



**SUBDIVISION ORDINANCE**  
**NELSON COUNTY, VIRGINIA**

Nelson County Planning Commission  
Nelson County Board of Supervisors

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Subdivision Ordinance of Nelson County, Virginia

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**SUBDIVISION ORDINANCE**

**SECTION 1. PURPOSE AND TITLE**

1-1 *Purpose of Ordinance.* The purpose of this ordinance is to establish certain standards and procedures for land subdivision and development in Nelson County, Virginia, as authorized under Title 15.1, Chapter 11, Article 7 of the Code of Virginia, 1950 as amended.

The provisions of this Ordinance are to promote orderly growth, public health, safety, convenience, comfort, prosperity, and general welfare of the community. More specifically, the purposes of these standards and procedures are to facilitate the changes that occur as Nelson County becomes less rural in character as a result of development for residential, business, or industrial purposes, and also to make possible the provision of public services in a safe, adequate and efficient manner.

1-2 *Title of Ordinance.* This ordinance is known as the “Subdivision Ordinance of Nelson County, Virginia”, but may be cited simply as the “Subdivision Ordinance”.

**SECTION 2. DEFINITIONS**

For the purpose of this ordinance, certain words and terms are interpreted or defined as follows: words used in the present tense include the future; words in the singular number include the plural, and the plural the singular; unless the natural construction of the word indicates otherwise; the word “approve” shall be considered to be followed by the words “or disapprove”; any reference to this ordinance includes all ordinances amending or supplementing the same; all references to distances and areas refer to measurements on a horizontal plane.

Agent: The Planning and Zoning Director for Nelson County. **O2013-02**

Agricultural Purposes: The production of fruits, vegetables, grains, hay, animals, and plants (such as trees, shrubs, and flowers); and the harvesting, preparation, and distribution of these products.

Alley: A permanent service way providing a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

Approve: To judge and find acceptable.

Block: An area enclosed by adjacent and intersecting streets.

Building Setback Line: The distance between a building and the front boundary line of the lot on which the building is located.

Central Sewer System: A sewer system that serves two or more lots.

Central Water System: A water system that serves two or more lots.

Clerk: The Clerk of the Circuit Court for Nelson County.

Commission: The Planning Commission of Nelson County.

Cul-de-sac: A street with no exit or continuation which has an appropriate turnaround for safe and convenient traffic movement.

Developer: An individual or other entity who subdivides and develops property by constructing improvements thereon.

Drainage Course: A route or course on the surface of the ground along which water moves, after precipitation, to drain a region.

Dry Hydrant: A permanently installed piping system usable as a ready means of obtaining water from a natural or man-made water source.

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Easement: A grant by a property owner of the use of land for a specific purpose.

Engineer: An individual licensed as a professional engineer by the Commonwealth of Virginia and defined under Title 54.1 of the Virginia Code.

Governing Body: The Board of Supervisors of Nelson County, Virginia. The Agent, as defined herein, when acting under delegated authority, shall be considered an extension of the Governing Body.

Health Official: The Virginia Department of Health or its designated agent for Nelson County, Virginia.

Jurisdiction: The area or territory subject to the legislative control of the Governing Body of Nelson County, Virginia.

Lot: Any portion, piece, division or parcel of land within a subdivision which is for transfer of ownership or for building development, but excludes open space and streets.

Lot, Corner: A lot abutting upon two or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: An interior lot which fronts on two streets.

Lot, Interior: A lot other than a corner lot.

Lot of Record: Any lot within a subdivision, a plat of which has been recorded in the Office of the Clerk of the Circuit Court for Nelson County.

Lot, Width of: The mean horizontal distance between the side lot lines.

Open Space: Land to be provided or preserved for park or recreational purposes, conservation of land or other natural resources.

Parcel: A tract or plot of land for which a plat or description of record can be found.

Performance Bond/Guarantee: A bond, escrow, letter of credit, cash deposit, or other performance guarantee approved by the Agent or Planning Commission, in the amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period of time. **O2013-02**

Plat, Final: A diagram or map of a subdivision (drawn to scale and showing all tracts, parcels, and lots together with all data essential to the description of the elements shown thereon) which can be legally recorded in the Clerk's Office.

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Plat, Preliminary: An accurately scaled diagram showing boundaries and subdivisions of a piece of land, together with all data required for a complete and accurate description of all proposals.

Property: Ant tract to be subdivided, or several tracts or parcels collected together for the purpose of subdividing.

Residue: The part of an original lot remaining after a portion has been divided off pursuant to Appendix B of the Code of Nelson County as amended. The residue shall be identified as one of the lots within the subdivision. For example, for a two acre parcel divided off a six acre parcel, the new lot is identified as one parcel and the residue is the second parcel.

Residential: Referring to a place of living or abode whether for single family or multi-family accommodation.

Right-of-way: A legal right of passage over another person's land; also the area over which such right-of-way exists.

Stream: A body of running water flowing in a channel on the surface of the ground, and not wholly dependent on surface water in its own immediate vicinity.

Street, Collector: A street which provides for traffic movement between major and other streets, and direct access to abutting property.

Street, Major: A heavily traveled thoroughfare or highway designed to carry a large volume of through traffic (more than five hundred (500) vehicles per day).

Street, Other: A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.

Street, Private: Any road, street, highway, or other route of vehicular access (not maintained by the Virginia Department of Transportation or any other public agency) to any parcel of land, regardless of ownership.

Street, Public: A dedicated right-of-way, the principal means of access to abutting properties, which is incorporated within the Virginia Department of Transportation highway system, or is a proposed addition to such system, plans for which have been approved and bonds for the improvement of which have been posted in accordance with provisions elsewhere in this ordinance.

Street or Alley, Public Use Of: The unrestricted use of a specified area or right-of-way for ingress and egress to and from two or more abutting properties.

Street, Service Drive: A public road generally parallel to a major highway primarily designed to promote safety by limiting points of access to the said major highway.



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Street, Width: The total width of a strip of land dedicated or reserved for public or private travel (including roadway, curbs, gutters, sidewalks and planting strips).

Subdivide: To divide a parcel of land into smaller parcels or lots for the purpose, either immediate or future, of transfer of ownership or building development.

Subdivider: Any person or entity who subdivides land.

Subdivision: A parcel of land which has been subdivided into smaller parcels or lots for the purpose, either immediate or future, of transfer of ownership or building development. The term “subdivision” includes family division, “resubdivision,” and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**O-2009-07**  
**O2013-02**

Subterranean Water: Water within the earth that supplies wells and springs.

Surveyor: An individual licensed as a land surveyor by the Commonwealth of Virginia and defined in Title 54.1 of the Virginia Code.

Tract: A stretch of land that is usually indefinitely described.

VDOT: Virginia Department of Transportation.

Watercourse: A natural stream of water, such as a river, brook, or creek, either permanent, intermittent or seasonal.

Zoning Administrator: The Planning and Zoning Director for Nelson County.

**O2013-02**

**SECTION 3. ADMINISTRATION**

3-1 *Responsibility of Administration and Enforcement:* The Planning and Zoning Director is hereby designated as the Agent of the Governing Body for the purposes of administering and enforcing this ordinance. The Agent shall have the powers and duties:

- A. To administer and enforce this ordinance and, in so doing, to make all determinations and findings and impose all requirements; except that the Agent shall have no authority to modify, vary or waive, nor accept substitution for, any requirement of this ordinance unless expressly provided. **O2013-02**
- B. To approve all plats, unless the plat is referred to the Planning Commission. **O2013-02**
- C. To interpret this Ordinance, and to request opinions or decisions, either verbal or written, from the Site Review Committee, or Departments of the County, from other officials and departments of the Commonwealth of Virginia, and from other qualified persons as may from time to time be retained. **O2013-02**
- D. To consult with and advise the Planning Commission on matters contained in this Ordinance. **O2013-02**
- E. To establish procedures to govern the administration of this Ordinance which are deemed by the Agent to be necessary for its proper administration including, but not limited to, delegating one or more duties set forth in this Ordinance. The procedures shall be consistent with this Ordinance and Article 5, Chapter 22 of Title 15.2 of the Code of Virginia. **O2013-02**
- F. To enforce the provisions of this Ordinance by injunction or other legal process. **O2013-02**

3-2 *Exceptions to Review by Commission.*

- A. The Agent is authorized to approve or disapprove, without a public hearing, preliminary plat and final plat for the following types of subdivisions (provided such subdivisions are not in conflict with the general meaning, purpose, and provisions of this Ordinance, and are in compliance with the Nelson County Zoning Ordinance, Nelson County Comprehensive Plan, and the Code of Virginia):
  - (1) A subdivision of land into no more than eleven (11) lots.
  - (2) Cluster subdivisions.

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- (3) A change in the boundary line between adjoining landowners for the purpose of transfer, boundary line adjustment, or exchange of land between said adjoining landowners. A boundary line change shall not create additional parcels for sale or development nor leave a remainder which does not conform to the provisions of the Zoning Ordinance for Nelson County. The plat shall contain a note that this division was made pursuant to this subsection.
- (4) A single division of a tract or parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner if the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of five (5) years. Any parcel thus created having less than five (5) acres shall have a right-of-way of no less than twenty (20) feet wide providing ingress and egress to and from a dedicated recorded public street. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this ordinance. For the purpose of this subsection, a member of the property owner's immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. It shall be noted on the plat and in the deed that this is a family division of property pursuant to this subsection. **O2009-07, O2023-04**

Vehicular access serving a family division when the access serves more than two parcels, including the parent tract, by initial or subsequent division of land shall have the following certification on the plat before approval:

*"The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."*

In addition to the foregoing provision, a single division of a lot or parcel of land held in trust for the purpose of sale or gift to a member of the immediate family, as defined above, who is a beneficiary of such trust. All trust beneficiaries must (i) be immediate family members as defined above, (ii) agree that the property should be subdivided, and (iii) agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. Notwithstanding the provisions of clause (iii), the Planning Commission may reduce the period of years prescribed in such clause when changed circumstances so require. Upon such modification of a restrictive covenant, a locality shall execute a writing reflecting such modification, which writing shall be recorded in accordance with Virginia Code § 17.1-227. **O2023-04**

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3-3 *Duty of the Agent When Reviewing Plats with the Commission.*

A. An application for preliminary or final subdivision plat approval shall be submitted to the Agent. The Agent shall review the application and plat.

B. Any preliminary or final subdivision plat which lacks any information required by this ordinance shall be deemed to be an incomplete submission and the applicant shall be notified by mail of deficiencies within ten (10) calendar days of the submittal and the plats shall be returned.

C. The resubmission of a corrected preliminary or final subdivision plat which has been previously determined to be incomplete shall be considered a new submission.

D. Once a preliminary or final subdivision plat has been determined to be completed, it shall be considered to be a “complete submission” and shall be transmitted to the Site Plan Review Committee.

The Site Plan Review Committee shall consist of, but is not limited to, representatives from Federal, State, and local governments, utility companies, and other agencies and departments as necessary to review the subdivision plat.

E. Pursuant to the Agent’s and/or Site Plan Review Committee’s determination that the preliminary or final subdivision plat is in full compliance with the submission requirements of this ordinance, the Zoning Ordinance, and the Erosion and Sediment Control Ordinance, it shall be considered to have had a “complete administrative review” and be an “official submission.”

F. The Agent shall prepare a report for distribution to the Planning Commission, applicant, and other interested parties.

G. Submission of the preliminary or final plat for review: All preliminary or final plats must be filed with the Agent.

3-4 Reserved for future use. **O2013-02**

3-5 Reserved for future use. **O2013-02**

3-6 *Fees.* The developer/subdivider shall pay a fee for the examination and review of all preliminary and final plats. At the time of filing a preliminary or final plat the developer/subdivider shall deposit with the Agent a check payable to the Treasurer of Nelson County, in an amount to be determined by the following schedule:

A. Preliminary Plat: One hundred dollars (\$100.00), plus ten dollars (\$10.00) for each lot.

B. Final Plat: Seventy-five dollars (\$75.00), plus five dollars (\$5.00) for each lot.

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3-7 *Plat Review – Time Limit.*

- A. *Preliminary Plat.* A preliminary subdivision plat shall be acted on by the Agent, when acting alone, within sixty (60) days after it has been officially determined to be “complete” by either approving or disapproving the proposed plat.

The Commission shall act on a preliminary subdivision plat determined to have had a “complete administrative review” and be an “official submission” within sixty (60) days by either approving or disapproving the proposed plat. The sixty (60) day time period for action shall not apply to preliminary plats under the following circumstances:

- (1) If a preliminary or final plat has a feature or features requiring approval by a state or federal agency, the acting authority shall approve or disapprove such preliminary plat within thirty-five (35) days upon receipt of the approvals from all state or federal agencies.

- B. *Final Plat.* The final plat shall be acted on by the Commission within sixty (60) days after it has had a “complete administrative review” and is determined to be an “official submission” by either approving or disapproving the final plat. The Agent, when acting alone, shall comply with the time period set forth herein.

- C. Nothing contained in paragraphs A. and B. shall require approval of a final plat in less than sixty (60) days.

3-8 *Preliminary Plat Approval – Limitations.* The approval of the preliminary plat by the Commission or Agent does not guarantee the approval of the final plat, and does not constitute approval or acceptance of the subdivision nor authorization to proceed with construction or improvements within the subdivision.

3-9 *When Plat May be Disapproved.* If at any stage of the approval process it is determined that a proposed subdivision would constitute a nuisance, a danger to public health, safety or general welfare, approval may be denied.

3-10 *Notice of Approval or Disapproval.* The developer/subdivider shall be notified of the approval or disapproval of the plat. The specific reasons for disapproval and suggestions for modifications or corrections as will permit approval shall be given. The notification of approval or disapproval may be written on the face of the plat or contained in a separate document.

3-11 *Appeals.*

- A. Any person aggrieved by any decision of the Agent may, within fifteen (15) calendar days of such decision, appeal to and have a determination made by the Planning Commission.

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- B. The Planning Commission may approve, deny or modify the appeal upon review of the facts and findings at a regularly scheduled meeting within sixty (60) calendar days from the date of such appeal.
- C. *Disapproval* – If the Planning Commission or Agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Nelson County Circuit Court and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the Circuit Court within 60 days of the written disapproval by the Commission or other Agent. **O2013-02**
- D. *Failure to Act* –If the Agent or the Commission fails to act on a plat within sixty (60) days after it is officially submitted for approval, or within forty-five (45) days after it has been officially resubmitted after a previous disapproval or within thirty-five (35) days of receipt of any agency response pursuant to Section 15.2-2259 B of the Code of Virginia, the developer/subdivider, after ten (10) days written notice to the Planning Commission or Agent may petition the Circuit Court of Nelson County to decide whether the plat should or should not be approved. **O2013-02**

3-12 Reserved for future use.

3-13 *Permits Required: Sale of Lots Prohibited.* Permits or other licenses required for the construction of any building, structure or other improvement shall not be issued prior to approval of the final plat and until the requirements of this ordinance have been complied with.

No lot within the subdivision shall be sold and transferred prior to approval of the final plat and recordation of the same pursuant to the terms of this ordinance.

3-14 *Maintenance of Private Streets, Easements, Facilities, or Other Improvements.*

A. In the event streets in a subdivision are not constructed to meet the standards for inclusion in the secondary system of state highways, the subdivision plat and all deeds of conveyance of title of the subdivision lots must contain a statement advising that such streets in the subdivision do not meet state standards and will not be maintained by VDOT or the County of Nelson. In addition, the subdivider/developer shall record in the land records a document, which shall be referred to in the chain of title of each lot, addressing legally binding responsibilities for the parties who are responsible for construction, repair and maintenance, including snow removal, and all pertinent details, of the private streets. The agreement shall be between the owner of the lot, the contract purchaser and other parties, if pertinent to the purpose of the agreement.

In the event private streets in the subdivision are constructed to standards for inclusion in the secondary system of state highways but are not dedicated for public use, but are to be maintained privately, then the developer/subdivider

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shall record in the land records a declaration, which shall be referred to in the chain of title of each lot, addressing legally binding responsibilities for the parties who are responsible for construction, repair and maintenance, including snow removal, and all pertinent details, for such private streets.

In the event water, sewer systems or other facilities or improvements within a subdivision are not constructed to meet the standards for dedication to public use, then the developer/subdivider shall record in the land records a document, which shall be referred to in the chain of title of each lot, addressing legally binding responsibilities for the parties who are responsible for construction, repair and maintenance and all pertinent details of such water, sewer systems or other facilities or improvements.

### SECTION 4. DESIGN STANDARDS.

#### 4-1 *General.*

- A. *Substandard Subdivisions.* An existing subdivision which is not in conformity with this ordinance may be resubdivided and redeveloped (in whole or in part) by the owner of any group of contiguous lots. Every such resubdivision shall conform to the provisions of this Ordinance and any other applicable local ordinances. If, in the opinion of the Planning Commission total compliance is impractical, the Planning Commission may approve a resubdivision which is not in compliance with the provisions of this Ordinance if such resubdivision will conform more closely to the existing local ordinances than does the substandard subdivision. Any exception so authorized shall be set forth in a written statement by the Planning Commission detailing the reason for the exception and filed as an addendum with the final plat.
- B. *Grandfathered Subdivisions.* Existing subdivisions which have been approved by the Governing Body as of December 31, 1992 shall be considered to conform with this subdivision ordinance unless and until such existing subdivision shall be resubdivided or redeveloped in such a manner as would subject such subdivision to this ordinance.
- C. *Easements.* The Agent shall require easements of twenty (20) feet minimum in width on each side of the center line of the easement be provided for water, sewer, power, telephone, and other utilities, as well as cable television service lines in the subdivision unless specifically exempted by the agent. Such easements shall be laid out so as to ensure continuity for utilities from block to block and to adjacent properties. Such utility easement shall be kept free of permanent structures and whenever possible shall be located adjacent to property lines. Nothing in this section is intended to prohibit the placement of public utilities within dedicated right-of-ways. The Agent may require that easements for drainage through adjoining property be provided by the subdivider.

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4-2 *Improvements – General Requirements.*

A. *Installation costs.* Generally, all required improvements shall be installed at the expense of the developer/subdivider. The Agent may commit the County to share the cost of improvements with the developer/subdivider. Any cost sharing and reimbursement arrangements between Nelson County and the developer/subdivider shall be by written agreement executed prior to final plat approval. Construction of such improvements shall be subject to review and acceptance by the Governing Body.

B. *Bonding requirements.* The Agent shall require the bonding of all private streets and all improvements to be dedicated to public use. The developer/subdivider shall, prior to recordation of the final plat, comply with any bonding requirement by one of the following procedures:

(1) Provide certification, supported by documentation, to the Agent that the construction costs of improvements have been paid to the person constructing such improvements. **O2013-02**

(2) Furnish to the Agent a certified check in the amount of the estimated cost of construction; or a bond, with surety satisfactory to the Agent, in an amount sufficient for and conditioned upon the construction of such improvements; or a contract for the construction of such improvements with the contractor's bond, with surety. **O2013-02**

(3) Furnish to the Agent a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Agent as to the bank or savings and loan association, the amount of credit and the form thereof. **O2013-02**

The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

C. *Completion Dates for Bonded Improvements.* The developer/subdivider shall set a date, subject to the approval of the Agent, for the completion of the improvements bonded herein. If the improvements are not completed by this completion date, and no new completion date has been approved by the Planning Commission, the Agent may proceed with the completion of the improvements by calling the bond due. **O2013-02**

D. *Partial Release of Bond.* After the completion of at least thirty percent (30%) of the improvements required to be constructed under a bond or other performance



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guarantee described in subsection 4-2 B., the developer /subdivider may give written notice of partial completion to the Agent and request a partial release of such bond or performance guarantee. A partial release shall be granted within thirty (30) days after receipt of such notice unless prior to the expiration of the thirty (30) day period the Agent has notified the developer/subdivider in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by an applicable state agency. The Agent shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period nor be required to make periodic partial releases which in a cumulative amount equals more than eighty percent (80%) of the original amount for which the bond performance guarantee was taken.

**O2013-02**

- E. *Final Complete Release of Bond.* After the completion of all improvements required by this Ordinance to be constructed under a bond or other performance guarantee described in subsection 4-2 B., the developer /subdivider shall give written notice of completion to the Agent and request the final complete release of any bond or other performance guarantee. The Agent shall within thirty (30) days after receipt of such documentation accept the improvements or notify the developer /subdivider, in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by applicable state agency. If no action is taken by the Agent within thirty (30) days the request shall be deemed approved and accepted, and final complete release of the bond or other performance guarantee granted to the developer /subdivider.

**O2013-02**

- F. *Completion and Acceptance of Bonded Improvements.*

(1) For the purposes of subsections 4-2 D. and 4-2 E., a certificate of partial or final completion of such improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to Title 54.1 of the Virginia Code, or from a department or agency designated by the Agent may be accepted by the Agent without further inspection of such improvements.

**O2013-02**

(2) For the purpose of final release the term “acceptance” is deemed to mean: when said improvement is accepted by the County or accepted by and taken over for operation and maintenance by a state agency, local government department or agency, or other public authority which is responsible for the operation and maintenance of such improvement upon acceptance.

### 4-3 *Streams, Drainage, Erosion Control, and Stormwater Management*

**O2015-05**

- A. *Streams.* When any stream is located within the boundaries of a property being subdivided, the developer/subdivider shall reserve a fifty (50) foot wide buffer zone (measured from the bank of the stream) on each side of the stream.

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If a stream lies outside the subdivision boundary and the property being subdivided is located less than fifty (50) feet from the bank of the stream, the developer/subdivider shall reserve as a buffer zone whatever portion of the subdivided property lies within fifty (50) feet of the stream measured from the stream bank.

No residential structure or associated outbuilding shall be permitted within this buffer zone and such buffer zone shall not be considered part of any required street width.

- B. *Drainage.* For drainage purposes adequate easements, no less than ten (10) feet wide, shall be reserved over each man made drainage course.
- C. *Erosion and Sediment Control Plan.* If any subdivision requires land disturbing activity for which an erosion and sedimentation control plan must be filed pursuant to the Nelson County Erosion and Sediment Control Ordinance, then the developer/subdivider must submit such plan and receive approval from the plan approving authority. **O2015-05**
- D. *Stormwater Management Plan.* If any subdivision requires land disturbing activity for which a stormwater management plan must be filed pursuant to the Virginia Stormwater Management Program regulations, then the developer/subdivider must submit such plan, receive approval from the Virginia Department of Environmental Quality, and provide documentation of VSMP permit coverage as an addendum to the Final Plat. **O2015-05**

### 4-4 *Water and Sewer.*

#### A. *Public Water and Sewer.*

If any part of a subdivision falls within an area in which the Nelson County Service Authority operates a water and/or sewage system, the developer/subdivider shall be subject to the regulations of the Service Authority for public water or sewer connections, including the extension of public water or sewer lines to lots within the subdivision. The regulations adopted by the Nelson County Service Authority shall govern the construction, easement specifications and requirements for dedication of the same.

#### B. *Central Water and Sewer Systems.*

Central water and sewer systems shall meet all the requirements of the Virginia Code and the regulations promulgated by the Virginia Department of Environmental Quality and the Virginia Department of Health. When a subdivision contains any lot less than one acre in size and the land does not have access to public water and sewer, then the developer shall construct both a central water system and a central sewer system. When a subdivision contains any lot at least one acre, but less than two (2) acres in size, the

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developer/subdivider shall construct either a central water system or a central sewer system. **O2008-09**

C. *Individual wells.*

In subdivisions having lots two (2) acres or greater in size, individual wells may be utilized provided that the developer/subdivider states on the face of the plat that approval of the subdivision plat by the County of Nelson does not certify or guarantee the purchaser the presence of adequate subterranean water to support the purposes of the subdivision (whether residential, commercial or industrial) as no demonstration has been made by the developer/subdivider of the same.

D. *Individual Septic Systems.*

No subdivision shall be approved where individual septic systems are to be used until written approval has been secured from the Virginia Department of Health. In order to grant approval, an AOSE (Authorized On-site Soil Evaluator) shall submit a soil report to the Planning Director to be forwarded to the Virginia Department of Health, requesting its review and approval. The soil report shall address the suitability for an on-site sewage disposal system for each lot.

**O2008-009**

1) Each system approved after November 18, 2008, shall have another on-site septic system reserved for use in the event of failure of the initial on-site wastewater system. **O2008-009**

2) In all zoning districts, the reserve on-site wastewater system area shall be sufficient to accommodate:

a. For Class 1 and 2 soils, a minimum of fifty (50) percent of the capacity of the initial on-site wastewater system.

b. For all other soil classes, a minimum of one hundred (100) percent of the capacity of the initial on-site wastewater system. **O2008-009**

3) Exceptions to the above provisions:

a. The residue (the remaining portion) of the original lot is twenty (20) acres or larger. The following statement shall be clearly noted on the plat for this lot: *“The approval of this residue lot by the County of Nelson does not certify or guarantee the owner or purchaser the presence of adequate soils to support an on-site wastewater treatment system for any development as no demonstration has been made by the developer/subdivider of the same.”*

b. A lot with an existing on-site septic system. **O-2009-04**

E. *Alternative Waste Treatment Systems.*

1) Where an alternative waste treatment system is to be used, the developer/subdivider shall provide to the Agent documented proof that the soils and parent materials are satisfactory to the Virginia Department of Health, and shall obtain approval of the alternative waste treatment system from the appropriate state agency, including the Virginia Department of Environmental

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Quality and the Virginia Department of Health. Such documented proof and approval shall be filed as an addendum with the final subdivision plat.

**O2008-09**

- 2) In all zoning districts, the reserve area for an alternative waste treatment system shall be sufficient to accommodate a minimum of one hundred (100) percent of the capacity of the primary area. **O2008-09**

4-5 *Fire Protection.*

- A. *Fire Hydrants.* Where public water is available, the developer/subdivider shall install fire hydrants. The location and number of fire hydrants shall comply with the regulations of the Nelson County Service Authority.
- B. *Dry Hydrants.* Where public water is not available and the subdivision contains fifteen (15) or more lots, any one of which is five (5) acres or less in area, the developer/subdivider shall provide both a dry hydrant with a natural or man-made water source meeting the specifications contained in the National Fire Code for the subdivision density and an all-weather access road to the same. A Maintenance agreement shall be submitted detailing how the dry hydrants will be maintained by the property owners and/or developer.

**O2013-02**

4-6 *Streets.* Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of State highways will be privately maintained and will not be eligible for acceptance into the system of State highways unless improved to current Department of Transportation standards, with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

- A. *General Standards.* The following general standards of design shall apply to both private streets and streets which the developer/subdivider plans to petition the Virginia Department of Transportation to accept into the State's secondary road system, for maintenance.
  - (1) *Street Alignment.* Where practical, proposed streets shall align with platted or existing streets.
  - (2) *Street Angle.* The angle of intersection between streets shall be as close to a right angle (90 degrees) as possible, and in no case less than seventy-five (75) degrees, unless approved by the Commission or Agent for specific reasons of contour, terrain, or matching of existing patterns.
  - (3) *Street Layout.* Streets in predominantly residential subdivisions shall be designed to discourage through traffic. Offset or jog streets shall not be permitted, unless approved by the Commission or Agent for specific reasons of topography.
- B. *Street Names.* All streets within a proposed subdivision shall be named. Streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall a street name be

## Subdivision Ordinance of Nelson County, Virginia

used more than once within a proposed subdivision, nor duplicate the name of an existing street (irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court). Street names must be approved by the Agent. Names of existing streets shall not be changed except by approval of the Agent.

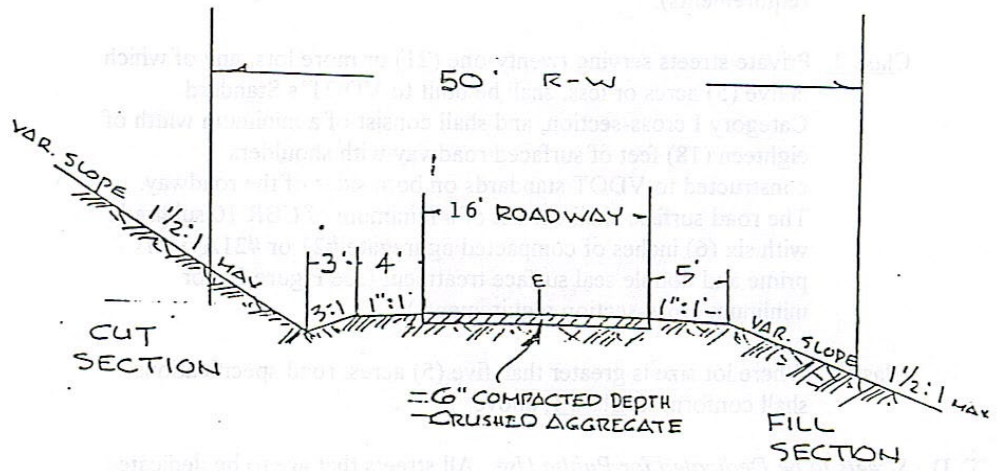
- C. *Construction Standards for Private Streets.* Each private street shall have a street width of not less than fifty (50) feet. For gravel roads the average grade shall not exceed fifteen percent (15%) and the maximum grade permitted on any section of an unpaved (not surface treated) private street shall be twenty percent (20%). Drainage shall be accomplished in accordance with an approved plan submitted under the Nelson County Erosion and Sedimentation Control Ordinance. All culverts shall be constructed to VDOT standards. All bridges shall be designed by an engineer and meet the standards and specifications for their intended use.

Class 1. Private streets serving three through twenty (3-20) lots shall consist of a minimum width of sixteen (16) feet of surfaced roadway with shoulders constructed as in Figure 1. The road surface shall consist of a minimum of six (6) inches of compacted crushed aggregate (see Figure 1. for minimum cross-section requirements).

Class 2. Private streets serving twenty-one (21) or more lots, any of which is five (5) acres or less, shall be built to VDOT's Standard Category I cross-section, and shall consist of a minimum width of eighteen (18) feet of surfaced roadway with shoulders constructed to VDOT standards on both sides of the roadway. The road surface shall consist of a minimum of CBR 10 subgrade with six (6) inches of compacted aggregate #21 or #21A with prime and double seal surface treatment (see Figure 2. for minimum cross-section requirements).

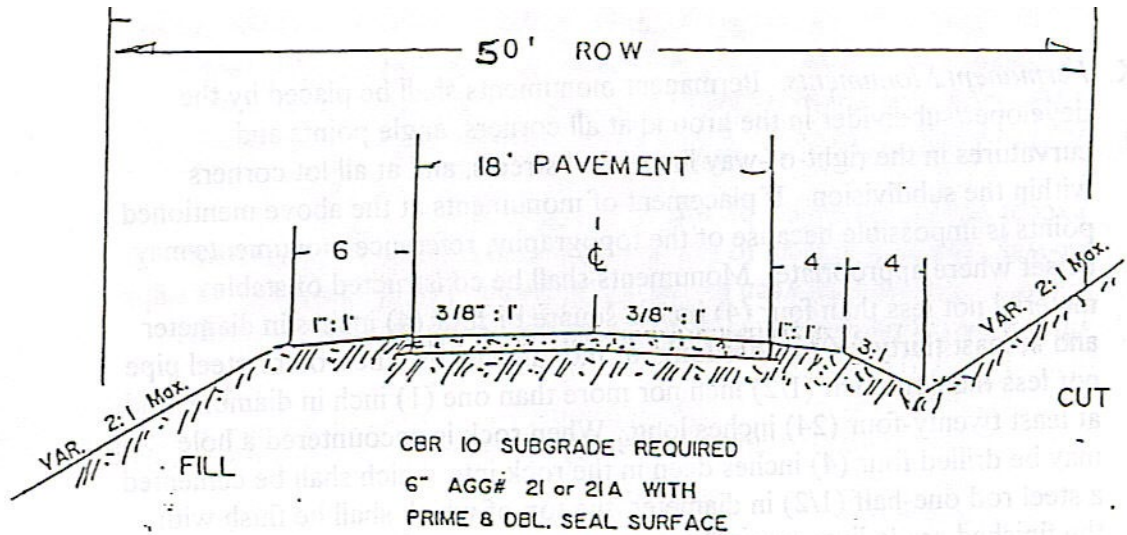
Class 3. Where lot size is greater than five (5) acres, road specifications shall conform to Class 1, above.

**CLASS 1. PRIVATE STREET CROSS-SECTION**  
**FIGURE 1**



PRIVATE STREET TO SERVE 3-20 LOTS

**CLASS 2. PRIVATE STREET CROSS-SECTION**  
**FIGURE 2**



PRIVATE STREET TO SERVE 21 OR MORE LOTS

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- D. *Streets to be Dedicated for Public Use.* All streets that are to be dedicated to public use shall be constructed in accordance with the standards of the Virginia Department of Transportation.
- E. *Sidewalks, Curbs, and Gutters.* All planned sidewalks, curbs, and gutters shall be built to the standards of the Virginia Department of Transportation.
- F. *Alleys.* An alley with a right-of-way of not less than twenty (20) feet may be provided in the rear of commercial and industrial properties. No dead-end alleys of any kind shall be allowed.
- G. *Reserved Strips.* Reserved or spite strips restricting access to streets or alleys shall not be permitted, provided that nothing herein shall prohibit areas of scenic planting and landscaping where adequate access is otherwise available.
- H. *Reserved.*
- I. *Access Management*

- (1) Entrance to Public Road. Any entrance from a subdivision street onto a public street or onto a street which the developer/subdivider plans to dedicate for public use, shall be constructed in accordance with VDOT standards.
- (2) Residential Entrance to Public Road. Whenever a proposed subdivision has three or more lots adjacent to a public road, except for a multi-lane divided highway, the approving agent and/or Planning Commission may require a shared driveway between the lots instead of each lot having its own separate entrance.
- (3) Service Drives. Whenever a proposed subdivision contains or is adjacent to a multi-laned divided highway, provisions shall be made for a service drive approximately parallel to such highway to serve the lots adjacent thereto. The area between the service drive and the divided highway right-of-way shall be sufficient to provide for scenic planting and screening, except where impractical by reason of topography.

**O2013-02**

- J. *Right-of-way Dedication.* When lots in a subdivision abut one side of any street within the Virginia Department of Transportation's system of secondary streets having less than twenty-five (25) feet of right-of-way, measured from the centerline of the street to the subdivision property line, the developer/subdivider shall dedicate to the Commonwealth of Virginia enough land to extend the right-of-way boundary to twenty-five (25) feet measured from the centerline of the street. The developer/subdivider shall not be responsible for any grading or surface treatment of the dedicated area.
- K. *Permanent Monuments.* Permanent monuments shall be placed by the developer/subdivider in the ground at all corners, angle points and curvatures in

## Subdivision Ordinance of Nelson County, Virginia

the right-of-way lines of all streets; and at all lot corners within the subdivision. If placement of monuments at the above mentioned points is impossible because of the topography, reference monuments may be set where appropriate. Monuments shall be constructed of stable material not less than four (4) inches square or four (4) inches in diameter and at least thirty (30) inches long; or monuments may be iron or steel pipe not less than one-half (1/2) inch nor more than one (1) inch in diameter and at least twenty-four (24) inches long. When rock is encountered a hole may be drilled four (4) inches deep in the rock into which shall be cemented a steel rod one-half (1/2) in diameter, the top of which shall be flush with the finished grade line; or a reference monument may be set at an appropriate point.

### 4-7 *Lots.*

- A. *Lot Size.* Minimum lot sizes for residential lots shall conform to the Nelson County Zoning Ordinance in effect at the time of the filing of the preliminary plat.
- B. *Lot Shape.* The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to the requirements of this Ordinance. No more than fifteen percent (15%) of the total number of lots within a subdivision shall have odd shaped elongations for the purpose of providing the minimum area required by the Nelson County Zoning Ordinance, or for the purpose of providing individual lot access to streets.
- C. *Lot Location.* Every subdivision lot shall front on a street.
- D. *Corner Lots.* Corner lots shall have sufficient width for maintenance of any required building setback line on both streets as set forth in the Nelson County Zoning Ordinance.
- E. *Lots Fronting on Private Streets.* Any lot fronting on a private street shall enter onto the private street, and shall have no immediate access to any public street.
- F. *Remnants or Outlots.* No subdivision shall have a lot remnant or outlot which is less in size than the minimum permitted under the Nelson County Zoning Ordinance unless such lot is reserved as open space as defined herein.

### 4-8 *Blocks.*

- A. *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth fronting on all streets unless prevented by topographical conditions or size of the property in which case the Agent may approve a single tier of lots of minimum depth. Double frontage or reversed frontage lots shall not be permitted except



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where essential to provide separation of residential development from streets or to overcome disadvantage of topography.

- B. *Orientation.* Where a proposed subdivision will adjoin a major highway, blocks shall be oriented to minimize the number of access points to the major highway.

### SECTION 5. PLATTING

#### 5-1 *General Requirements.*

*Approval Required.* Except as provided in subsection 3-2 (A), any developer/subdivider desiring to subdivide a tract of land situated within Nelson County shall cause a preliminary plat of the proposed subdivision to be made and shall submit the same for approval pursuant to the terms of this Ordinance. The preliminary plat must be submitted to the Agent's office at least forty-five (45) days prior to the public hearing. After approval of the preliminary plat the developer/subdivider shall cause a final plat of the proposed subdivision to be made in accordance with the requirements of this Ordinance and shall submit the same for review forty-five (45) days prior to the public hearing. **O2013-02**

- 5-2 *Changes on Preliminary Plats or Final Plats.* No change or erasure or revision shall be made on any preliminary or final plat, nor on any accompanying data sheets unless authorization for such change has been granted in writing by the Agent.

- 5-3 *Preliminary Sketch.* Before the preparation of any preliminary plat, the developer/subdivider may, if he so chooses, submit to the Agent a preliminary sketch. The purpose of the preliminary sketch is to permit the Agent to advise the developer/subdivider in general whether his plans are in accordance with the requirements of this Ordinance, and to assure that the applicant is made aware of applicable requirements of existing ordinances and applicable amendments which are pending.

#### 5-4 *Preliminary Plat.*

- A. *General Requirements.* Six (6) copies of the preliminary plat prepared by a person qualified to do such work, including but not limited to land planners, urban planners, professional engineers and surveyors, or persons having training or experience in subdivision planning or design shall be filed with the Agent. The preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch. Where conditions warrant, an alternate scale may be approved by the Agent.

- B. *Contents of Preliminary Plat.* The preliminary plat shall show the following:

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- (1) A topographic map with a contour interval of not greater than twenty (20) feet (or as approved by the Agent) showing all the area covered by the proposed subdivision property related to Coast and Geodetic Survey data with the boundary lines of the tract to be subdivided and the 100-year flood plain limits delineated where applicable.
- (2) The approximate total acreage of the proposed subdivision, proposed location of lots, lot numbers in numerical order, approximate dimensions and area of each lot, and block identification.
- (3) The approximate location, width, and names of all existing or proposed streets within or adjacent to the proposed subdivision; the approximate locations of all railroads, watercourses, and existing buildings shown on Coast and Geodetic Survey maps or other topographic data and located within the boundaries of the proposed subdivisions.
- (4) The approximate location of all parcels of land intended to be dedicated, or reserved for public use, or to be reserved in the deed for the common use of property owners in the subdivision.
- (5) The title under which the subdivision is proposed to be recorded, the names and addresses of the record owner and developer/subdivider, the name of the individual who prepared the plat, the date of drawing, number of sheets, the North point, and the scale.
- (6) A vicinity sketch map of the area within a two mile radius of the proposed subdivision showing the relationship of the proposed subdivision to the adjoining property; and showing all adjoining roads, their names and numbers, and other landmarks.
- (7) Proposed provisions for all utilities including but not limited to electric, telephone, water, sewage, and stormwater management facilities.

**O2015-05**

5-5 *Final Plat.*

- A. *When to File Final Plat.* A developer/subdivider shall file, within six (6) months after approval of the preliminary plat, in the office of the Agent, a final subdivision plat prepared in accordance with this Ordinance. Failure to do so shall render approval of the preliminary plat null and void. On written request by the developer/subdivider, the Agent, in his discretion, may grant an extension of this filing requirement, not to exceed six (6) months.
- B. *General Requirements.* The subdivision plat submitted for final approval shall be clearly and legibly drawn on scale true material at a scale of one hundred (100)

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feet to the inch. Where conditions warrant, an alternate scale may be approved by the Agent.

The plat shall be prepared by a certified professional engineer or a Virginia licensed land surveyor and shall meet all platting requirements set forth by the Virginia Board governing land surveyors. The plat preparer shall affix upon the plat a certificate signed by him, stating the source of the 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 said plat, and all the title sources stated.

Three (3) copies and the original plat shall be submitted to the Agent.

C. *Contents of Final Plat.* The final plat shall include the following:

- (1) The signature and seal of the certified professional engineer or Virginia licensed land surveyor.
- (2) A statement that: “The subdivision of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees”. This statement shall be signed by such persons and duly acknowledged before an officer authorized to take acknowledgments of deeds.
- (3) The boundary lines of the area being subdivided which have been determined by a current and accurate field survey, with bearings shown in degrees, minutes, and seconds to the nearest ten (10) seconds; and with dimensions shown in feet to the nearest hundredth of a foot, total area in each proposed use shown in acres to the nearest hundredth of an acre; and with the 100-year flood plain delineated.
- (4) Identification on the plat of any part of the proposed subdivision land which lies in a drainage district.
- (5) Identification on the plat of any visible grave, object or structure which marks a place of burial located on the proposed subdivision land.
- (6) Location of minimum building setback lines specified in this Ordinance and the Zoning Ordinance.
- (7) Location and description of all permanent monuments and/or reference monuments. Monuments found or installed prior to plat recordation may be referred to if permanent and undisturbed.
- (8) A definite bearing and distance tie shown between two (2) or more permanent monuments on the exterior boundaries of the subdivision, and

Subdivision Ordinance of Nelson County, Virginia

further tie to existing street intersections or to a point(s) approved by the Agent.

- (9) The accurate location and dimensions by bearings and distances (with all curve data) of all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, and school sites; all streets with their names, numbers and widths; existing utilities, watercourses and their names; names of owners and their property lines, with deed book reference and tax parcel number, both within the boundaries of the subdivision and adjoining said boundaries.
- (10) Location of proposed dry hydrants and their water sources, fire ponds, or other water sources appropriate for fire control along with delineation of vehicular access easement to such water sources.
- (11) Signature spaces for “Approved” by the Agent. **O2013-02**
- (12) *Certificates.* The following certificates, in addition to that required in Section 5-5(c)(2), shall appear on the final plat, where appropriate:

- a. *Certifications by subdivider.* In the event that streets in a subdivision will not be constructed to meet the standards for inclusion in the secondary system of state highways:

*“The streets in this subdivision do not meet state standards and will not be maintained by VDOT or the County of Nelson”.*

DATE \_\_\_\_\_ SUBDIVIDER \_\_\_\_\_

In subdivisions in which individual wells are to be utilized:

*“Approval of this subdivision plat by the County of Nelson does not certify or guarantee the purchaser of the presence of adequate subterranean water to support the purposes of this subdivision”.*

DATE \_\_\_\_\_ SUBDIVIDER \_\_\_\_\_

- b. *Certification by the Virginia Department of Transportation:*

*“The streets in this subdivision are not intended for inclusion in the system of State highways and will not be maintained by the Department of Transportation or the County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.”*

DATE \_\_\_\_\_ VDOT OFFICIAL \_\_\_\_\_

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c. *Certification by the Nelson County Health Department:*

*“This subdivision is approved for individual onsite sewage systems in accordance with the provisions of the Code of Virginia, and the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq., the “Regulations”), and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances.*

*“This subdivision was submitted to the Health Department for review pursuant to Section 32.1-163.5 of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health’s regulations by: ( \_\_\_\_\_ ). This subdivision approval is issued in reliance upon that certification.*

*“Pursuant to Section 360 of the Regulations, this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.*

*“This subdivision approval is issued in reliance upon the certification that approved lots are suitable for “traditional systems”; however, actual system designs may be different at the time construction permits are issued.”*

If the approved onsite sewage system and well sites are not shown on the final plat of record, then a statement must be printed on the plat:

*“The approved onsite sewage system and well sites are not shown on this plat. Those sites are shown on a separate plat on file in the Nelson County Health Department.”*

*The Virginia Department of Health advises that septic tanks be pumped to remove solids, every three to five years to maximize the service life of the drainfield.*

Subdivision Ordinance of Nelson County, Virginia

*“Approved by the Nelson County Health Department.”*

DATE \_\_\_\_\_ HEALTH OFFICIAL \_\_\_\_\_

D. *Addenda with Final Plat.*

- (1) A profile showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surfaces at all street intersections and at points of major grade change along the center line of streets, together with the proposed gradelines connecting therewith.
- (2) Cross-section drawings showing the proposed street construction of all streets which are required by this Ordinance to be built to standards of the Virginia Department of Transportation or to standards specified in this Ordinance for private streets.
- (3) Certification from the Virginia Department of Transportation that specifications for streets which may be taken into its secondary road system and specifications for entrances onto such streets and onto public streets meet the standards of the Virginia Department of Transportation.
- (4) An erosion and sedimentation control plan if required by the Nelson County Code.
- (5) A soil report if required under subsection 4-4(D).
- (6) Specifications for any gas, water, sewer, electric light or power works, pipes, wires, fixtures, or systems to be constructed in, on or under any streets or alleys in a subdivision.
- (7) A report filed by the Agent listing all authorized exceptions to the enforcement of the provisions of this Ordinance, with detailed reason(s) for each exception.
- (8) An approved stormwater management plan and/or documentation of permit coverage under the Virginia Stormwater Management Program, as applicable under the Code of Virginia. **O2015-05**

- E. *Recording of Final Plat.* Approval of the final plat shall be void unless the approved plat is presented for recordation in the Clerk’s Office for the Circuit Court of Nelson County within six (6) months after approval. No subdivision plat shall be recorded by the Clerk of the Circuit Court for Nelson County until it has been submitted to and been approved by the Agent or the Planning Commission. **O2013-02**

**SECTION 6. VACATION OF PLAT**

6-1 *Prior to Sale of Lot.* A plat, or part thereof, may be vacated by either of the following methods, where no lot has been sold:

- A. By written instrument signed by the owners, proprietors, or trustees and approved by the Governing Body, or its authorized Agent, which signatures shall be duly acknowledged or proved for recordation in the Clerk’s Office. The written instrument shall declare the plat or portion thereof as vacated pursuant to the provisions of Section 15.1-481(1) of the Virginia Code; or
- B. If no facilities for which bonding is required under this ordinance have been constructed on the subdivision land and no such improvements have been constructed on any related section of property located in the subdivision within five (5) years of the date on which the plat was first recorded the Governing Body may adopt an ordinance vacating the plat or portion thereof. Prior to adoption of the ordinance notice shall be given as required by Section 15.1-431 of the Virginia Code. The notice shall state the time and place of the meeting at which the adoption of the ordinance will be voted upon and clearly describe the plat or portion thereof to be vacated. Thirty (30) days from the date of adoption of the ordinance, a certified copy may be recorded in the Clerk’s Office provided no appeal has been filed pursuant to the provisions of Section 15.1-481 of the Virginia Code.

6-2 *After Sale of Lot.* The recorded plat, or part thereof, may be vacated by either of the following methods, after the sale of any lot:

- A. By written instrument signed by all owners of lots shown on said plat and also signed on behalf of the Governing Body for the purpose of showing the approval of such vacation by the Governing Body. For purposes of this section 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. Any instruments of vacation shall be fully executed and acknowledged in the manner of a deed and filed for record in the Clerk’s Office.
- B. By ordinance adopted by the Governing Body at the request of a member of the Governing Body or on application of any interested person. Prior to the adoption of an ordinance, notice shall be given which is required by Section 15.1-431 of the Virginia Code. Said notice shall state the time and place of the meeting at which the adoption of the ordinance will be voted upon and shall clearly describe the plat or portion thereof to be vacated. Thirty (30) days from the date of adoption of the ordinance, a certified copy may be recorded in the Clerk’s Office provided no appeal has been filed pursuant to the provisions of Section 15.1-481 of the Virginia Code.

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- 6-3 *Vacation of Boundary Lines.* For any subdivision or resubdivision plat which has been approved as provided in this ordinance or under any prior subdivision ordinance of this County, the owners of the land, including lien creditors whose debts are secured by a recorded deed of trust or mortgage, may relocate or otherwise alter the boundary lines of any lot or parcel by executing a written document in the manner approved for recordation in the Clerk's Office, to which document shall be attached a plat evidencing the new boundary lines, provided however, that this procedure may not be used if it involves a relocation or alteration of streets, alleys, easements for public passage or other public areas. Further, if the boundary line relocation or alteration affects an easement for utility rights-of-way then all persons holding an interest therein shall execute the written document described herein.

### 7. ENFORCEMENT

- 7-1 *Exception.* If the subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly enforced (because of topographical or other condition peculiar to the site) the Planning Commission may authorize an exception if, in the judgment of the Planning Commission, an exception may be made without destroying the intent of such provision. Any exception so authorized shall be set forth in a written statement by the Planning Commission detailing the reason for the exception and filed as an addendum with the final plat.
- 7-2 *Enforcement of Maintenance of Private Streets, Easements, Facilities, or other Improvements.* No responsibility of enforcing a covenant or agreement for maintenance, upkeep or repair of any private street, easement or other facility or improvement is implied herein to any public official or agency. When this Ordinance calls for more restrictive standards than are required by private contract, the provisions of this Ordinance shall control.
- 7-3 *Penalties.* Any person who subdivides any tract of land within Nelson County and fails to cause a plat to be made, submitted, approved, and recorded pursuant to the provisions of this Ordinance; or who sells or transfers any land of a subdivision before such plat has been duly approved and recorded as provided herein (unless such subdivision ordinance applicable thereto); or who fails to comply fully with 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.

### SECTION 8. VALIDITY

Should any provision of this Subdivision Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect



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the validity or constitutionality of the remaining provisions of this Subdivision Ordinance.

**SECTION 9. AMENDMENTS**

This ordinance may be amended in whole or in part by the Governing Body provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the Planning Commission and secondly the Governing Body. Notice of the time and place of the public hearings shall be in accordance with the provisions of Section 15.1-431 of the Virginia Code.

**SECTION 10. FILING OF ORDINANCE**

A certified copy of this ordinance shall be filed in the Office of the County Administrator and in the Office of the Clerk of the Circuit Court for Nelson County, Virginia.

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**Amendments to Ordinance Following Effective Date of March 12, 2013**

Effective Date	Section	Paragraph	Page Number
November 18, 2008	4-4	B, D, D.1, D.2, D.3, E.1, E.2	19, 20 (remaining sheets necessary for correct spacing)
July 14, 2009	2 3-2	Subdivision definition A. (4)	9 10-11
March 12, 2013 O2013-02	2 3-1 3-4 3-5 3-11 4-1 4-2 4-5 4-6 5-1 5-5	Definitions A,B,C,D,E,F  C,D A B.1-3,C,D,E,F.1 B I.1-3  C.11,E	6, 7, 9 10 12  13-14 15 16-17 20 23 25 28
May 12, 2015 O2015-05	Title Page changed to show amended date of May 12, 2015		
	Contents	Section 4 - Design Standards: 4-3	4
	4-3	C	18
	4-3	D	18
June 29, 2023 O2023-04	3	2	11, 12