touching and/or contiguous to.

Agent: The person appointed by the governing body to serve as its agent in approving plats and administering the intent and requirements of this Ordinance; Subdivision Agent.

Agricultural land: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

Alley: A permanent service-way providing secondary vehicular access to adjoining properties.

Approving Authority: The Governing Body, its Agent, or the Planning Commission according to the instructions of this Ordinance.

Architect: A person licensed by the Commonwealth of Virginia to practice architecture.

Benefited Property Owners, also Benefited Property: Where the result is the entering, crossing or touching of a property by street or utility whether or not said property makes use of this street or utility. Shall also mean Benefited Property.

Block: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Bodies of Water: For purposes of this Ordinance, the boundaries for “bodies of water” shall be defined by the low water line.

Chesapeake Bay Preservation Area Overlay Zoning District: Article 8, Chesapeake Bay Preservation Area Overlay Zoning District, King George County Zoning Ordinance, as amended from time to time.

Commission: The Planning Commission of King George County, Virginia.

Condominium: Real property, and any incidents thereto or interest therein, having condominium instruments recorded pursuant to the provisions of the Code of Virginia, 55-79.49. A condominium shall have the undivided interest in the common elements vested in the unit owners.

County Attorney: As appointed by the Governing Body, or in case of vacancy, the Commonwealth's Attorney.

Cul-de-Sac: A street with one outlet and having a turn around area.

Days: means working days.

Division: The act of dividing a parent tract into two or more parcels, which may or may not create a subdivision as defined by this Ordinance.

Developer: An individual, corporation, trustee, joint venture, partnership, or other entity having legal or equitable title to any tract or parcel of land to be developed, who submits a plan pursuant to this Ordinance.

Double Frontage: Frontage of a lot upon two parallel streets or upon two street roads, which do not intersect at the boundaries of the lot.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Engineer: A person licensed by the Commonwealth of Virginia as a professional engineer.

Established 100 Year Established 100 year flood plain: The area of land contiguous to a stream or body of water which is subject to inundation by a flood of 100-year average frequency as delineated on maps published by the Federal Emergency Management Administration, or on other maps approved and adopted by the Governing Body.

Family, Immediate Member: Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the owner (Code of Virginia, 15.2-2244).

Geodetic Control Monument. Survey Control Stations of at least Second Order Class II Accuracy, placed in accordance with specifications and documented according to Blue Book Format of the Federal Geodetic Control Committee (FGCC).

Global Positioning system (GPS). Global Positioning System as administered by the Department of Defense (DOD).

Governing Body: The Board of Supervisors of King George County, Virginia.

Health Officer: The legally designated health authority of the State Board of Health for the County or his authorized representative.

Highway Engineer: The designated official of the Virginia Department of Transportation, responsible for review and approval of street plans for subdivisions.

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

Lot: A tract, portion of a subdivision, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for development.

Lot Frontage: That portion of a lot extending along a street line.

Lot, pipestem: A lot approved in accordance with the provisions of the subdivision ordinance, which does not abut a public street other than by its driveway which affords access to the lot.

Lot of Record: A lot, which has been duly recorded in the Office of the Clerk of the Circuit Court of King George County.

Low-Impact Development: A subdivision meeting the design standards for stormwater management as identified in the Low-Impact Development Hydrologic Analysis, as prepared by Prince George's County, Maryland, July 1999, as amended.

Monument: Any object, whether natural or man-made, that has been or is designated by deed, will, plat or any official document for the purpose of defining a land boundary, either at a point of direction change, or at any intermediate point along a line, either straight or circular, between points of direction change.

Natural Stream: A natural swale or drainage way which is clearly discernable and which provides for storm water and water flow on either a year-round or intermittent basis. Shall also include Naturally Occurring Stream.

Officially Adopted Plan: The adopted Comprehensive plan of King George County, or any plat or plan officially adopted by the Governing Body and/or a combination of both.

Open space. That area within the boundaries of a tract that is intended to provide the minimum Open Space area required to be provided in a "Residential Cluster Subdivision" per Article 11, Residential Cluster Provisions, King George County Zoning Ordinance and per Article 5 Cluster Development Standards, King George County Subdivision Ordinance. Open space shall not include roads, driveways, parking lots, or other vehicular surfaces, any areas occupied by a dwelling, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. The open space shall be composed of only those areas not contained in individually owned lots. For the purpose of this provision, open space shall include and be qualified as landscaped open space, common open space, dedicated open space, and useable open space, all as defined herein.

Open space, common. All open space within the boundaries of a given tract that is designed and set aside for the use and enjoyment by all residents or occupants of the development or by the residents and occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands, but are to remain in the ownership of a homeowner's association or a condominium association. Common Open Space is inclusive of "Required Open Space", "Landscaped Open Space" and "Useable Open Space" each as defined by the King George County Subdivision Ordinance.

Open space, dedicated. All open space within the boundaries of a given tract which is to be dedicated or conveyed to the county or an appropriate public agency, board, or body for public use such as, but not limited to, a park, trail, school or other community serving public facility.

Open space, landscaped. Open space within the boundaries of a given tract that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped areas may include, but need not be limited to, lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues, or other similar natural or artificial objects, wooded areas, and water courses, any, or all of which are designed and arranged to produce an aesthetically pleasing effect within the development. Landscaped open space may either be common or dedicated open space as defined herein.

Open space, useable. Only that open space area as designated on the Final Plat which lies within the boundaries of a given tract that is specifically designed for recreational purposes and may include, but need not be limited to, such uses as ball fields, golf courses, multipurpose courts, swimming pools, tennis courts, play lots and playgrounds, boating docks, walking, bicycle or bridle trails, and shuffleboard courts. Useable open space shall not include areas in easements under power lines, slopes greater than ten (10) percent, and stormwater ponds.

Parcel. See Lot.

Parent tract: A parent tract is a separate lot, tract, or parcel of land conveyed by deed, devised by will, or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by plat or described by metes and bounds, and recorded in the clerk's office of King George County, Virginia on or before October 1, 1987; for the purposes of this definition, the King George County Zoning Map may be used to identify parent tracts, except for those lots within a previously approved King George County Subdivision.

Pipestem lot: See Lot, pipestem

Pipestem driveway: A driveway or means of access to a lot or several lots, which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

Plat: A map or plan with support information.

Plat, Final: A schematic representation of a tract of land which is to be or has been subdivided in compliance with this ordinance.

Plat, Preliminary: A plan or draft of a subdivision of property prepared in compliance with this Ordinance.

Private Community Water and/or Sewer System: A non-public water and/or sewer system, which serves or is capable of serving 15 year-round dwelling units.

Private Access Easement: An easement through private property authorized by the Agent to allow ingress and egress to no more than two specific parcels of land.

Property: One or more lots in the ownership of the same party or parties.

Public Community Water and/or Sewer 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 of the State Department of Health, State Water Control Board and as herein set forth.

Public Improvement: An improvement that has been or will be dedicated for public use or that is designed to provide adequate transportation, water, sewerage, storm drainage, flood protection, or recreational facilities or to serve other public requirements in accordance with Ordinances of King George County, Virginia.

Public Purpose: Governmental purpose.

Public Use: A use concerning the community in common as distinguished from particular individuals.

"Resource Protection Area" (RPA): As defined in Article 8, Chesapeake Bay Preservation Area Overlay Zoning District means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Remnant or Outlot: A piece or parcel of land within a subdivision that does not meet the minimum requirements for a building lot.

Resubdivision: The redivision or alteration, including consolidation of any lot within an existing subdivision.

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

Undeveloped land: Land not in development.

Silviculture: Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to Section 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under Section 58.1-3230 of the Code of Virginia.

Sketch Plan: An informal plan indicating general topography, approximate boundaries, and street frontage of property to be subdivided.

Street, private: A street affording a means of private access to two (2) or more abutting properties having a right-of-way of not less than fifty (50) feet in width and constructed to the standards as stated in Article 6 of this Ordinance.

Street, public: A thoroughfare dedicated and accepted by the Virginia Department of Transportation for abutting property.

Subdivide: The process of dividing land so as to establish a subdivision.

Subdivision: The division of a parcel of land into two (2) or more parcels of land for the purpose of transfer of ownership or building development or if the construction of a new public street is involved in such division then such division of land shall constitute a subdivision. The term includes the resubdivision of parcels and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels a plat of such division shall be submitted for approval in accordance with the requirements of this Ordinance. Parcels in excess of forty (40) acres or more will not count toward a major subdivision, but will be counted for road construction requirements as spelled out in Article 4, Access Standards of the Subdivision Ordinance. The sale or exchange of parcels between adjoining lot owners, where such sale does not create additional lots, shall be termed "exempt subdivisions", and shall only be required to conform to the requirements provided in Section 1.4.2.b., King George County Subdivision Ordinance.

Subdivision Agent: See Agent

Subdivision, Family: A single division creating a parcel of land, permitted for the purpose of sale or gift to a member of the immediate family of the property owner.

Subdivision Major: The subdivision of a parcel of land, which results in the creation of 6 or more lots from a parent tract and/or any division of land involving property which has a commercial and/or industrial zoning designation. Major subdivisions are required to meet all of the requirements of this Ordinance including Article 8, General Requirements and Minimum Standards.

Subdivision, Minor: The subdivision of a parcel of land, which results in the creation of five (5) lots or less from a parent tract. Minor subdivisions are required to meet all of the requirements of this Ordinance including Article 6, Minor Subdivisions.

Surveyor: A person licensed by the Commonwealth of Virginia to survey land.

Tot lot. An improved and equipped play area for small children consisting of playground equipment, benches, and fences.

Townhouse: One of three to eight buildings arranged or designed as dwellings located on adjoining walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

Townhouse Development: One or more townhouse structures and accompanying land, streets, parking, etc.

Townhouse Dwelling: A single-family dwelling forming one of three or more attached single-family dwellings separated from one another by party walls without openings or visibility from basement floor to roof.

Townhouse Structure: A single building that contains three (3) or more townhouse dwellings, or any building for family occupancy within a townhouse development.

Utility: Electric, fiber optic, gas, water, sewer, storm drainage, telephone and/or cable television or other similar service.

Wetlands: means tidal and nontidal wetlands.

Wetlands, nontidal: means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b.

Wetlands, tidal: means vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

**ARTICLE 2  
ADMINISTRATION AND ENFORCEMENT**

**2.1 SUBDIVISION AGENT**

**2.1.1 Appointment**

The Subdivision Agent (herein after referred to the as the "Agent") shall be appointed by the governing body and shall serve at the pleasure of the governing body.

**2.1.2 DUTIES**

The Agent is vested with the following responsibilities pertaining to the subdivision:

1. Accept and process applications, including reviewing plats, for conformance with this Ordinance.
2. Forward for review, comment, and approval to the Virginia Department of Health, Virginia Department of Transportation, Virginia Department of Environmental Quality, King George County Service Authority and, as deemed necessary, any other appropriate review agency. Written approval of the appropriate construction plans must be provided from the appropriate agency prior to approval of a Final Plat.
3. The Agent shall keep records of all applications, appeals and submissions and actions taken thereon
4. Advise surveyors, engineers, subdividers, and the public regarding local procedures and standards and actions of the Planning Commission regarding plats review.
5. To notify the Planning Commission, Board of Supervisors and County Attorney whenever any provisions of this Ordinance have been violated.
6. Act as Staff to the Planning Commission and Board of Supervisors regarding matters of plats review.
7. Collect all plat fees due the County of King George and transfer to the treasurer for deposit in the general fund.
8. Act as Agent for the County to certify and authorize recordation of the initial two tracts from a parent tract.
9. Conduct inspections of subdivision improvements for compliance with the approved Subdivision and Construction Plans.



## 2.2 PLANNING COMMISSION

The Commission shall review and approve, disapprove or modify those minor subdivision plats not reviewed under the authority of the Subdivision Agent and review preliminary and final plats of major subdivisions and submit their recommendations to the Governing Body for final action on the plat. The Commission shall also make recommendations to the Governing Body concerning appeals of actions and proposed exceptions under this Ordinance.

## 2.3 GOVERNING BODY

The Governing Body shall review and approve, disapprove, or modify the preliminary and final plats of all major subdivisions plats and shall decide appeals and requests for exceptions under this Ordinance.

The Governing Body shall also adopt by resolution such schedule of fees for examination and processing of plats as deemed appropriate.

## 2.4 VIRGINIA DEPARTMENT OF HEALTH

The authorized representatives of the Virginia Department of Health shall review the water supply and sewage disposal facilities, in accordance with all applicable State, King George County Codes, King George County Ordinances, and King George County Service Authority Regulations to be provided on all tentative and final plats referred to it by the Agent. Determinations made by the Virginia Department of Health shall be forwarded to the Agent in writing.

## 2.5 VIRGINIA DEPARTMENT OF TRANSPORTATION

The authorized representatives of the Virginia Department of Transportation shall review all public street plans and shall make determinations as to adequacy of proposed public street plans and shall make determinations as to adequacy of proposed public streets and drainage facilities in terms of alignment, design, etc. based upon anticipated traffic volumes and runoff. When required, a traffic analysis in conformance with Virginia Department of Transportation criteria shall be submitted to the County with a request for Preliminary Subdivision Plat approval. The traffic impact analysis shall be prepared in accordance with the applicable VDOT standards for such an analysis.

## 2.6 SEVERABILITY

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

## 2.7 VIOLATION AND PENALTIES

No final subdivision plat shall be recorded unless and until it shall have been submitted to and approved by the Subdivision Agent or planning commission in accordance with the requirements of this ordinance.

No person shall sell or transfer any such land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been duly recorded under this ordinance or a previous subdivision, provided that nothing herein contained shall be constructed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

Any person violating the provisions of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

Upon and after the effective date of this Ordinance, the clerk of the circuit court shall not file or record a plat of a subdivision until such plat has been approved as required herein. Penalties provided by Section 17-223 of the Code of Virginia shall apply to any failure to comply with the provisions of this ordinance.

In case of violation or attempted violation of a provision of this Ordinance, the Agent may institute appropriate proceedings or actions to prevent such violation or attempted violation, or to prevent any act which would constitute a violation of this Ordinance. The Subdivision Agent is hereby authorized and empowered to notify the appropriate person or persons and direct compliance with the terms of the Ordinance within a reasonable time specified in the notice. Such notice shall be sent by certified mail, addressed to the last known address of the person, firm, corporation or Agent responsible for the violation.

The failure, neglect or refusal of any person, or other entity to whom a "Notice of Violation" is sent, to comply with the notice within the time specified shall constitute another violation and shall be subject to the same fines set forth in this Ordinance.

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**ARTICLE 3  
PREPARATION AND APPROVAL OF PLATS**

**3.1 REVIEW PROCESS**

Preliminary and final subdivision plats shall be submitted in accordance with this Ordinance to the Subdivision Agent for review.

- a. The Subdivision Agent shall forward to all appropriate local, state and federal agencies for review and shall require other studies or reports, as deemed necessary by the Agent, to be made to support the plat application.
- b. Only after the Subdivision Agent has made a determination that a plat meets all of the requirements of all applicable local, state, and federal agency regulations shall the Plat be considered officially submitted; at which time Subdivision Agent shall officially forward a plat to the Planning Commission for review.
- c. Within 60 days of the date of its receipt of a plat for review, the Planning Commission shall forward the plat to the Board of Supervisors with a recommendation to either approve or disapprove the request for plat approval.
- d. If a plat is disapproved, the disapproval shall be in writing and state specifically the reason(s) for disapproval.

**3.2 SKETCH PLAN**

Prior to formal submission of subdivision plans or plats, a subdivider may submit a sketch plan of a contemplated subdivision to the agent for informal review. The purpose of such sketch plan is to familiarize the subdivider with the ordinances and comprehensive plan of the County and to determine whether his plan is in general accord with all requirements. Upon receipt of a subdivision sketch plan, the agent shall review same and advise the subdivider where changes may be necessary or desirable. In order to be acceptable for review, the sketch plan shall indicate the general topography, approximate boundary and road frontages of the property to be subdivided.

**3.3 PRELIMINARY PLAT REQUIREMENTS**

Except as provided for in paragraph 3.2.1 below, every person proposing to subdivide land shall submit a preliminary plat of such subdivision for approval in accordance with the requirements herein. Two copies of the preliminary plat shall be submitted to the Agent for review. Upon determination by the Agent that the preliminary plat conforms to all applicable requirements twelve copies of the preliminary plat shall be submitted to the Planning Commission through the Agent for review. Preliminary plats shall be prepared by a qualified professional, engineer, or land surveyor trained and experienced in the layout of subdivision. Engineering drawings shall be stamped with the seal of an engineer or a Class 3b surveyor certified in the State of Virginia. Said plat shall be drawn on sheets twenty-four (24) by thirty-six (36) inches (preferred) or thirty (30) by forty-two (42) inches (maximum). The plat shall be drawn to a scale of 100 feet to the inch and shall contain the following.

1. Written application by the owner or his agent for subdivision plat approval, on forms provided by the Agent.
2. If the proposed subdivision is part of a larger parcel, a map of such parcel and a narrative description of the development plans for such lot.
3. The name(s) of owner(s) and subdivider, or developer and address shall be provided on the preliminary plat.
4. Name of subdivision, date, true or record north point, and graphic scale.

5. Name and address of person preparing the preliminary plat and professional seal, if applicable (date of drawing, including revision date).
6. Title block denoting the type of application, tax map sheet, lot number street location, and date of original.
7. Vicinity or location map to a scale of 1" = 2,000' showing the subdivision name and location of the property with reference to the location of the property in relation to nearby roads, streams, railroads, political boundaries and other land marks within ½ mile of the property.
8. A list of revisions and dates.
9. Location of the subdivision by magisterial district, county and state.
10. Total acreage of the parcel to be divided (or square feet if less than an acre). Lot area dimensions shall be shown along all boundaries of all lots under one (1) acre in size. All lots over one (1) acre shall be marked within the lot.
11. A boundary survey of the tract of land being surveyed, with an error of closure within the limits of one in two thousand, five hundred related to true north and the location of all monuments and their type of material.
12. Names of owners of record of all adjoining land and indications of property lines, which intersect the boundary of the tract being subdivided.
13. Names of holders of any easements affecting the property.
14. Topography of the tract with contour interval of 10 feet or less, showing boundary lines of the tract to be subdivided with designated established 100 year flood plain districts and Flood way limits delineated.
15. Water bodies and USGS Perennial and intermittent streams. If an active watercourse, including a periodic/intermittent stream, lies adjacent to or transverses the property, its name, if known, shall be noted and if it the name of stream is unknown the stream shall be labeled as an "unnamed tributary" of the next known stream to which the unknown stream discharges." The registered project engineer shall submit drainage divides, easements, building setback lines, and supporting calculations based upon 100-year flood, as shown by federal flood insurance program.
16. The approximate location of any buffer area required under the County's Chesapeake Bay Preservation Area Overlay Zoning District.
17. Size location of any existing structures, applicable setbacks, and building lines.
18. The location, width and name of all existing roads, buildings, graves and objects or structures marking a place of burial located on the property, and the general location of historic landmarks, historic district boundaries, Virginia Natural Heritage sites and known historic features, water courses, railroads, transmission lines, water and sewer lines, culverts and drainpipes, political boundaries and easements on or within 100 feet of tract being subdivided. The location of the nearest publicly owned water main and sanitary and storm sewers are to be indicated in a general way on the plat.

19. The location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed convent for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.
20. The name of the owner, use, and zoning of each adjacent tract, including those tracts that may be located across a street from the subdivision.
21. Streets, state highways and other rights-of-way with their proposed names, width, and typical cross-sections shown in their proper locations. Indicate the total number of acres used for streets.
22. Abutting street lines of adjoining subdivisions, shown in their correct locations.
23. Lot layout including lot numbers and setback lines and, if greater than one acre approximate sizes, minimum lot width at street, total number of lots to be created and a minimum average area of lots in square feet (or acres for lots of greater than one (1) acre), table of minimum yard requirements, lot lines with approximate distances, and lot and block numbers. The boundary lines of all existing and proposed blocks and lots located within the subdivision, except that when the lines in any tier of lots are parallel, it shall be sufficient to make bearing of the outer lines on one tier thereof.
24. Easements shall be shown by centerline and width when lines are parallel to a boundary, otherwise bearings, and distances shall be sufficient to define the easement.
25. Conceptual phasing plan of development, if any, including sections-boundaries and Section numbers for subdivisions, which are to be developed in phases. All blocks shall be consecutively lettered in alphabetical order. The blocks in numbered additions to subdivision bearing the same name shall be lettered consecutively through the several additions.
26. A graphic presentation showing the minimum building setback lines on all lots and parcels and a notation of the distance between such lines and the street right-of-way.
27. General location of all drainage areas, wetlands, and soils data, indicating at a minimum the existence of any highly erodible, highly permeable, high shrink/swell or hydric soils based on County soils map.
28. Stormwater management, description, and general location of structures and facilities required for soil and erosion and stormwater management.
29. Signature line for the approving authority.

#### 3.4 Waiver of Preliminary Plat Requirements

Preliminary plats shall not be required to be submitted in the following situations, provided that no public improvements or right-of-way dedication are involved:

- a. Rearrangement of property lines between two or more adjoining parcels.
- b. Family subdivisions.

- c. Minor subdivisions.
- d. Acquisition or dedication of land for public purposes where no new lots are created.
- e. A court-ordered or voluntary partition of land among co-owners, where each other's interest was created by a devise or interstate succession from a deceased landowner, and where no more than one lot or tract of land is conveyed to each other.
- f. Commercial and industrial subdivisions.

### 3.5 PROCESSING OF PRELIMINARY PLAT

#### 3.5.1 Submission of Plat

An applicant shall submit twelve (12) copies of a preliminary plat together with a check payable to the Treasurer of King George County in the amount prescribed by the Governing Body. The Agent shall record the date of submission and shall, only after determining that all plat requirements have been met, schedule the plat for review by the Planning Commission at meeting to be held within 60 days of submission.

#### 3.5.2 Review by Agent

- a. The Agent shall review the preliminary plat for compliance with this Ordinance and the Zoning Ordinance. As part of the review, the Agent may request that the developer submit a report from the District or Resident Highway Engineer, the County Health Department, the Superintendent of Schools, and such other agencies as deemed necessary. Upon receipt of such reports, the Agent shall incorporate all comments together with the results of the staff review and forward same with the preliminary plat to the Planning Commission for consideration.
- b. The Agent shall review and approve or disapprove those plats of minor subdivisions as stipulated in Article 6, Section 6.1.

#### 3.5.3 Planning Commission Action

The Planning Commission shall review and approve or disapprove plats of minor subdivisions as stipulated in Article 6, Section 6.1, and shall examine and review of agricultural or residential zoned preliminary plats of major subdivisions and submit its recommendations to the Governing Body for final approval.

The Planning Commission shall review and approve or disapprove plats of commercial-or industrial zoned lots. A final plat for industrial or business subdivisions may be submitted simultaneously with the site plan for review and approval and any required construction plans may be submitted with the site plan.

#### 3.5.4 Governing Body Action

The Governing Body shall review and approve, disapprove or modify the preliminary plats of all major subdivisions. The subdivider shall be advised in writing by formal letter and/or legible markings on his copy of the preliminary plat, concerning any additional data that may be required and the extent of public improvements that will have to be made.

If the preliminary plat is disapproved, the reasons for disapproval shall be stated in writing with reference to the specific section or sections of the Subdivision or Zoning Ordinance with which it does not comply.

### 3.6 Time Limit on Approval of Preliminary Plat

Once a preliminary subdivision plat is approved it shall be valid for a period of five years, provided the subdivider: 1) submits a final subdivision plat for all or a portion of the property within one year of preliminary plat approval and 2) thereafter diligently pursues approval of the final subdivision plat. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. If, as determined by the Subdivision Agent, approval of the final plat is not diligently pursued for a period of three years, the agent shall provide the subdivider with 90 days written notice by certified mail that because approval has not been diligently pursued the approval of the preliminary plat has been revoked.

### 3.7 No Guarantee

Approval of a preliminary plat shall not constitute a guarantee that a final subdivision plat shall be approved for the subdivision.

#### 3.7.1 Effect of Preliminary Plat Approval

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

- a. Land disturbing activities if the following have been obtained: (i) approval of an Erosion and Sediment Control Plan in compliance with the Erosion and Sediment Control Ordinance of King George County.
- b. The construction of improvements, if construction drawings have been submitted and approved.
- c. The submission of an application for approval of a record plat for the entire subdivision or a section of the subdivision in accordance with the provisions of this Ordinance provided that If the record plat approval is sought for only a section of the subdivision, such section must contain the following minimum number of lots:

Lots shown on Preliminary Plat	Required Minimum
Less than 100	10 Lots
100 or more	10 percent or twenty five lots, which ever is less

#### 3.7.2 Technical changes to approved final preliminary plat.

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

- a. Changes to correct demonstrated errors



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

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

### 3.8 CONSTRUCTION PLANS, PROFILES, AND SPECIFICATIONS

#### 3.8.1 Submission of Engineering Plans

Following notification of action on the preliminary plat, and prior to or simultaneously with the application for final plat approval, the subdivider shall submit to the Agent prints of the plans, profiles and specifications for all improvements and construction measures, for the entire subdivision including, but not limited to water supply, sewage disposal, streets, drainage, soil erosion and sediment control, and stormwater management plans. These prints shall be submitted prior to, or concurrent with, submission of a final plat for an entire subdivision or for a single section if the subdivision development is phased. When phased development approval is requested, the construction plans for any improvements located outside the boundary of, but necessary for the development of, a single section shall be submitted with the construction plans for that section. All plans shall be prepared by an engineer or surveyor certified by the Commonwealth of Virginia. Topographic contour intervals shall meet the requirements of the reviewing agencies. Copies of the Engineering Plans shall be provided to the Agent and to all permitting agencies in the numbers of copies as requested.

#### 3.8.2 Review and Approval

- a. All plans, profiles, and specifications shall be distributed to the appropriate County department and/or State Agency for review. Based on the review a decision shall be made within 90 days of submission to approve or disapprove the plans, profiles, and specifications.
- b. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with a written reason for disapproval. One copy of each paper shall be retained by the County.
- c. Approval of the plans expires in one (1) year from the date of approval unless a final plat is recorded or unless construction in accordance with the approved plan has actually begun on the site. The recordation of a final plat for a section of a subdivision (or initiation of construction in a section) does not vest the approval of the construction plans for the remainder of the subdivision. If construction plans expire, the subdivider shall make application with the Agent for the re-approval of the construction plans.

3.8.3 Subdivision Agreement. Subdividers shall execute a subdivision agreement providing for construction of required improvements in a timely manner and/or in accordance with the approved subdivision plat and plans. The agreement shall be supported by an approved form of surety. The maximum period for performance by the

subdivider under the agreement shall be twenty-four (24) months, although extensions may be made in accordance with this Ordinance. The agreement shall be between the subdivider and the King George County Board of Supervisors and shall be substantially the same as the form found in "Appendix A" of this Ordinance.

#### 3.8.4 Bond Requirement

Prior to approval of the final plat, the subdivider shall furnish to the County an irrevocable letter of credit, or cash escrow or bond, from a Certified Virginia Lending Institution or by corporate surety in a form and amount sufficient to guarantee the completion of all required public improvements. The cost of the required improvements shall be determined by a bona fide estimate of construction costs prepared by a duly licensed engineer. The developer shall provide the estimate. The amount of the performance bond or other guarantee shall be for 110% of the estimated construction cost.

#### 3.8.5 Release of Bond

The governing body shall authorize the periodic partial and final release of a bond, escrow, letter of credit or other performance guarantee when the subdivider or developer has satisfied the requirement of Section 15.2-2245 of the Code of Virginia.

#### 3.8.6 Bond Forms

Forms for Bonds are found in the Appendix of this Ordinance.

#### 3.8.7 Maintenance of Roads

When roads that have been designated for public use have not been accepted into the secondary road system of The Virginia Department of Transportation for reason other than its quality of construction, the developer will be required to furnish a maintenance and indemnifying bond or an irrevocable letter of credit from a Certified Virginia Lending Institute in the amount sufficient for and conditioned upon the maintenance of such roads until such time that the roads are accepted into the secondary road system of the Virginia Department of Transportation. Maintenance of such roads shall be deemed to mean maintenance of the streets, curb, gutters, drainage facilities, utilities, or other street improvements, including the correction of defects or damages and the removal of snow, water, or debris so as to keep such road reasonably open for public usage.

#### 3.9 Final Record Plat

After approval of the preliminary plat, the Subdivider shall submit two copies of the final plat to the subdivision Agent for review. An application for record plat approval shall be prepared in accordance with the standards for plats under Section 42.1-82 of the Code of Virginia, shall be drawn to the size and scales as specified by the Subdivision Ordinance and shall contain or be accompanied by such information, plans, and number of copies as required by the subdivision agent. At a minimum, the application shall be accompanied by:

- a. After review and confirmation by the Agent that all applicable information has been provided, the Subdivider shall submit twelve copies of the final plat for review by the Commission. The Agent may request that the Subdivider provide additional copies of the final plat.

- b. The plat shall be drawn on a sheet which is seventeen (17) inches by twenty-one (21) inches in size, with a minimum one-quarter (1/4) inch border on all sides.
- c. The subdivision name; Names and addresses of owners and subdivider(s) of the property; Date of drawing (including revision dates); Graphic scale. Also a vicinity map at a scale of 1" = 2,000' or larger; zoning designation; and total acres in each proposed use.
- d. The plat shall be drawn at a scale of one hundred (100) feet to the inch for subdivisions containing lots, any of which are less than five (5) acres or two hundred (200) feet to the inch for subdivision containing lots, all of which are five (5) acres or more.
- e. The north arrow shall be shown and where practical the north arrow shall be oriented to the top of the page.
- f. A final plat may constitute only a portion of the area contained in the Preliminary Plat provided that the improvements constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the proposed residents therein and for adequate access to contiguous areas.
- g. If the plat requires more than one (1) sheet, match lines shall clearly indicate where the sheets join and shall be accompanied by a key plan showing the entire development at a reasonable scale. Each plat shall show correctly on its face sufficient surveying data to reproduce any line on the ground.
- h. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets. All dimensions shown in feet and decimals of a foot to the closest one-hundredth (0.01) of a foot, all bearings, degrees and minutes and seconds to the nearest ten (10) seconds. The boundary survey shall show a field error of closure within the limit of one (1) in ten thousand (10,000) and bearings relating to either State Plane Coordinate System True North American Datum 83 or True North. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: "Delta, radius, arc length, tangent length, and chord length and chord bearings". Survey coordinates relating to the Grid North VCS, 1983, shall be shown for all control monuments shown on the Final Record Plat. The survey coordinates shall be related to the State Plane coordinate system North American Datum 83 or as provided in Section 8.8.4 of this Ordinance.
- i. All curves on a final subdivision plat shall be defined by their radii, central angles, arc lengths, tangent lengths, cord lengths, and chord bearings. Such data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
- j. Lot numbers in consecutive numerical order; the accurate location and dimensions of all lot lines; area of each lot; and the name or number of the section, if part of a larger subdivision.
- k. A certificate signed by the surveyor or engineer responsible for preparation of the plat, the state highway engineer where compliance with Virginia Department of Transportation (VDOT) standards are an issue, and the county health official if individual wells and on-site wastewater facilities are to be used.
- l. A signed owner's consent and certificate indicating the source of title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title.

- m. Approval certificates for the Subdivision Agent, Virginia Department of Transportation, and the Virginia Department of Health.
- n. The following notes must be provided.
  - 1. Chesapeake Bay Preservation Area designated Resource Protection Areas May Not Be Disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance. Water dependent facilities and/or redevelopment may be permissible in Resource Protection Areas per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance.
  - 2. The parcels shown hereon are subject to having sewage disposal system pumped out every five years.
  - 3. A primary and reserve sewage disposal system must be provided and system sites cannot be altered by construction or excavation.
- o. In bold type the following notices:
  - 1. **NOTICE THIS PLAT SHALL BECOME NULL AND VOID AND BE OF NO FURTHER FORCE AND EFFECT IF THE PLAT IS NOT RECORDED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF KING GEORGE COUNTY WITHIN FIVE (5) YEARS OF THE DATE OF APPROVAL, UNLESS CONSTRUCTION OF FACILITIES TO BE DEDICATED FOR PUBLIC USE HAS COMMENCED PURSUANT TO AN APPROVED PLAN OR PERMIT WITH SURETY APPROVED BY THE AGENT THEN THE TIME FOR RECORDATION OF THE PLAT SHALL BE EXTENDED TO ONE YEAR AFTER FINAL APPROVAL OR TO A TIME LIMIT SPECIFIED IN THE SURETY AGREEMENT, WHICH EVER IS GREATER. APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME.**
- o. When the plat is acquired from more than one (1) source of title, the outline and area of each of the several tracts shall be indicated upon the plat, within an insert block, or by means of a dotted boundary line upon the plat.
- p. Location and boundary of the 100-year established 100 year flood plain and the location of any Chesapeake Bay Preservation Area Overlay District's Resource Protection Areas as defined by the King George County Zoning Ordinance shall be indicated on the plat.
- q. All monuments and all language regarding monuments that is required under Section 8.8.3 (Required monuments) shall be shown on the plat.
- r. Exact location of all easements, their width, use, and ownership, and a note that all easements provided for street roadway purposes are to be maintained the Virginia Department of Transportation.
- s. An executed deed of dedication and easement conveying to the county land in fee simple and easement for public/county purposes which are depicted on the record.

3.10 Required Forms and Signatures

a. Certificate of Title:

The land surveyor or certified professional engineer shall affix upon each plat his name and address with a certificate signed by him setting forth the source and title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon the plat.

b. Surveyor's or Engineers Certificate:

The surveyor or engineer shall affix upon each plat and sign the following certificate: "I hereby certify, to the best of my knowledge and belief, that all of the requirements of the Governing Body and Ordinances of the County of King George, Virginia, regarding the platting of subdivisions within the County have been met."

Given under my hand this \_\_, day of \_\_, \_\_\_\_\_.

\_\_\_\_\_  
State Licensed Land Surveyor or Engineer

c. Owners Consent and Dedication Statement:

The following statement shall be affixed by the surveyor or engineer on the plat. The statement shall be signed by such persons and duly acknowledged before an officer authorized to take acknowledgements of deeds.

"The platting or dedication of the following described land (insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any. The streets shown hereon are hereby dedicated to public use."

d. Required Forms and Signature:

The developer shall affix upon each plat and sign the following certificate:

I hereby certify that all requirements of Section 15.2-2126-2133 and Section 15.2-2149-2156 of the Code of Virginia have been met regarding the installation of the water and sewer system of the subdivision known as \_\_\_\_\_.

\_\_\_\_\_  
Signature

e. Certificate of Approval:

The following signature panel shall be provided in the upper right-hand corner for the Agent, Highway Engineer, and Health Official, as applicable:

"This subdivision known as \_\_\_\_\_ Subdivision (Section \_\_\_\_\_, if applicable) is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record."

\_\_\_\_\_  
Date Highway Official

\_\_\_\_\_  
Date Health Official

\_\_\_\_\_  
Date Agent for King George County  
Governing Body

3.11 Required Documentation

All security requirements, including approved certified engineer's cost estimate, developer's agreement and letter of credit or bond, shall be provided prior to final approval.

3.12 Review and Approval of Final Plat

The developer shall submit the final plat to the Commonwealth of Virginia Department of Transportation and Health Departments for review and approval if applicable. Such approval shall be evidenced by the signature of the appropriate official on the plat. After receiving approval by the State Agencies, the developer shall submit the plat to the agent for review.

3.12.1 Agent Review

- a. The agent shall review the final plat to ensure that the following requirements are met:
  - 1) Compliance with the requirements and standards of design in accordance with this Ordinance.
  - 2) Provisions of a security with required documentation to cover the cost of the necessary public improvements, in lieu of construction, as required by the Governing Body.
  - 3) Approval, as applicable, by the Transportation Department and Health Department.
- b. The Agent shall submit the plat to the Planning Commission within thirty (30) days of submission of the final plat.

### 3.12.2 Planning Commission Review

After review by the Agent, the applicant shall provide twelve (12) copies of the Final Record Plat for review by the Commission and Board of Supervisors. Additional copies may be requested by the Agent and shall be provided by the applicant upon request. The Planning Commission shall review, the final plat and submit their recommendations to the Governing Body for final approval within sixty (60) days of the receipt of the final plat by the Commission.

### 3.12.3 Governing Body

The Governing Body shall review and approve, modify or disapprove the final plat. The subdivider shall be advised in writing by formal letter of the Governing Body's action on the final plat. If the plat is disapproved, the reason(s) for disapproval shall be stated in writing with reference to the specific section or sections of the Subdivision or Zoning Ordinance with which it does not comply.

### 3.12.4 Revisions to Approved Final Plats of Record

Permission for minor revisions and for correction of errors on approved plats shall be granted to the certifying surveyor or engineer upon filing a statement and revised plat with the Agent describing the changes. All other revisions, including, but not limited to, adjustment of boundary lines between two or more lots within the subdivision, vacation of lot lines for the purpose of combining two or more lots, and addition of easements, shall be submitted on a revised plat with proper notations for review by the Agent and approval by the approving authority.

### 3.12.5 Recordation

The subdivider shall submit the final plat for recordation to the Clerk of the Circuit Court within five (5) years from the date of approval. No lots shall be sold or offered for sale in any subdivision, before the plat of said subdivision has been recorded. The recordation of the final plat shall not operate to transfer in fee simple, to King George County, any land set apart for street or other public use including easements, until such land and improvements therein have been approved and accepted in accordance with this Ordinance.

Six copies of the Final Record Plat with all a signature lines completed shall be provided to the Agent for County records.

ARTICLE 4  
ACCESS STANDARDS

4.1 Access Standards

- a. If a subdivision is being developed in such a manner that results in Six (6) lots or more being accessed by the same subdivision road, then the subject road shall be constructed in accordance with the subdivision street standards established by the Virginia Department of Transportation.
- b. If a parent tract is being developed in a manner that results in Six (6) lots being accessed by the same subdivision road, then the subject road shall be constructed in accordance with the subdivision street standards established by the Virginia Department of Transportation.
- c. If there are corner lots created in the subdivision of property that meet the road frontage requirements on existing public roads, then such lots are required to access the interior subdivision road and they shall not access the existing public road.
- d. Minimum requirements for minor subdivisions. The requirements for those roads that serve more than three (3) lots and less than six (6) lots are cited in Section 4.1.g. (below) of this section.
- e. All lots in major subdivisions shall be accessed by an internal subdivision road system as provided in Article 8, General Requirements, and Minimum Standards of this ordinance.
- f. All lots in minor subdivisions shall be accessed in a manner prescribed per the requirements for a minor subdivision.
- g. Minimum requirements for private roads:
  1. Road maintenance agreements are required for all private roads that access more than three (3) parcels. Commercial and Industrial properties utilizing private streets shall demonstrate that a maintenance agreement or covenant is signed and recorded outlining maintenance responsibilities for the private street from the subject property to the existing state maintained road.
  2. All new private access easements shall be a minimum of 50 feet wide.
  3. All new private access easements shall have a minimum of an eighteen (18) foot wide roadway, which terminates in a bulb of a cul-de-sac with a driving surfacing for an adequate turn around.
  4. Roadways shall be constructed with a minimum of 6 inches of gravel surface and have positive drainage and be designed and constructed in conformance with the Zoning and the Erosion and Sediment Control Ordinances of King George County.
  5. Grade, horizontal and vertical alignment, and slope shall meet the standards of the Virginia Department of Transportation (VDOT) as in effect at the time of the application shall govern for any new private access easements.
  6. All necessary utility easements shall be located a minimum of three (3) feet outside of the private access easement and shall be shown on the final plat. However, nothing in this section shall prohibit a utility from crossing over or under a road where necessary to provide utilities service to a lot.
  7. All such private access easements shall remain private and the benefited property owners shall maintain any drive or road within it.
  8. A professional engineer shall certify that the road has been constructed according to the plans and requirements of this Ordinance.



- h. Lots within commercial and industrial zoning districts may front on Private Streets. Private streets shall connect directly to a public street and shall provide an internal circulation system with limited access to the building lots; such that no lot has direct ingress or egress to the public street. The service drive shall be design to provide safe, efficient, and orderly movement of traffic; a simple and a logical pattern traffic; respect natural features and topography; present an attractive streetscape; and limit potential traffic hazards on the public street. The service drive may consist of a system of combined access drives and shared entrances serving the overall development.

ARTICLE 5  
CLUSTER DEVELOPMENT STANDARDS

5.1 Cluster Development Standards

The purpose of the cluster development provision is to encourage innovative and attractive housing alternatives to the type of development permitted in conventional subdivisions. This is achieved by allowing the design flexibility and cost reduction of smaller lot sizes in exchange for the integration of open space and recreation areas into a development, and, where appropriate, the provision of land for public use.

5.2 Open space regulations.

The open space regulations stated for cluster subdivisions are set out as minimum criteria. The regulations are expressed as a specific percentage of the gross area of the tract. The computation of open space shall be based upon the following rules:

- a. In cases where the balance of land not contained in lots and streets is needed by the county for parks, recreation areas, or stream valleys, as set out in the comprehensive plan, and such land is suitable in location, size, shape, condition and topography for such needed purposes as determined by the planning commission or board of supervisors, as appropriate, then it shall be dedicated to the county at no cost for such purpose. Such dedicated open space shall be given full credit in satisfying the open space requirements of a given Zoning District as required by the King George County Zoning Ordinance.
- b. In cases where a given area within a tract is needed by the county for a school site or other public use as determined and approved by the school board, such land shall be deeded to the county at no cost for such purpose. Such sites shall be given full credit for satisfying the open space requirements of a given Zoning District as required by the King George County Zoning Ordinance.
- c. In cases where the balance of land not contained in lots and streets is not needed by the county for such public purposes as listed above, then land shall be designated as common open space.
- d. Eighty (80) percent of the required Open Space Area shall be exclusive of wetlands, resource protection areas, floodplains, and areas with slopes of greater than fifty (50) percent.
- e. Access to the required open space shall be provided by the public road serving the subdivision lots and all access shall have a dimension of not less than fifty (50) feet.
- f. Not more than fifty (50) percent of the area located within a major utility easement or right-of-way may be calculated as open space. For the purpose of this paragraph, a major utility easement or right-of-way shall be one having a width of twenty-five (25) feet or more which is located entirely outside of a street right-of-way.
- g. In no instance shall open space credit be given for land included within a street right-of-way.
- h. The maintenance and ownership of common and dedicated open space shall be specified on the subdivision plan and shall consist of one (1) of the following:
  1. Homeowners' association. If a homeowners' association or condominium association is to assume ownership of the common open space, then it shall bear all responsibility for maintenance of the land and all structures thereon. There shall be restrictive covenants recorded which prohibit the use of the subject land for any purpose but recreation and open space use. Such covenants shall run with the land. These covenants shall become part of the deed to each lot or parcel within the development. Such covenants shall be recorded in the county land records simultaneously with, or prior to, the recordation of the subdivision plat.
  2. When the open space is to be dedicated to the County as a public site, the Board of Supervisors shall review the site for appropriateness. If the Board of Supervisors accepts the dedication, it shall be

conveyed in fee simple to Board of Supervisors at no cost to the County before the subdivision plat is recorded, or shall be dedicated on the subdivision plat.

### 5.3 Provisions for pipe stem lots.

When permitted in the King George County Zoning Ordinance, pipe stem lots shall conform to the following requirements.

- a. The maximum number of lots on a pipe stem driveway shall be two (2). Pipe stem driveways shall serve no more than twenty (20) percent of all lots within any subdivision.
- b. The maximum length of the pipe stem of a lot is three hundred fifty (350) feet.
- c. In no case shall any lot be adjoined by more than one pipe stem driveway.
- d. There shall be no more than three (3) pipe stem lots in a row.
- e. The pipe stem portion of a lot shall be a fee- simple part of the lot with cross easements for access in the case of a shared or common driveway. The required lot area shall be exclusive of the pipe stem portion of the a lot.
- f. The minimum width of the pipe stem portion of a lot where the pipe stem driveway serves a lot is eighteen (18) feet.
- g. No structure whether main or accessory, shall be erected nearer the edge of the pipe stem portion of a lot than ten (10) feet.
- h. The final plat shall note each pipe stem driveway as "privately owned and privately maintained by the lot owners served".
- i. Each house served by a pipe stem driveway shall be numbered in accordance with the requirements of the King George County addressing system and each such number shall be displayed on a sign showing the address and an arrow, which shall designate the direction to which the address usage applies.
- j. Minimum setbacks for buildings shall be measured exclusive of the pipe stem portion of a lot. The front of a lot on a pipe stem shall be determined by the orientation of the dwelling.

### 5.4 Review and approval of cluster subdivision plans.

Review of cluster subdivision plans shall conform to the approval process as a major subdivision plat under the provisions of this Ordinance.

## ARTICLE 6 MINOR SUBDIVISIONS

### 6.1 PLAT SUBMISSION

Minor subdivision plats consisting of up to five lots created from a parent tract located on an existing private road or a public road with no more than three (3) access drives to an existing public road are reviewed and approved by the Subdivision Agent. If a minor subdivision has more than three (3) access drives to an existing primary or secondary road, then the plat shall be reviewed and either approved or disapproved by the Planning Commission. Shared access shall be encouraged and shall count as only one (1) access point.

### 6.2 Plat Requirements

6.2.1. Requirements for three lots. Minor subdivision plats that consist of a division of property creating up to a total of three lots shall provide the following information on the plat:

1. Tax Map and Parcel Number of property being divided, along with reference to the deed book and page number where the title is recorded.
2. Zoning designation of the property being divided. The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, must be in accordance with the provisions of the Zoning Ordinance.
3. Current ownership of the property being subdivided.
4. Total acreage of the property being subdivided along with the residual acreage.
5. The following statement: "Tax Map \_\_\_\_\_, Parcel \_\_\_\_\_, has not been divided or re-divided into more than three parcels since October 1, 1987. *(This statement refers to the parent tract and all parcels divided from the parent tract and the note must reference all division of the related tracts of land)*
6. If the property to be divided does not front on a State maintained road, indicate how access to the property is being provided (i.e., location and width of easement in conformance with the requirements of this ordinance).
7. Chesapeake Bay Preservation Area designated Resource Protection Areas May Not Be Disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance. Water dependent facilities and/or redevelopment may be permissible in Resource Protection Areas per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance.
8. The parcels shown hereon are subject to having sewage disposal system pumped out every five years.
9. A primary and reserve sewage disposal system must be provided and system sites cannot be altered by construction or excavation.
10. Area tabulation providing the total area before division, area of adjustment, and total lot area after the division or adjustment. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets.
11. All dimensions shown in feet and decimals of a foot to the closest one-hundredth (0.01) of a foot, all bearings, degrees and minutes and seconds to the nearest ten (10) seconds. The boundary survey shall show a field error of closure within the limit of one (1) in ten thousand (10,000) and in accordance with Section 8.8, King George County Subdivision Ordinance, bearings relating to either State Plane Coordinate System True North American Datum 83. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: "Delta, radius, arc length, tangent length, chord length and chord bearings". Survey coordinates relating to the Grid North VCS, 1983, shall be shown for all control monuments shown on the Final Record Plat. The survey coordinates shall be related to the State Plane coordinate system North American Datum 83.

12. The following required forms and signatures shall be provided on the plat: Section 3.10.a, Certificate of Title; Section 3.10.b, Engineers Certificate; Section 3.10.c, Owners Consent and Dedication Statement; and Section 3.10.e, Certificate of Approval.

6.2.2. Requirements for four and five lots. Minor subdivision plats that that create four and/or five lots shall meet all the requirements of Final Plats, Section 3.9 of this Ordinance shall be filed with the Agent for review and approval. Two copies shall be provided for review and upon approval by the Agent five (5) copies of the Minor Subdivision shall be provided. Twelve copies of those plats requiring Planning Commission Approval must be provided. Family subdivisions defined as one (1) lot per family member shall be reviewed by the Subdivision Agent.

### 6.3 Compliance with Zoning

The minimum width, yard, and area requirements of all lots, minimum setbacks for all existing structures, including the remaining property from which lots are subdivided, shall meet all requirements of the Zoning Ordinance of King George County for the zoning district in which such subdivision is located.

6.4. Elongations. Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes in order to provide the minimum area required under the zoning ordinance.

### 6.5 Plat Review

The Subdivision Agent shall review each plat prior to recordation. The Agent shall determine the following:

- a. Check the proposed lot for size, shape, configuration, and setback to ensure compliance with the King George County Zoning Ordinance.
- b. Checks for the existing or proposed right-of-way for compliance with this Ordinance.
- c. Verifies the number of lots divided from parent tract.
- d. Checks for any existing easements affecting the property.
- e. If the Subdivision contains more than two (2) lots, checks the existence of new roads built to county specifications of the subdivider's proposals and assurance for road construction.
- f. Verifies the vicinity map at a scale of 1"=2000' or larger.
- g. Verifies the following notes are contained on the plat:
  1. Chesapeake Bay Preservation Area designated Resource Protection Areas May Not Be Disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance. Water dependent facilities and/or redevelopment may be permissible in Resource Protection Areas per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance.
  2. The parcels shown hereon are subject to having sewage disposal system pumped out every five years.
  3. A primary and reserve sewage disposal system must be provided and system sites cannot be altered by construction or excavation.
- h. All minor subdivisions including family subdivisions which are accessed by private rights-of-way, shall include on the plat and on each deed of conveyance of any subdivision lot shown on the plat the following note in bold letters:

**ALL STREETS, ACCESS EASEMENTS, OR ACCESSES FOR THIS PARCEL ARE PRIVATE AND DO NOT COMPLY WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REQUIREMENTS FOR ACCEPTANCE INTO THE SECONDARY SYSTEM AND WILL NOT BE MAINTAINED BY EITHER THE**

COUNTY OR THE VDOT. THE STREETS, ACCESS EASEMENTS, OR ACCESSES SHALL BE MAINTAINED BY THE OWNERS OF THE LOTS AND/OR THE OWNERS OF DWELLINGS LOCATED ON SUCH LOTS WHO USE THE STREET, ACCESS EASEMENT, OR ACCESSES. PRIOR TO ANY FUTURE REQUEST FOR THEIR ADDITION TO THE STATE SECONDARY SYSTEM THESE STREETS, ACCESS EASEMENTS, OR ACCESSES MUST BE DEVELOPED IN FULL COMPLIANCE WITH THE VDOT REQUIREMENTS IN EFFECT AT THAT TIME. ANY SUCH DEVELOPMENT SHALL BE AT THE EXPENSE OF THE OWNER OF THE LOTS AND/OR DWELLING LOCATED ON SUCH LOTS WHO USE THE STREETS ACCESS EASEMENT OR ACCESS.

#### 6.6 Access

All minor subdivisions containing more than three (3) lots which are accessed by a private road or right-of-way that connects directly to an existing public street shall submit their entrance location and design to the Virginia Department of Transportation (VDOT) for review prior to plat approval. No such plat shall be approved unless the entrance has an existing approved commercial entrance permit or meets the VDOT's current minimum standards of Entrances to State Highways. If VDOT disapproves an entrance, the person submitting the plat shall be provided an opportunity to amend the plat to provide an alternative entrance. If an approved entrance cannot be obtained then the plat shall be disapproved.

#### 6.7 Health Department Approval

Each lot and existing structures not served by a community water and sewer system shall have their water source and sewage disposal facilities approved by the Virginia Department of Health and in accordance with all applicable King George County Service Authority Regulations and King George County Codes and Ordinances.

#### 6.8 Property Markers

Each lot corner shall be marked with monuments as required by Section 8.8 of this Ordinance.

#### 6.9 Street Signs

Erection of street sign(s) shall comply with Section 8.4 of this Ordinance.

#### 6.10 Stormwater drainage

Stormwater drainage shall comply with Section 8.8 of this Ordinance.

#### 6.11 PROCESSING

The subdivider of a minor subdivision shall submit a final plat meeting the requirements of this Ordinance to the Agent for Processing. Only after determining that the plat meets all necessary requirements, the Agent shall either approve the plat or as established above in Section 4.1, present the plat to the Planning Commission for final approval.

Such approval shall be indicated by the signature of either the Chairman of the Planning Commission or the Subdivision Agent on the face of the plat, which shall then be returned to the applicant for recordation. If not recorded within five years from the date of approval, such approval shall become null and void.

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ARTICLE 7  
FAMILY SUBDIVISIONS

7.1 SUBDIVISION OF LAND FOR FAMILY MEMBERS

Division of a lot or parcel permitted for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to express requirements contained in the code of Virginia, and the following provisions.

- a. Only one (1) such division shall be allowed per family member and shall not be made for the purpose of circumventing this Ordinance. Transfer of ownership shall occur at the time of recordation.
- b. The lot will not be voluntarily transferred to a non-immediate family member for at least five (5) years except that a transfer of a shared interest may subsequently or simultaneously be made to the spouse of the grantee. This restriction shall be noted in the deed. If the Board of Supervisors finds that an extraordinary hardship is being caused by the five (5) year restriction, the owner may apply for an exception to this requirement under the provisions of this Ordinance.
- c. The grantee is at least eighteen (18) years of age and able to hold real estate under the laws of Virginia.
- d. In the event that the Board determines a circumvention to have occurred, the family subdivision approval shall be considered void and the county may take appropriate action to require compliance with all other applicable subdivision and zoning requirements or may initiate action to vacate said lot. No zoning permit shall be issued for such lot(s).
- e. The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the provisions of the Zoning Ordinance.
- f. Lots shall not contain peculiarly shaped elongations, which would be unusable for normal purposes in order to provide the minimum area required under the zoning ordinance.
- g. Property not served by a community water and sewer system shall have its water source and sewage disposal facilities approved by the Health Department and in accordance with all applicable King George County Service Authority Regulations and King George County Codes and Ordinances.
- h. Each lot or parcel of property shall front on a public road, which is part of the Virginia Department of Transportation road system or to a private access easement, which meets the requirements of this Ordinance. Such access easement shall be a minimum of 20 feet wide and shall remain private and the benefitted property owners shall maintain any drive or road within the family subdivision. Access to a road that is part of the Virginia Department of Transportation road system shall be shown.
- i. All dimensions shown in feet and decimals of a foot to the closest one-hundredth (0.01) of a foot, all bearings, degrees and minutes and seconds to the nearest ten (10) seconds. The boundary survey shall show a field error of closure within the limit of one (1) in ten thousand (10,000) and in accordance with Section 8.8, King George County Subdivision Ordinance, bearings relating to either State Plane Coordinate System True North American Datum 83. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: "Delta, radius, arc length, tangent length, chord length and chord bearings". Survey coordinates relating to the Grid North VCS, 1983, shall be shown for all control monuments



shown on the Final Record Plat. The survey coordinates shall be related to the State Plane coordinate system North American Datum 83.

- j. A boundary survey of the lot shall be submitted to the Agent for approval and shall contain the following: Surveyor's Certificate: a statement certified by the surveyor that no buildings exist in any direction of the building restriction line along any new lot lines; location of any existing easements; location of the established 100 year established 100 year flood plain; total acreage; owner's consent; the County Tax Map identification number of the parcel from which the lot is to be divided; a point of reference to determine how the lot is being subdivided out of the total parcel; a line for approval by the Agent; and a statement that the land hereby being subdivided is in accordance with the provisions of this Article. The boundary survey shall be recorded with the Clerk of the Circuit Court
  
- k. The following notes shall be provided on the plat:
  - 1. Chesapeake Bay Preservation Area designated Resource Protection Areas May Not Be Disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance. Water dependent facilities and/or redevelopment may be permissible in Resource Protection Areas per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance.
  - 2. The parcels shown hereon are subject to having a sewage disposal system pumped out every five years.
  - 3. A primary and reserve sewage disposal system must be provided and system sites cannot be altered by construction or excavation.
  
- l. The boundary survey of the lot to be submitted to the Agent for approval shall contain the following statement with a signature panel for the landowner.

"I hereby certify that the subdivision of this property is for a member of my immediate family."

\_\_\_\_\_  
Signature of Landowner

ARTICLE 8  
GENERAL REQUIREMENTS AND MINIMUM STANDARDS

8.1 APPLICATION OF ARTICLE

The requirements and standards set forth in this article apply to all Major Subdivisions and other subdivisions as applicable hereafter established unless an exception is granted as specified elsewhere herein. Any improvements required shall be installed by the subdivider at his cost and shall be subject to inspection and approval by the Subdivision Agent, Highway Engineer or Health Official, and other appropriate agencies or their authorized representatives.

8.2 LAND SUITABILITY

The Governing Body shall not approve the subdivision of land if, from adequate investigation conducted by all public agencies concerned, it is determined that in the best public interest the site is not suitable for platting and development of the kind proposed due to reasons of Public Health, Safety and Welfare, flooding, erosion or conflict with the County's Comprehensive Plan. In investigating the suitability of land for subdivision, the Governing Body may require the subdivider to furnish topographic maps, soil reports, established 100 year established 100 year flood plain studies, and other information relevant to such determination.

8.3 STREETS

All streets in any subdivision hereafter created shall be designed and constructed in accordance with the current standards and specifications of the Virginia Department of Transportation. All street rights-of-way shall be dedicated for public use except as otherwise provided for in this Ordinance.

8.3.1 Alignment and Layout

- a. All new streets shall be arranged to provide for continuation of existing streets in adjoining areas and proposed streets as shown or described in any officially adopted plan. Where appropriate, streets shall be extended to the subdivision boundary so that future extensions can be made into adjoining properties, which may be subdivided. At least one Subdivision Street shall connect to an existing state maintained street or road and interior streets shall have access thereto. Overall street layout shall provide for safe movement of vehicular traffic while discouraging through traffic on residential streets.
- b. All lots in all major subdivisions, with the exception of commercial or industrial zoned lots, shall be served by internal streets that have direct access to an existing primary or secondary road. Direct access must be provided by way of a street that exists within the primary or secondary road system or by one that will be improved to meet the Virginia Department of Transportation Standards for roads within the Virginia Highway System in conjunction with the development of the subdivision. The maximum number of entrances from a subdivision to an existing primary or secondary road shall be one. Additional entrances to a Subdivision from an existing primary or secondary road may be required by the Planning Commission in accordance with the following table:

Table 1

Total number of lots	Access to existing primary or secondary road
6—35	1
36—100	2
100—200+	3

- c. Every design effort shall be made to interconnect the streets within a subdivision and to avoid dead end streets. Streets shall be arranged to provide access to adjoining parcels where necessary to promote orderly development of the county. Adequate easements shall be provided for the development of future streets and such easements shall include restrictions that assure the adequacy of the easement, including building setback lines, to ensure the future viability of the easement. Major subdivisions shall provide access to adjoining parcels and subdivisions as specified below. Every effort in the design of the subdivision shall be made to interconnect streets within the subdivision to promote grid pattern development, avoid dead end streets, and to arrange streets to provide access to adjoining parcels to promote orderly development of the County. Where streets are arranged to provide access to adjoining parcels roads must be extended and constructed to the adjoining property line and must be provided with cul-de-sac's and construction easements suitable for future use as public roads capable of being accepted into the Virginia Highway System. Streets between adjoining properties shall be required to interconnect where the ability to interconnect streets has been created through right-of-way dedication and/or right-of-way dedication and street construction.

Table 2

Total number of lots	Access connections required
6—35	0
36—50	1
51—200	2
201	3

- d. The Board of Supervisors may grant an Exception, Per Article 9, Exceptions and Appeals for the required number of access connections where it can be demonstrated that topography, floodplain, impact to wetlands, or other sensitive environmental features make the connection impractical.

8.3.2 Useable Open Space Requirement.

- a. For all subdivisions containing ten (10) or more lots with the average area of each lot being less than two (2) acres, the Planning Commission shall require the platting and dedication to the governing body or to a home owners association of usable open space for recreation of at least the minimum area required by Section 8.3.2.d. of this Ordinance. The requirements of this section shall not apply to:
- b. A subdivision, the lots of which have a net area of two (2) or more acres (net area shall be exclusive of road rights of way).

- c. The Planning Commission shall not recommend the acceptance of land for dedication unless it finds that such land is designed to serve the purposes of active or passive recreation by reason of its location, configuration, and/or topography.
- d. The amount of land necessary for said purposes shall vary, as herein set forth, in accordance with the densities of population permitted in small lot subdivisions. The percentages below apply to a single tract of land being subdivided; exclusive of the established 100 year flood plain, wetlands, utility easements, or other physical encumbrances. The minimum amount of land required shall be ½ acre for every subdivision that contains lots that are over ½ acre in size and ¾ acre for every subdivision that contains lots that are less than ½ acre in size.
  1. Four (4) percent of the net area within the subdivision lots when the subdivision lot size is 1 acre or more in size.
  2. Six (6) percent of the net area within the subdivision lots when the subdivision lot size is ½ acre or more but less than 1 acre.
  3. Eight (8) percent of the net area within the subdivision lots when the subdivision lot size is less than ½ acre.
  4. Fifteen (15) percent of the net residentially developed area within a townhouse or multi-family developments.

### 8.3.3 Alleys

Alleys shall not be required in residential districts, but shall be located in commercial and industrial areas where needed for service vehicles, deliveries, access to loading areas and similar purposes.

### 8.3.4 Intersections

All streets shall intersect as near a 90-degree as is practical. In no case shall streets intersect at an angle of less than 70-degrees. No more than two (2) streets or roads, including driveways, shall intersect at one point and intersections shall be separated by a minimum of 150 feet.

### 8.3.5 Cul-de-Sacs

Any street which terminates at a point not intersecting another street shall be considered a cul-de-sac. Permanent cul-de-sac streets shall be no longer than:

- a. Six hundred (600) feet in residentially zoned property.
- b. Eighteen hundred (1,800) feet in agriculturally zoned property.
- c. Six hundred (600) feet in commercially zoned property.
- d. Six hundred (600) feet in industrially zoned property.

Turnarounds shall be provided on all cul-de-sacs with a minimum right-of-way radius of fifty (50) feet.

On streets intended for future extension, temporary turnarounds shall be provided by means of easements over private land adjoining the street. Such easements shall revert to the landowners at such time as the street road is extended.

### 8.3.6 Blocks

- a. Block Length. No block in a residentially zoned subdivision shall be longer than 1,000 (1,000) feet. Blocks in agricultural zoned subdivisions shall not be longer than two thousand (2,000) feet. The greater dimensions of blocks adjoining a major street shall, wherever practical, be parallel to such major street.
- b. Block width. Blocks shall be of sufficient width to permit two (2) tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots.
- c. Blocks orientation. Where a proposed subdivision adjoins a road classified as a collector or arterial by the Virginia Department of Transportation, blocks shall be oriented to minimize ingress and egress on such roads; provided, however, that adequate emergency access shall be allowed.
- d. Industrial or commercial subdivisions. Any lot or blocks designed for business or industrial purposes shall be designed specifically for that purpose with adequate space for off-street parking, off-street loading, and delivery facilities as required by the site plan ordinance. A final plat for industrial or business subdivisions may be submitted simultaneously with the site plan for review and approval and any required construction plans may be submitted with the site plan.

#### 8.3.7 Minimum Street Width

Street right-of-way shall be of a width satisfactory to the Highway Engineer for the type and location of the street and its anticipated ultimate traffic volume. In no case shall a street right-of-way be less than fifty (50) feet in width except that alleys may be 24 feet in width.

#### 8.3.8 Street Names

All subdivision streets shall be named and marked with approved signs. It shall be the responsibility of the subdivider to insure that names of proposed streets do not duplicate existing street names anywhere in the County. A proposed street, which is aligned with an existing street, shall bear the same name as the existing street.

#### 8.3.9 Curbs, Gutters, Sidewalks, and Lighting

Curbs, gutters, and sidewalks shall be required on all streets in all commercial zoning districts and on all streets in subdivisions located in the residential zoning districts, where lot sizes are 22,000 square feet or less in area. Sidewalks may be provided on only one side of residential areas. However, in residential subdivisions curb and gutter is not required where the development adheres to the standards for "Low Impact Development" as defined by this Ordinance.

In any subdivision where street lighting is provided; street lighting shall be designed to minimize the glare on public roads and adjacent properties light sources shall be shielded and directed in such a manner as to avoid shining onto adjoining properties or streets 1) dark sky compliant; and, 2) shielded, directed downward and inward toward areas required to provide light such as parking areas, sidewalks roads.

### 8.3.10 Access to Townhouse Subdivisions

Lots in a townhouse subdivision may front on a private access easement provided that:

- a. The number of units served by the easement does not exceed 60;
- b. Provisions for maintenance of the easement are set forth in the application, referenced on the final plat and approved by the Governing Body;
- c. The roadway improvements shall include sidewalks, curb and gutter and be paved in accordance with VDOT criteria; and
- d. The Planning Commission, in its discretion, approves the location and design of the easement and associated parking areas.

### 8.4 Street identification signs.

Street identification signs of a design meeting Virginia Department of Transportation standards and approved by the subdivision agent shall be installed at all intersections in subdivisions. Prior to the issuance of an occupancy permit for a dwelling unit, all street signs in the section in which the dwelling unit is located shall be installed.

### 8.5 Street required prior to sale or occupancy.

Before any house or lot in a subdivision may be occupied, the street in the block where such house is located, if such street is required to be a public street, shall have a street base constructed as required by current Virginia Department of Transportation specifications.

### 8.6 Snow removal responsibility.

Snow plowing of streets not accepted into the state system shall be provided by subdividers in subdivisions under construction. Snow plowing shall commence when there has been an accumulation exceeding four (4) inches and continue until streets are cleared to a maximum depth of three inches. Failure to provide snow plowing of streets as required by this section shall result in the board of supervisors using County equipment or the hiring of a private contractor to provide snow removal and causing the same to be a charge upon the subdivider.

## 8.7 LOTS, SUBDIVISION

### 8.7.1 Lot Size

All lots shall meet the dimensional and lot area requirements of the Zoning Ordinance. Greater lot areas may be required by the Health Officer if needed to adequately accommodate septic tanks and drain fields.

### 8.7.2 Shape and Arrangement of Lots

Lot shape, arrangement, and design shall be such as to provide satisfactory and desirable building sites, properly related to the topography and conforming to the requirements of this Ordinance. Lots shall not contain peculiarly shaped elongations for the mere purpose of providing the required minimum square footage. Lots shall generally be oriented at right angles to street lines or radial to curved street lines. Lots shall not contain peculiarly shaped elongations, which would be unusable for normal purposes in order to provide the minimum area required under the zoning ordinance.

### 8.7.3 Lot Frontage

All lots shall front on an existing state-maintained street or a street meeting the requirements of this Article, with the exception of family subdivision lots, as stipulated in Article 7 of this Ordinance, and commercial- or industrial-zoned lots.

### 8.7.4 Remnants or Outlets

No remnants or outlets shall be permitted on any subdivision plat. Any remnants of land below minimum lot size left over after subdividing shall be added to adjacent lots, dedicated public open space or other public areas.

### 8.7.5 Unusable Land

Land restricted for building by utility easements shall be considered unusable, and shall account for no more than ten percent (10%) of the minimum required area on any lot.

Lot area for the purpose of satisfying minimum area requirements shall not include portions under water except where the total area of a body of water is within the lot and/or constitutes less than 20 percent of the lot area.

### Section 8.7.6, Lots for required buffers.

- a. All required, transitional or street buffers in accordance with Article 10, Highway Overlay Corridor District, King George County Zoning Ordinance located in residential subdivisions shall be located on parcels conveyed to and maintained by a homeowner association.
- b. Open space parcels for the required buffers shall be exempt for the provisions of Section 8.7.3 of this chapter and Minimum Area and Lot Width Requirements of the King George County Zoning Ordinance. If the open space parcel does not have frontage on a public street then some form of access shall be provided, even by an easement that is to be under the control of the HOA.

## 8.8 REQUIRED MONUMENTS

Subdivision Monuments shall conform to the following requirements.

### 8.8.1 Property Monuments (lot monuments)

The following types of monuments shall be provided in subdivisions.

#### 8.8.2. General Property Monuments

General Property monuments shall be made of a permanent material, such as iron rods, or concrete monuments at the owner(s) option, and shall be eighteen (18) inches to twenty-four (24) inches in length. Property monuments shall be set flush with the finished grade and anchored or embedded so as to prevent movement. Property monuments shall be set by a land surveyor and provided at all points of angles and curvature in street rights-of-way, lot lines, and exterior subdivision boundaries.

### 8.8.3 Control Monuments

Control monuments shall be designed by and located as determined by the engineer or land surveyor, shall be set by a land surveyor, and shall be accessible by an easement with a minimum width of ten (10) feet and shall be shown on the Final Record Plat.

Control monuments shall be shown on the record plat and must be referenced by bearing and distance to known points and be accessible by easement or right-of-way.

For each section within the subdivision there shall be no less than two (2) control monuments established which shall be visible to one another.

Existing monuments may be designated as control monuments if the existing monument is made of concrete or stone material.

For each Major Subdivision two control monuments shall be established in a manner sufficient to serve as geodetic control reference to the Virginia Coordinate System of 1983 and data sheets shall be provided to the Department of Community Development.

Control monuments set shall be of stone, concrete, or any suitable permanent material, have a length of twenty-four (24) inches, have a top surface area of not less than twelve (12) square inches, have a centering point which shall not exceed two one-hundredths of a foot in breadth, and shall be anchored or bedded in concrete or earth to prevent movement and set flush with grade.

8.8.4 Notation on plat. The following note shall appear on every final plat and the plat shall be prepared in accordance with the note:

"The plat of the land shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this subdivision boundary to an established control monument (insert number and name of monument). The grid factor (elevation factor x scale factor) which has been applied to the field distance to derive the referenced coordinates is (insert complete grid factor). Unless otherwise stated the plat distances shown are intended to be horizontal distances measured at the mean elevation of the subdivision. The bearings shown are referenced to VCS 1983 Grid North. The foot definition used for conversion of the monument coordinates is the "U.S. Survey Foot" or 1 foot = 1<sup>00</sup>/3937 meter."

For a proposed subdivision no part of which is located within one and one half (1.5) miles of any second order geodetic control monuments, the surveyor shall contact the Department of Community Development to either obtain alternate ground control coordinates or provide documentation regarding alternate ground coordinates. Additionally, the plat shall state: "No suitable geodetic control was found within one and one half (1.5) miles of any part of this subdivision."

8.8.5 North arrow. Every final plat shall provide a north arrow annotated in accordance with the meridian to which the plat bearings are referenced as required by the following:

- a. VCS 1983, as represented by the SC or DOD geodetic monument network, for major subdivisions.



- b. True north for minor subdivisions, boundary adjustment plats and other types of plats that are not plats of major subdivisions.

8.8.6 Easements. Geodetic control monuments shall be located within suitable easements and the easements shall be shown on the Final Record Plat.

8.8.7 Visibility of monuments for inspection.

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this Ordinance, are clearly visible for inspection and use, and shall provide a certificate signed by a land surveyor that the monuments have been properly installed.

8.9 UTILITIES

8.9.1 Location of Utilities

All utilities in any residential subdivision having lots less than one acre in size shall be installed underground at no expense to the County. Utilities shall include, but not be limited to, electricity gas, water, sewer, telephone, and cable television.

8.9.2 Easements Required

When utilities are not located in street rights-of-way, the subdivider shall dedicate easements at least 20 feet in width, which may be greater in width if required by the King George County Service Authority or other applicable agency.

8.9.3 Fire Hydrants

Fire hydrants shall be required to be installed in all subdivisions having community water systems. The number and location of the fire hydrants as well as the sizing of the water distribution system shall be determined during the review of the preliminary plat.

8.10 STORM DRAINAGE

In all subdivisions, adequate storm drainage piping and appurtenance shall be provided in a manner to preclude flooding, erosion or standing pools of water. Open channels, other than naturally occurring streams, shall not be used for the conveyance of runoff within 50 feet of any residential structure.

8.10.1 Stormwater Management

All subdivisions hereafter approved shall have adequate stormwater management facilities, so that after development, a storm of a two-year average frequency shall be no greater than it would have been prior to development. Stormwater management facilities shall be designed and constructed in accordance with Virginia Stormwater Management Handbook, 1999 Edition, as amended.

8.10.2 Storm Drainage Easements

Easements, both on-site and off-site, shall be approved for all storm drainage facilities, including natural streams, not located in the public rights-of-way. Such easements shall be a minimum of 12 feet in width or greater if required for access and maintenance purposes.

### Section 8.10.3. Lots for Stormwater Management Facilities.

For purpose of this chapter, managing stormwater shall be handled by stormwater management facilities (ponds and other centralized stormwater best management practices) and low-impact development (LID).

- a. For residential subdivisions, all stormwater-management facilities and the access road shall be located on open-space parcels with frontage on a public right-of-way. The open-space parcel shall be conveyed to and maintained by a homeowners association.
- b. All stormwater-management facilities shall have a storm drainage easement located around the facility. The easement shall be fully contained within the parcel.
- c. The access to all stormwater-management facilities shall be an ingress/egress easement dedicated to public use and shall be fully contained within the parcel.
- d. Open space parcels for stormwater-management facilities shall be exempt from the provisions of Section 8.7.3, Lot Frontage.
- e. LID shall be permitted on residential building lots in accordance with the provisions of Section 8.3.9 of this Ordinance.
- f. All areas used for LID's shall have a storm drainage easement located around the area. The easement may be contained on more than one lot or parcel.
- g. Provisions shall be established to provide access to all areas used for LID. Unless the area used for an LID adjoins a public street, the access from a public street shall be within an ingress/egress easement dedicated to public use and may be contained on more than one lot or parcel. The width and location of the easement shall be identified on the construction or grading plan and the record plat.

## 8.11 INSPECTION AND ACCEPTANCE

### 8.11.1 Inspections

The Agent shall, from time to time, make such inspection of any subdivision as he shall deem necessary, or as shall be requested by the subdivider, to determine whether there has been full compliance with the final plat as approved.

### 8.11.12 As-Built Plan

The subdivider shall notify the Agent when the construction or installation has been completed, and shall supply the Agent with a copy of the as-built plan on which the street or improvements have been constructed or installed. This plan shall show the signatures of all agencies and individuals who have approved the plan.

### 8.11.13 Failure to Comply

Upon finding that any subdivision fails to comply with the final plat as approved, the Agent shall give notice in writing to the subdivider, setting forth in what respects the subdivision fails to comply with the approved final plat.

Thereafter, the subdivider shall have thirty (30) days to make such correction or additions as shall be necessary to comply with the approved final plat, which time may be extended, for good and just cause shown, at the discretion of the agent, based on all the facts and circumstances known him. After the expiration of said 30-day period or such extension thereof as the agent shall have granted, the failure of any subdivider to comply with the approved final plat of his subdivision shall be deemed a violation of this Ordinance.

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ARTICLE 9  
EXCEPTIONS AND APPEALS

9.1 Exceptions

The governing body may grant an exception to specific requirements of this Ordinance when the subdivider can meet the following.

- a. That if strictly adhered to the specific requirement would cause undue hardship.
- b. That such hardship is not shared generally by other subdivisions.
- c. The granting of such exception will have no substantially adverse effect on the future residents of the proposed subdivision, nor upon any property adjoining such proposed subdivision.

9.1.1 Procedure for Exception

- a. The subdivider shall submit a request for the exception of any requirement with, or prior to, the submission of a preliminary plat.
- b. Such request shall be in writing and shall include a specific statement of the relief requested and the reason such request should be granted and be accompanied by twelve copies of the plats as specified.
- c. The Agent may require such plans and drawings as needed to assist the Planning Commission and the Governing Body in reaching its decision.
- d. Upon receipt of an exception request under this section, the Agent shall present the request to the Planning Commission at its next regularly scheduled meeting. The Planning Commission shall within thirty (30) days of receipt of the request, present its recommendations to the Governing Body.
- e. The Governing Body shall consider the request and within thirty (30) days of receipt thereof, approve, modify or disapprove the request.

9.2 APPEALS

9.2.1 Procedure for Appeal

When an applicant is aggrieved by the decision of the Agent, or Commission, he may within ten (10) days of the date of notification of such decision, appeal the decision. Such appeal shall be made in writing to the Agent and shall state the specific act, or failure to act, and/or the specific interpretation, which is being appealed. Appeals to a decision made by the Agent shall be forwarded by the Agent to the Planning Commission within sixty (60) days of receipt of the written appeal. The Planning Commission shall consider whether the decision of the Agent was based on a reasonable application of the prescribed standards and forward a recommendation to the Governing Body as whether to affirm, modify, or reverse the decision of the Agent. Appeals to decisions made by the Planning Commission shall be forwarded directly to the Board by the Agent within sixty (60) days of receipt of the written appeal by the Agent.

### 9.2.2 Authority to Grant

Upon receipt of an appeal, the Governing Body shall consider whether the decision of the Agent, or Commission, was based on a reasonable application of the prescribed standards. When the Governing Body finds the Agent's or Commission's, decision reasonable, the Governing Body shall affirm; if unreasonable, the Governing Body may modify and affirm or reverse the decision.

### 9.2.3 Time Limit

Appeals to a decision of the Subdivision Agent shall be forwarded to the Board within sixty (60) days of action on the appeal by the Commission.

Appeals to decisions of the Planning Commission shall be forwarded to the Board within sixty (60) days of receipt of the written appeal by the Agent.

The Governing Body shall act on any appeal under this section within, sixty days (60) of receipt of the Appeal.

### 9.2.4 Decision Final

The decision of the Governing Body on any appeal filed under this section shall be final, unless appealed to the Court of jurisdiction within thirty (30) days of the rendering of such decision.

## 9.3 EFFECT ON PENDING APPLICATIONS, PRIOR TO APPROVALS

Where preliminary plans or final plats have been filed pursuant to applicable County Ordinances, for which final action by the County is pending at the time of adoption of this Ordinance those preliminary plans and/or final plats shall be reviewed pursuant to the requirements in existence prior to the adoption of this Ordinance; provided, however, that the subdivider may elect to have his plan or plat reviewed under the provisions of this Ordinance. Where preliminary plans have been duly approved and are valid pursuant to the provisions in existence prior to the adoption of this Ordinance, the developer is required to diligently pursue approval of a Final Record Plat. Diligently pursue approval shall be mean to obtain approval of the Final Record Plat within 12 months of approval of the Preliminary Plat. Provided, however that the Fee Schedule and Security Requirements shall be as required in this Ordinance.

ARTICLE 10  
VACATION OF RECORDED PLATS

10.1 PROCEDURE FOR VACATION OF PLATS

10.1.1 Before Sale of Lots

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

- a. With the consent of the King George County Board of Supervisors, or its authorized agent, by the owners, proprietors and trustees, if any, who signed the statement required by Section 3.10.c, King George County Subdivision Ordinance at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or
- b. By ordinance of the King George County Board of Supervisors, provided that no facilities for which bonding is required pursuant to Section 3.8.4, King George County Subdivision Ordinance, have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by Section 15.2-2204, Code of Virginia. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

10.1.2 After Sale has Occurred

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

- a. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the King George County Board of Supervisors for the purpose of showing the approval of the vacation. In cases involving drainage easements or street rights-of-way where the vacation does not

impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of King George County.

- b. By ordinance of the King George County Board of Supervisors on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by Section 15.2-2204, Code of Virginia. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of King George County...

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by Section 2204, Code of Virginia and provided the Commonwealth Transportation Commissioner or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to Sections 15.2-2297, 15.2-2298 or 15.2-2303, Code of Virginia or to implement a condition of special exception approval. All abandonment of roads within the secondary system of highways sought to be effected according to either of the preceding methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding; however, property rights which have vested subsequent to the attempted vacation are not impaired by such validation. The manner of reversion shall not be affected by this section.

### 10.1.3 Vacation of Boundary Lines

The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision (i) approved as provided in the King George County Subdivision Ordinance or (ii) properly recorded prior to the applicability of a subdivision ordinance, and executed by the owner or owners of the land as provided in Section 10.3.c, King George County Subdivision Ordinance. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

### 10.1.4 Duty of Clerk When Plat is Vacated

The Clerk of the Circuit Court, in whose office the plat so vacated has been recorded, shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated"; and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.



APPENDIX A  
Subdivision Agreement

APPENDIX A  
COUNTY OF KING GEORGE SUBDIVISION AGREEMENT

This agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_', \_\_\_\_\_, and all successors in interest, party(ies) of the first part, hereinafter referred to as "OWNER", and the COUNTY OF KING GEORGE COUNTY, VIRGINIA, a Political Subdivision, party of the second part, hereinafter referred to as "COUNTY".

WHEREAS, the party(ies) of the first part is (are) the owner of a certain tract of land located in the County of King George, Virginia; and

WHEREAS, the said parcel of land is being subdivided by the Owner into the subdivision known and designated as: and the Owner has caused a plat of said subdivision dated \_\_\_\_\_, 20\_\_, to be prepared by \_\_\_\_\_, Certified Land Surveyors, or Civil Engineers, which said plat the Owner desires to admit to record in the Clerk's Office of the Circuit Court for the County of King George, Virginia; and

WHEREAS, the Owner agrees to construct and locate all physical improvements in said subdivision, as required by the Subdivision Ordinance of the County of King George, Virginia, or shown on the development plans approved by the Agent of the Subdivision Ordinance, hereinafter to as "AGENT"; and

Whereas, the Owner has posted sufficient bond, letter of credit or certified check, pursuant to existing ordinances, approved as to form by the County Attorney, and with surety satisfactory to the County in the amount of \_\_\_\_\_ (\$\_\_\_\_\_) guaranteeing, the installation of the aforementioned improvements before \_\_\_\_\_; and

WHEREAS, the County of King George has agreed that it will permit the recordation of the plat of said subdivision upon the execution of this agreement.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and the approval of said subdivision and the covenants and agreements herein contained, the parties hereto agree as follows:

1. The Owner does covenant and agree that it will, without cost to the County, before \_\_\_\_\_, construct to the approval of the County all physical improvements as required by the Subdivision Ordinance of the County, or shown on the development plans approved by the Agent. If, in the sole judgment of the County, circumstances beyond the control of the Owner prevent the owner from completing the improvements in the time set forth herein, then the County may at its sole discretion grant an extension of time for completion of said improvements and in such instance the County shall require an amended bond, letter of \_\_\_\_\_ credit, or certified check, approved as to form by the County Attorney, and with surety satisfactory to the county in an amount to guarantee the installation of the aforementioned improvements.

2. It is mutually/understood and agreed that in the event the Owner fails to properly complete the physical improvements provided hereinabove, the County may complete, or cause to have completed, the same and render a bill therefore to the Owner who shall be liable to the county for all property costs so incurred by the County or the County may draw the amount necessary from the surety to complete or cause to have completed the same.
3. It is mutually understood and agreed that this agreement does not relieve the Owner of any responsibilities or requirements placed upon them by the various ordinances of the County applicable to such subdivision and development of the property, and the subdivision and development of the property will be done in strict accordance with such ordinances.
4. It is mutually understood and agreed that if the Owner shall faithfully execute each and all requirements of the said Subdivision Ordinance and the provisions of this agreement, and shall indemnify, protect and save harmless the County of King George from all loss, damage, expense or cost by reason of any claim, suite or action instituted against the County of or its agents or employees thereof, on account of, or in consequence of any breach on the part of the Owner, then the aforementioned bond, letter of credit, or certified check, shall be released by the County to the Owner.
5. The Owner does hereby agree to indemnify, protect and save harmless the County from and against all losses and physical damages to property, and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance, presence or use of the streets, utilities and public easements required by, and shown on, the development plans and the subdivision plat until such time as the said streets shall be accepted as part of the Virginia Department of Transportation's system and utilities and public easements shall be accepted as a part of the county's system. To insure such indemnification, the county may require and the owner shall provide upon request a Certificate of Public Liability Insurance in an amount approved by the County Attorney as sufficient, including a governmental endorsement thereto, naming the county as an insured, issued by an insurance company licensed to do business in the Commonwealth of Virginia.
6. It is mutually understood and agreed, that the approval on final plat or plats of this subdivision, or section thereof, shall not be deemed to be an acceptance by the County of any street, alley, public space, sewer or other physical improvements shown on the plat or plats for maintenance, repair or operations thereof, and that the Owner shall be fully responsible therefor and assume all of the risks and liabilities therefore. Nor shall approval on final plat or plats of this subdivision be deemed to guarantee public water or sewer service or available capacity.

COUNTY OF KING GEORGE, VIRGINIA

BY: \_\_\_\_\_  
COUNTY ADMINISTRATOR

(print) (owner)  
BY: \_\_\_\_\_  
(name)

ITS: \_\_\_\_\_ (title)

APPROVED AS TO FORM: \_\_\_\_\_  
COUNTY ATTORNEY

APPENDIX B

- Form A: Corporate Surety Bond
- Form B: Cash Escrow Performance Bond
- Form C: Irrevocable Letter of Credit

APPENDIX B - FORM A

**KING GEORGE COUNTY  
PAYMENT & PERFORMANCE BOND**

<p>BOND NO.</p>	<p>DATE BOND EXECUTED:</p>
<p><u>PRINCIPAL(S)/CO-PRINCIPAL(S)</u>                   (Legal Name(s), Status, and Business Address(es) and <u>Telephone Number(s)</u>)</p> <p>("Principal" whether one or more than one)</p>	<p>TYPE OF ORGANIZATION: (Check One)</p> <p>( ) Individual</p> <p>( ) Partnership</p> <p>( ) Limited Liability Company</p> <p>( ) Corporation</p> <p>( ) Other (Specify) _____                  _____</p> <p>STATE OF INCORPORATION OR ORGANIZATION:</p>
<p>SURETY(IES):                  (Name(s) and Business Address(es) and <u>Telephone Number(s)</u>)</p> <p>("Surety" whether one or more than one)</p>	<p>SUM OF BOND</p> <p><u>Million(s)    Thousand(s)    Hundred(s)</u></p> <p>                                      </p> <p>DATE OF AGREEMENT:                  PLAN NAME:</p> <p>and any and all revisions of such plans however numbered or designated.</p>

KNOW ALL MEN BY THESE PRESENTS, that we, Principal and Surety hereto recite and declare that:

1. We are held and firmly bound to the Board of Supervisors of King George County, Virginia, a body politic and political subdivision of the Commonwealth of Virginia ("County"), in the sum written above, to be paid to County, its successors, agents or assigns, for the payment whereof Principal(s), Co-Principal(s) and Surety(ies) bind themselves, their heirs, executors, administrators, parent entities, successors, and assigns, jointly and severally, firmly by this Bond.
2. The Agreement referenced above is incorporated by reference.
3. This Bond shall remain in full force and effect until released by County.
4. Surety expressly WAIVES any right to receive notice, review, approve any revisions to the plans, profiles, and specifications referred to in the Agreement and. Surety hereby WAIVES notice of any amendment, indulgence, or forbearance, made, granted or permitted by the County. Surety is deemed to consent to all such actions and the grant of same or any other action by County shall not be construed as a waiver of County's rights.
5. County may, in its sole discretion and without notice to, comment by, objection by or recourse of Surety, declare Principal to be in default should it fail to complete its obligations under the Agreement within the time set forth therein or any time extension thereof. In the event of default, County may terminate whatever rights Principal may have to construct or correct construction of facilities.
6. In the event of default by Principal, County shall send a Notice of Default to Principal and Surety, at which time Surety shall have either of the following options:
  - a. Within 21 days of receipt of the default notice, Surety shall pay over the full face value sum of the Bond to County or such lesser sum as County may determine in its sole discretion, and thereafter be relieved of further liability under this Bond. If there are any funds left which are not necessary for completion of the work and all related damages, then County will remit this excess to Surety after work is completed.
  - b. Within 21 days of receipt of the default notice, Surety shall give written notice to County that it will assume the Agreement and all of the obligations of Principal and shall complete the Agreement according to its terms and provisions. Surety shall cause performance under the agreement to commence immediately after notice to County, but in no case longer than thirty (30) days.
7. Nothing in this Bond shall be construed as creating an obligation upon County to pay for the completion or correction of the work guaranteed under the provisions of this Bond.
8. By signatures hereto, Principal and Surety expressly WAIVE any objection to the authority of County to require each and every provision of this Bond; and all defects in the Bond, as to form, notice or otherwise.
9. If any provision of this Bond is held to be illegal, invalid, or unenforceable, or is found to be against public policy for any reason, such provision shall be fully severable and this Bond shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never been part of this Bond, and the remaining provisions of this Bond shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision, or by its severance from this Bond.

10. In any action or proceeding initiated in connection with this Bond, Agreement and any and all obligations arising hereunder, the venue shall be the County of King George, Virginia, and shall be governed by the laws of the Commonwealth of Virginia.
11. The obligations under this Bond shall survive the sale of the property subject to the Agreement; any transfer of any assets, obligations and/or liabilities subject to the Agreement; and/or Bankruptcy by the Principal.
12. All notices sent to Principal and Surety shall be sent to the addresses set forth in this Bond unless said Principal or Surety notifies County in writing of any change. If an address of either Principal or Surety as shown on the signature page hereof is different from the address for that party as shown on page 1 of 7, notices shall be effective if sent to either address. If the addresses of any Principal or Surety change, the said Principal or Surety shall immediately notify County of such change. Failure to notify County of any change in address is deemed to be a waiver of any requirement of notice under this Bond to the Principal and Surety. All written notice to County under this Bond shall be sent certified or registered mail, return receipt requested and addressed to the Director Community Development, however, any notice that may be required pursuant to Va. Code Section 49-25, as amended, shall be given to the above and to the County Administrator, Chairman of the Board of Supervisors and County Attorney.

[REMAINDER OF THIS PAGE PURPOSELY BLANK. SIGNATURE PAGES FOLLOW]



CORPORATE SURETY

NAME, ADDRESS  
AND TELEPHONE NUMBER:

STATE OF INCORPORATION:

\_\_\_\_\_

LIABILITY LIMIT:

SIGNATURES: 1. \_\_\_\_\_(SEAL) 2. \_\_\_\_\_(SEAL)

NAME(S) AND 1. \_\_\_\_\_ 2.  
TITLE(S): \_\_\_\_\_  
(Typed) \_\_\_\_\_  
\_\_\_\_\_

STATE OF  
COUNTY OF \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ and \_\_\_\_\_, respectively of the \_\_\_\_\_, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures affixed above, and the Corporate Seal as the genuine seal of the said corporation.

Given under my hand the \_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public

My Commission Expires: \_\_\_\_\_  
Notary Registration Number: \_\_\_\_\_

Countersigned by Virginia Resident Agent [unless current certificate of good standing and certificate to transact surety business in Virginia has been filed with and approved by the County Attorney]:

Signature:  
Name, Title, Business Address  
and Telephone Number:  
(Typed)

STATE OF:

COUNTY OF:

The foregoing signature was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by  
on behalf of the corporation.

Notary Public

My Commission Expires:  
Notary Registration Number: \_\_\_\_\_

KING GEORGE COUNTY FORMS /SURETY.BND  
REV 02/01/10

APPENDIX B - FORM B  
COUNTY OF KING GEORGE, VIRGINIA SUBDIVISION CASH ESCROW

CASH ESCROW PERFORMANCE BOND

\_\_\_\_\_ hereinafter called "Developer" on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ agrees to provide a cash escrow performance bond in the amount of \$\_\_\_\_\_ to King George County, Virginia.

The Developer, desires approval of plans for \_\_\_\_\_ located on Tax Map \_\_\_\_, Parcel \_\_ which plans include provisions to complete and maintain certain Erosion and Sediment Control Measures as required by the Erosion and Sediment Control Ordinance of King George County, Virginia as indicated on the approved \_\_\_\_\_ as prepared by \_\_\_\_\_, with a last revision date of \_\_\_\_\_; and

Whereas King George County desires to ensure the installation, maintenance and adequate performance of such measures and improvements as indicated on the above referenced \_\_\_\_\_,

Therefore, the developers agrees to provide a cash escrow performance bond, which the County shall hold until the requirements referenced above have been installed and approved by King George County. If the required improvements are not properly installed in accordance with the approved plans or in accordance with approved revisions to the approved plans, the developer agrees that the County may use the funds to make the required improvements.

The funds will be held in a non-interest bearing account and the developer acknowledges by signature below to the conditions specified above and acknowledges, understands and agrees that interest will not be provided during the time the funds are held.

**LANDOWNER:** \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Signed \_\_\_\_\_ and \_\_\_\_\_ acknowledged \_\_\_\_\_ before \_\_\_\_\_ me \_\_\_\_\_ by \_\_\_\_\_ of \_\_\_\_\_, County \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:\_\_\_\_\_.

APPENDIX B - FORM C  
COUNTY OF KING GEORGE, VIRGINIA SUBDIVISION IRREVOCABLE LETTER OF CREDIT

[BANK'S LETTERHEAD]  
King George County

IRREVOCABLE LETTER OF CREDIT

Date: \_\_\_\_\_

Beneficiary:

*Board of Supervisors, King George County, a body politic and political subdivision of the Commonwealth of Virginia ("County")*

Letter of Credit Number: \_\_\_\_\_

Amount U.S. Dollars: \_\_\_\_\_

Letter of Credit Expiration Date: \_\_\_\_\_

Developer/Applicant ("Developer"):

*[Name]*  
*[Address]*

Agreement Name, Location, Number:

*[ADD Agreement INFO]*

This Letter of Credit is irrevocable and unconditional.

We hereby issue this Irrevocable Letter of Credit in your favor as Beneficiary which is available by your drafts at sight on \_\_\_\_\_ (Name of Bank) \_\_\_\_\_ up to the aggregate amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_). Each draft hereunder must bear upon its face "drawn pursuant to your Irrevocable Letter of Credit Number \_\_\_\_" and be accompanied by the following:

A signed written statement from County certifying that Developer has failed to satisfactorily perform, prior to the expiration of the Letter of Credit, all or part of the terms and conditions of the above mentioned project or any plans approved by and on file with the County, and the County is entitled to the amount demanded.

We hereby agree with you that all drafts drawn under and in compliance with the terms of this letter of credit shall be duly honored upon presentation to \_\_\_\_\_ (Name of Bank, Location, & Phone Number) and be presented no later than \_\_\_\_\_ (Expiration Date) \_\_\_\_\_.

We shall have no right, duty, obligation or responsibility to evaluate the performance or nonperformance of the underlying contract between our customer and the beneficiary of this Letter of Credit.

No change, extension of time, alteration or addition to work to be performed or to the plans and specifications relating to the same, shall in any way affect our obligations under this Letter of Credit, and we

hereby waive notice of any such change, extension of time, alteration, or addition, on the understanding that no such change, extension of time, alteration, or addition shall increase the amount of our obligation under this Letter of Credit.

It is a condition of this letter of credit that it shall be considered automatically extended without amendment from the present or any future expiration date unless we notify you in writing by courier at least sixty (60) days prior to any such expiration date that this letter of credit will not be renewed.

If the issuer of this Letter of Credit becomes critically undercapitalized, as defined in the Code of Federal Regulations, or insolvent, as defined in any applicable federal or state statute or regulation, the County shall be immediately entitled to draw on this Letter of Credit. In such event, you may draw on this Letter of Credit by means of your drafts on us, at sight accompanied by certification of the Director, DPWES, that the issuer of this Letter of Credit has become critically undercapitalized, as defined in the Code of Federal Regulations, or insolvent, as defined in any applicable federal or state statute or regulation.

This Letter of Credit is subject to the "UNIFORM CUSTOMS AND PRACTICE (UCP 600) FOR DOCUMENTARY CREDITS PUBLISHED BY THE INTERNATIONAL CHAMBER OF COMMERCE IN EFFECT ON DATE OF ISSUANCE AND THE LAWS OF THE STATE OF VIRGINIA."

**Name of Bank**

\_\_\_\_\_  
**Authorized Signature of Bank**  
**[Name & Title Below Signature & Phone Number]**

Rev. Feb 1, 2010

APPENDIX C  
SUMMARY OF AMENDMENTS

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**Case Number 03-03-S01:** Amendments to Section 9.2.1, Procedure for Appeal to Subdivision and Section 9.2.3, Time to Appeal.

**Case Number 03-06-S02:** Amendments to Section 1.4.2.b, added a signature line for Exempt Subdivisions and Amended Section 6.2.1, clarified meaning of text.

**Case Number 05-07-S01:** Amendment to Section 1.7, Definitions, Amended definition of Parent Tract.

**Case Number 06-12-S02:** Amendment to King George County Subdivision Ordinance:

1. Delete Grandfather Provision (page 1)
2. Modify when plat considered officially submitted (after staff review – p. 4).
3. Modify Definitions
  - a. Add definition for “Agricultural Land” (page 4)
  - b. Add definition for “Chesapeake Bay Preservation Area Overlay Zoning District” (page 4).
  - c. Delete definition for “Community Open Space” (page 5)
  - d. Add definition for “Development” (page 6)
  - e. Add definition for “Pipe Stem Lot” (page 6) and “Pipe Stem Driveway” (page 8)
  - f. Amend definition of “Open Space” (pages 6)
  - g. Amend definition of “Open Space, common” (page 7)
  - h. Amend definition of “Open Space, usable” (page 7)
  - i. Add definition for “Resource Protection Area (RPA)” (page 8)
  - j. Add definition for “Undeveloped land” (page 9)
  - k. Add definition for “Silviculture” (page 9)
  - l. Add definition for “Wetlands” (page 10)
  - m. Add definition for “Wetlands, nontidal” (page 10)
  - n. Add definition for “Wetlands, tidal” (page 10)
4. Amend language of “Review Process” (page 14)
5. Modify Cluster Development Standards (page 27-29) – FUTURE MODIFY
6. Delete “true north” from Section 6.2.1.9 (page 30).
7. Modify “Family Subdivision” to clarify preamble language (one division per family member) and to require that plats provide “State Plane Coordinate System information” (page 33).
8. Modify “Section 8.3.1.c” requirements for inter-parcel connector streets (page 36).
9. Modify Useable Open Space Requirements (page 36).
10. Add “Block Length” requirements (page 38).
11. Modify “Unusable Land Standard” for consistency with Zoning Ordinance (page 40).
12. Modify “Monument Requirements” to require two geodetic controls with each Major Subdivision (page 41)

**Case Number 07-09-S01:** Amendments to the King George County Subdivision Ordinance: to allow commercial and industrial subdivisions to occur on private roads by exempting commercial and industrial lots from the preliminary site plan process, exempting commercial and industrial lots from the requirement of fronting on a state maintained road, making the Planning Commission the approval authority for division plats of commercial and industrial zoned lots and also to allow stormwater management facilities and required landscape buffer strips to be located on individual lots within a subdivision.

**Case Number 10-10-S01:** Added the requirement to provide the following notes to Section 1.4.2.b, Exempt Subdivisions (p. 3); Section 3.9, Final Plats of Major Subdivisions (involving 6 or more parcels) (p. 22); Section 6.2.1, Minor Subdivision (involving 3 or fewer parcels) (p. 30); Section 6.5, Minor Subdivision

(involving 4 and 5 parcels) (p. 31); Section 7.1, Family Subdivisions (p.35). Chesapeake Bay Preservation Area designated Resource Protection Areas May Not Be Disturbed without review and approval per Article 8, Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance, Water dependent facilities and/or redevelopment may be permissible in Resource Protection Areas per Article 8, King George County Zoning Ordinance; The parcels shown hereon are subject to having sewage disposal system pumped out every five years; A primary and reserve sewage disposal system must be provided and system sites cannot be altered by construction or excavation.

**Case Number 11-08-S01:** Subdivision Ordinance Text Amendment, include the division of commercial and/or industrial property within the definition of "Major Subdivision".

**Case Number 17-01-S01:** Subdivision Ordinance Text Amendment include requirement that if street lighting is provided all fixtures are dark sky compliant.