

**Chapter 25 of the Prince William County Code
SUBDIVISION ORDINANCE***

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State law references--Land subdivision and development and powers and duties of county with respect thereto, Code of Virginia, § 15.2-2240, *et seq.*; codification of subdivision ordinance, § 15.2-1433.

ARTICLE I. IN GENERAL

Sec. 25-1. Title of chapter.

This chapter shall be known, cited and referred to as the "Subdivision Ordinance of Prince William County, Virginia." (No. 79-39-14, § II-1, 11-20-79; No. 94-69, 10-4-94)

Sec. 25-2. Definitions.

As used in this chapter, the following terms and definitions shall have the meanings ascribed to them in this section, such terms to supplement those of the zoning ordinance and the Design and Construction Standards Manual:**

** Cross reference--Zoning, Ch. 32.

Administrative Procedures Manual: The Prince William County Administrative Procedures for the management of site development projects.

Clerk: The clerk of the circuit court of the county.

Director: The director of the Prince William County Office of Planning, or his designated agent.

Manual: The Prince William County Design and Construction Standards Manual.

Site development plan: A detailed engineering drawing showing the proposed improvements required in the development of a given parcel, and demonstrating compliance with the requirements of the manual and other law, prepared by a qualified professional who is licensed, to prepare such, in accordance with the Code of Virginia and the regulations of the state board of architects, professional engineers, land surveyors and landscape architects. A site development plan could be either a subdivision plan or a site plan.

Standards: County design and construction criteria, as adopted and defined in the Design and Construction Standards Manual.

Subdivider: A person or his agent who has applied for approval of, or has duly recorded a plat for, the subdivision of a tract of land.

Subdivision: The division or redivision or consolidation of a parcel(s) of land into lots or parcel (s), for the purpose of transfer of ownership or building development, any of which are less than ten (10) acres; In addition, any division or redivision of existing real property for condominium development shall be considered a subdivision.

Subdivision plan: A site development plan submitted in conjunction with the division or redivision of a parcel of land.

Subdivision plat: A legal document, prepared by a qualified professional, who is licensed to prepare such, in accordance with the Code of Virginia and regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects; in accordance with this manual and Chapter 25 of the Code of the County of Prince William, Virginia, for the legal division or redivision of a parcel of land into lots or parcels, for the purpose of transfer of ownership or site development.

Utilities: Distribution and/or service connection facilities and appurtenances thereto for gas; electricity; water; sanitary sewer; storm sewer; communications; heating and air conditioning by circulation of water, steam, air or other medium; fuel; and other similar consumable commodities or services. (No. 79-39-14, § I-1, 11-20-79; No. 80-5-19, 2-5-80; No. 80-34-34, 12-2-80; No. 84-645, 8-7-84; No. 85-100, 1-22-85; No. 89-84, 6-20-89; No. 92-59, 6-16-92; No. 94-69, 10-4-94)

Sec. 25-3. Purpose and intent of chapter.

(a) The subdivision of land in the county, according to a reasonable set of requirements and guidelines, confers benefits upon the individual landowner and upon the community. When a landowner seeks to acquire the advantages of lot subdivision, he must comply with the reasonable conditions laid down by the board of county supervisors for design, dedication, improvement and restrictive use of land so as to conform to the adopted comprehensive plan for the physical and economical development of the county and for the safety and general welfare of the future lot owners in the subdivision and of the community at large.

(b) It is hereby declared to be the policy of the county to consider the subdivision of land as subject to the power of the county to implement the comprehensive plan. This chapter is adopted for the following purposes:

(1) To clearly establish the procedure which must be followed in order to subdivide land in the county as identified in the manual and the Administrative Procedures Manual;

(2) To insure that this process includes appropriate and applicable reviews;

(3) To improve the public health, safety, convenience and welfare of the citizens of the county;

(4) To insure that residential areas are provided with healthy surroundings for family life; and

(5) To insure that the growth of the community is consonant with the efficient and economical use of public funds. (No. 79-39-14, § 11-2, 11-5, 11-20-79; No. 94-69, 10-4-94)

Sec. 25-4. Authority for chapter.

The board of county supervisors, pursuant to the recommendation of the planning commission and a public hearing held in accordance with § 15.2-2204 of the Code of Virginia, does, by the adoption of this chapter, hereby exercise the police power given by §§ 15.2-2240 through 15.2-2276 of the Code of Virginia to assure the orderly subdivision of land, and the police power conferred by § 15.2-2224 of the Code of Virginia to implement the comprehensive plan of the county, and the general police power as given by § 15.2-1200 of the Code of Virginia. (No. 79-39-14, § 11-3, 11-20-79; No. 94-69, 10-4-94)

Sec. 25-5. Application of chapter.

This chapter and all regulations adopted hereunder shall apply to all subdivisions of land, including, but not limited to, any condominium or any subdivision of any convertible land or convertible space or unit, (multifamily dwelling units converted into condominiums), located within the unincorporated areas of the county. (No. 79-39-14, § 11-4, 11-20-79; No. 94-69, 10-4-94)

Sec. 25-6. Exemption for single division of land (family land subdivision).

Notwithstanding any other provision of this chapter, the director shall review any proposed single divisions of land, which comply with the provisions of § 15.2-2244 of the Code of Virginia, for exemption from the requirements of this chapter. A subdivider shall demonstrate compliance with the aforementioned section by affidavit or other suitable proof and shall demonstrate compliance with subsections (1) through (7) below with the submission of a subdivision plat and related deed(s) to the planning office. The submission of a preliminary plan for family land subdivisions will not be required. The decision of the director shall be final.

(1) Family land subdivisions shall be permitted only in the A-1, agricultural zoning district and shall be subject to a minimum lot size of one (1) acre.

(2) Subdivided lots shall be served by private onsite sewage disposal and water systems approved by the Health Department or public sewage or water systems in accordance with the provisions of the zoning ordinance and the manual.

(3) Family land subdivisions shall conform to all requirements of the manual relative to Chesapeake Bay Preservation Act.

(4) Any subdivision under this section resulting in the creation of three (3) for more lots of less than five (5) acres in size shall require one hundred (100) feet of frontage for each lot on either an existing public road, or on a private road constructed to the minimum residential public street standard identified in the Design and Construction Standards Manual. All other lots created under this section shall have a minimum public road frontage of one hundred (100) feet or have at least one hundred (100) feet of width at the setback line and shall be served by a private road not less than twenty (20) feet in width providing ingress and egress to a dedicated recorded public street or thoroughfare.

(5) Only one (1) such division shall be allowed per immediate family member, and shall not be for the purpose of circumventing this subdivision ordinance or the Code of Virginia. For the purpose of this subdivision, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece or nephew of the subdivider.

(6) A lot or parcel created under this section shall not be allowed to be further divided at a later date under the provisions of this section.

(7) The subdivider or a member of his or her immediate family as defined in section 25-6(4) must have owned the property for at least five (5) years prior to submission of the family subdivision application to the planning office. For the purpose of this subsection, the subdivider may be a family trust or family partnership whose trustees, beneficiaries and partners are composed only of members of the immediate family of the subdivider as defined in section 25-6(4). Further, for the purpose of this subsection, ownership by the estate of an immediate family member will be considered ownership by the immediate family member.

(8) Prior to the sale or transfer of any lot created pursuant to this section outside the immediate family within five (5) years of the date of recordation of the family subdivision, the property owner shall be responsible for notifying the planning director or his designee by certified mail ninety (90) days in advance of the intended sale or transfer date. This provision shall not apply to lots of ten (10) acres or greater in size.

(9) Violation of this section is prohibited and, as set forth in sections 25-9 and 25-10 of this chapter, may result in one (1) or more of the following:

- a. Any action specified in sections 25-9 and 25-10, including, but not limited to, civil remedy and relief and criminal penalties and fines;
- b. Vacation of the subdivision; and
- c. Refusal of building permits and other development permits.

(10) The following statements shall be shown on the plat of subdivision and included in the related deed:

(1) The intent to sell any lot outside of the immediate family at the time of subdivision application constitutes a violation, which may result in vacation of the subdivision, refusal of building permits, and/or authorization of legal action by the board of county supervisors.

(2) The owner of any lot created by this subdivision shall be responsible for notifying the planning director by certified mail ninety (90) days in advance of an intended sale or transfer outside the immediate family if the date of such sale or transfer occurs within five (5) years of the date of recordation of the family subdivision.

(3) All lots described by this plat and related deed are subject to the subdivision standards set forth in section 25-6 of the subdivision ordinance. (No. 79-39-14, § 11-1, 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94; No. 95-48, 6-27-95; No. 01-104, 12-4-01)

Sec. 25-7. Chapter provides minimum requirements; resolution of conflicts with ordinances, laws, private agreements, etc.

(a) In their interpretation and application, the requirements of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) This chapter is not intended to interfere with, or nullify any order of a court of competent jurisdiction, statute, regulation or other provision of law, provided that any lot created thereby must conform with the provisions of the zoning ordinance and other applicable laws with respect to the use thereof. Where any provision of this chapter imposes restrictions different from those imposed by any other provision of county ordinances or regulations or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

(c) This chapter is not intended to nullify any legally enforceable easement, covenant or any other private agreement or restriction; provided that, where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards, than the requirements of this chapter, and such private provisions are not inconsistent with this chapter or determinations thereunder, then such private provisions shall be operative and supplemental to this chapter and determinations made thereunder; provided, that no private provisions shall be enforced by the county, unless the county is party thereto. (No. 79-39-14, § 11-7, 11-20-79; No. 85-112, 10-1-85; No. 94-69, 10-4-94)

Sec. 25-8. Chapter does not affect prior actions, rights, etc.

This chapter shall not be construed as abating any legal action now pending under, or by virtue of, the prior existing subdivision ordinance or regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person or as waiving any right of the county under any section or provision existing at the time of adoption of the ordinance from which this chapter is derived, or as

vacating or annulling any rights obtained by any person by lawful action of the county, except as shall be expressly provided for in this chapter. (No. 79-39-14, § 11-8, 11-20-79; No. 94-69, 10-4-94)

Sec. 25-9. Compliance with chapter; prohibited acts; penalties.

(a) Wherever any subdivision of land is proposed, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in this chapter and in the manual and in the Administrative Procedures Manual.

(b) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this chapter and with the provisions of article 6, chapter 22, title 15.2 (§§ 15.2-2200, et seq.) of the Code of Virginia.

(c) No final subdivision plat shall be recorded unless and until it has been submitted to and approved by the board of county supervisors or its agent, in accordance with the requirements of this chapter.

(d) No person shall sell or transfer any land of a subdivision less than ten (10) acres, before such plat has been duly approved and recorded as provided herein.

(e) No person shall consolidate any parcels into one (1) lot for the construction of, or addition to, an owner-occupied single-family residence or accessory building/structure, without obtaining an approval of deed of consolidation in accordance with the requirements of the Administrative Procedures Manual.

(f) Any person violating the foregoing provisions of this section 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 shall be required to comply with all provisions of this chapter. 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 any remedies provided for in this chapter.

(g) The clerk of the circuit court shall not file or record a plat of a subdivision required to be recorded until such plat has been approved, as required by this chapter, and the penalties provided by § 17-59 of the Code of Virginia shall apply to any failure to comply with this provision. The signature of the chairman of the board of county supervisors or the board's duly appointed agent shall evidence the required approval.

(h) No person shall be permitted to construct any improvements or be issued a building permit upon any lot that was created in violation of the provisions of this chapter in effect at the time the lot was recorded and with the provisions of article 6, chapter 22, Title 15.2 (§§ 15.2-2200, et seq.) of the Code of Virginia until such time as the lot is approved by the director or his designee and rerecorded with the clerk of the circuit court. (No. 79-39-14, §§ II-4, III-1, 11-20-79; No. 80-34-34, 12-2-80; No. 89-84, 6-20-89; No. 94-69, 10-4-94; No. 03-47, 6-24-03, effective 7-1-03)

State law references--Similar provisions, Code of Virginia, § 15.2-2254; Virginia Uniform Statewide Building Code (1987), § 108.1.

Sec. 25-10. Civil remedy or relief to enforce chapter.

Notwithstanding any other provision of this chapter, the board of county supervisors may seek any appropriate civil remedy or relief, including declaratory or injunctive relief, against any subdivider or other person who fails or refuses to comply with the provisions of this chapter. (No. 79-39-14, § 11-4, 11-20-79; No. 94-69, 10-4-94)

Sec. 25-11. Preparation and adoption of amendments to chapter.

For the purpose of promoting the public health, safety and general welfare, the planning commission may, or at the request of the board of county supervisors shall, prepare and recommend amendments to this chapter. The

procedure for such amendment shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance from which this chapter is derived; provided, that no such amendment shall be adopted by the board of county supervisors without referring the proposed amendment to the planning commission for recommendation, nor until sixty (60) days after such reference, if no recommendation is made by the commission. (No. 79-39-14, § 11-10, 11-20-79; No. 94-69, 10-4-94)
State law reference--Similar provisions, Code of Virginia, § 15.2-2253.

Sec. 25-12. Adoption, effect, contents, review and amendment of Design and Construction Standards Manual.

(a) In order to effectuate the provisions of this chapter, the board of county supervisors shall, by resolution, adopt a manual of regulations and policies, entitled "Design and Construction Standards Manual," which shall have the force of law. This manual shall include, inter alia, standards for the implementation of the various sections of this chapter, and may include other policies, criteria, standards and regulations to implement the provisions of the zoning ordinance. Procedural items will be set forth in the Administrative Procedures Manual.

(b) The board of county supervisors shall review the manual adopted pursuant to this section as deemed necessary. Nothing contained herein shall prevent the board from considering and adopting amendments to such manual at any time it is deemed appropriate. (No. 79-39-14, §§ 11-5, III-2A, 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-13. "As-built" plans.

As-built plans shall be required on all currently valid site development plans approved after July 20, 1976, in accordance with the requirements of the manual. (No. 79-39-14, § III 5(4), 11-20-79; No. 80-14-19, 5-13-80; No. 86-161, 10-21-86; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-14. Erosion and sediment control.

Plans and specifications for the control of erosion and sedimentation, including adequate bonding or other assurance, shall be submitted to and approved by the director of planning or his authorized representative, in accordance with the requirements set forth in the manual. Before any site development, grading, building, and other permits shall be issued for work in a subdivision. Review and approval of such plans may proceed concurrently with review and approval of final subdivision plats. (No. 79-39-14, § III-5(4), 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

State law reference--Code of Virginia, § 21-89.1 et seq.

Sec. 25-15. Chesapeake Bay preservation area requirements.

All site development plans and subdivision plats must comply with the "Chesapeake Bay Preservation Area Performance Standards" set forth in the manual prior to any clearing or grading of a site or the issuance of a building permit. (No. 90-145, 11-27-90; No. 94-69, 10-4-94)

Sees. 25-16--25-20. Reserved.

ARTICLE II. MINIMUM REQUIREMENTS*

* Editor's note--Ordinance No. 94-69, adopted Oct. 4, 1994, renumbered §§ 25-26--25-29 as 125-21--25-24, §§ 25-31 and 25-32 as 25-25 and 25-26, and §§ 25-3--25-42 as §§ 25-27--25-35 as set out in this article. Said ordinance also amended these sections to read as herein set out. Said ordinance also repealed former §§ 25-30, 25-33, and 25-43, which pertained to curbs and gutters, installation of utility facilities in right-of-way, and procedure for waiver of requirements, respectively. Sections 25-30, 25-33, and 25-43 derived from § III-2(1)(d) of No. 79-39-14, adopted Nov. 20, 1979; § III-2(1)(f) of No. 79-39-14, adopted Nov. 20, 1979; and § III-

2(2)(b) of Ord No. 79-39-14, adopted Nov. 20, 1979, and No. 89-84, adopted June 20, 1989, respective Iv .

Sec. 25-21. Generally.

The provisions of this article prescribe the minimum requirements for the subdivision of land in the county. Such requirements may not be waived, except as specifically provided in this article. (No. 79-39-14, § III-2(1), 11-20-79; No. 94-69, 10-4-94)

Sec. 25-22. Subdivision name.

The names of new subdivisions shall be identified in accordance with the requirements of the manual. (No. 79-39-14, § III-2(1)(a), 11-20-79; No. 94-69, 10-4-94)

Sec. 25-23. Street names.

All new street names shall be reviewed and approved by the office of mapping and information resources prior to approval of the preliminary site or subdivision plan, and in accordance with the requirements of the manual. (No. 79-39-14, § III-2(1)(b), 11-20-79; No. 94-69, 10-4-94)
Cross reference--Street names generally, § 24-1.

Sec. 25-24. Layout, width, grade, etc., of streets.

All streets built within subdivisions shall be designed and constructed in accordance with the criteria in the manual and the zoning ordinance. The arrangement, character, extent, width, grade and location of all streets or highways in a subdivision shall be in accordance with the requirements of the manual. (No. 79-39-14, § III-2(1)(c), 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)
State law reference--Subdivision ordinance to provide for coordination of streets as to location, width, etc., Code of Virginia, §§ 15.2-2241, 15.2-2242, 15.2-2232.

Sec. 25-25. Monuments.

Monuments shall be placed in a subdivision according to the duly adopted policies and standards of the manual. (No. 79-39-14, § III-2(1)(e), 11-20-79; No. 94-69, 10-4-94) State law reference--Subdivision ordinance to require installation of monuments, Code of Virginia, § 15.2-2241.7.

Sec. 25-26. Underground utilities generally.

Except as provided in section 32-250.71 of the zoning ordinance, all utilities, when provided by the subdivider, shall be installed underground in accordance with duly adopted policies and standards established in the manual and the zoning ordinance. (No. 79-39-14, § III-2(1)(g), 11-20-79; No. 94-69, 10-4-94)

Sec. 25-27. Sanitary sewer and water installations and connections.

Where a subdivider proposes to connect to public water or public sewer, or both, such connections and the proposed lines shall be installed according to the duly adopted policies and standards prescribed in the manual and the Utility Service Manual of the Prince William County Service Authority. The requirements for connection shall be based on availability of public sewer and water as defined by the zoning ordinance. (No. 79-39-14, § III-2(1)(e), 11-20-79; No. 94-69, 10-4-94)
State law reference--Subdivision Ordinance to provide for installation of sanitary sewer and water connections, Code of Virginia, § 15.2-2241.

Sec. 25-28. Stormwater and flood control.

(a) A subdivider shall provide improvements for the purpose of adequate control of stormwater in accordance with the policies and standards established in the manual.

(b) Floodplain limits shall be clearly shown on the subdivision plat, and any development or construction in the floodplain shall be in accordance with the provisions of the zoning ordinance and the manual. (No. 79-39-14, § III-2(1)(i), (l)(j), 11-20-79; No. 94-69, 10-4-94)
State law reference--Subdivision ordinance to make provision for drainage and flood control, Code of Virginia, § 15.2-2241.3.

Sec. 25-29. Payment of pro rata share of cost of off-site stormwater management facilities.

Each subdivider or developer of land, subject to the provisions of this chapter, may be required to pay a pro rata share payment for off-site storm drainage assessments and/or improvements, which may include stream assessments and stream restoration where necessary for proper storm drainage, and stormwater management facilities. The payment is required when the off site drainage assessments and/or improvements are necessitated, in whole or part, by the proposed improvement or construction on the land to be subdivided, in accordance with the policies and standards adopted by the board of county supervisors. (No. 79-39-14, § III-2(1)(e)(i), (l)(e)(ii), 11-20-79; No. 94-69, 10-4-94)
State law reference--Subdivision ordinance to provide for above payments, Code of Virginia, § 15.2-2243.

Sec. 25-30. Outdoor lighting.

Adequate outdoor lighting, when required, shall be installed in conformance with the policies and standards of the manual and the zoning ordinance. (No. 79-39-14, § III-2(1)(p), 11-20-79; No. 94-69, 10-4-94)

Sec. 25-31. Reservation/dedication of land for public use.

(a) In the interests of public welfare, a subdivider may provide for the reservation/dedication of suitable land for schools, parks, recreation areas and roadways in accordance with the comprehensive plan, capitol improvements program and official map.

(b) Whenever a subdivider proposes or is legally required to convey interests in real property to the county, conveyance of such interests shall be made by appropriate deed to the county in accordance with the requirements of the manual. (No. 79-39-14, § III-2(1)(q), 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-32. Open space for recreational purposes.

Common open space for recreational purposes shall be provided in a subdivision according to the duly adopted policies and standards of the manual and in conformance with the requirements of the zoning ordinance. (No. 79-39-14, § III-2(1)(k), 11-20-79; No. 94-69, 10-4-94)

Sec. 25-33. Soils and soils study.

(a) The director of public works shall require a special geotechnical soils study in accordance with the policies and standards established in the manual.

(b) Soils map information shall be submitted in conjunction with the review of subdivision plans/plats. (No. 79-39-14, § III-2(1)(m), 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-34. Disturbing or removing vegetation.

In any subdivision which proposes land disturbing activities, vegetation may be disturbed only to the minimum extent feasible for purposes of preparing access and building sites, as established by the policies and standards of the manual. The limits of such land disturbing activities shall be clearly shown on the submitted plans, and the removal of vegetation may be accomplished only in accordance with the requirements of the zoning ordinance and the manual. (No. 79-39-14, § III-2 (1)(a), 11-20-79; No. 94-69, 10-4-94)
Cross references--Vegetation, Ch. 29; erosion and sediment control, § 25-14.

Sec. 25-35. Waiver of requirements; authority to grant.

(a) One (1) or more of the minimum requirements established under this article may be waived by the director, upon a showing by the subdivider that each of the following conditions have been met:

(1) The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable hardship upon the subdivider.

(2) The granting of such waiver will have no substantially adverse effect upon the future residents of the proposed subdivision, nor upon any property adjoining such proposed subdivision, and the granting authority specifically finds in writing that the purposes of such minimum requirements are (a) substantially fulfilled by the plan submission, or (b) that it would serve no substantial public purpose to impose such a requirement under the circumstances and conditions of such submission with respect to the land to be subdivided.

(3) Notwithstanding any other provision of law, the board of county supervisors may waive the minimum requirements of this chapter where it is necessary to subdivide any or all of a parcel of property for the purpose of dedicating, selling, leasing, exchanging or otherwise conveying such subdivided property to the board of county supervisors, provided that it finds compliance with subsections (1) and (2) hereof.

(b) Any decision by the director on waivers is final. (No. 79-39-14, § III-2(2)(a), 11-20-79; No. 82-15-17, 5-18-82; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-36. Conveyance of common shared utility easements.

Common shared easement shall be conveyed to public service corporations and franchised operators furnishing cable television, gas, telephone and electric services. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators, which may be expected to occupy them, shall be conveyed by reference on the final plat. The width of these easements shall be in accordance with the manual.

Secs. 25-37--25-40. Reserved.

ARTICLE III. PRELIMINARY RESIDENTIAL SUBDIVISION PLAN*

* Editor's note--Ordinance No. 94-69, adopted Oct. 4, 1994, renumbered §§ 25-61--25-63 as 25-41--25-43 and §§ 25-66 and 25-67 as 25-44 and 25-45 as set out in this article. Said ordinance also amended these sections to read as herein set out. Said ordinance also repealed former § 25-64 which pertained to review generally and derived from § III-3(4) of No. 79-39-14, adopted Nov. 20, 1979, and No. 80-34-34, adopted Dec. 2, 1980. Section 25-65 had been reserved and has been deleted from this article.

State law reference--Subdivision ordinance to provide for plat details, Code of Virginia, § 15.2 2241.

Sec. 25-41. Generally.

Unless waived by the director, each subdivider of property that results in the creation of three or more lots less than 10 acres in size shall submit, to the director, a preliminary subdivision plan which conforms to this article and adopted policies and regulations of the manual. In lieu of a preliminary plan, a sketch plan prepared in accordance with the manual may be submitted for rural cluster subdivisions. (No. 79-39-14, §§ III-1, III-3(2), 11-20-79; No. 82-16-30, 6-1-82; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-42. By whom prepared.

Preliminary residential subdivision plans shall be prepared by a certified professional engineer landscape architect, architect, or land surveyor authorized by the state to practice as such and whose stamp and signature shall appear on the plan. (No. 79-39-14, § III-3(1), 11-20-79; No. 94-59, 10-4-94)
State law reference--Similar provisions, Code of Virginia, § 15.2-2262.

Sec. 25-43. Method of preparation; contents generally.

Preliminary residential subdivision plans shall be prepared in accordance with the regulations and standards established in the manual. (No. 79-39-14, § III-3(3), 11-20-79; No. 86-161, 10-21-86, \Jo. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-44. Approval or disapproval.

(a) Preliminary residential subdivision plans shall be recommended for approval or disapproval by the director within forty-five (45) days of submission and the action taken shall be evidenced thereon by issuance of a signature summary letter. If the plan is recommended for approval, a planning commission meeting date will be scheduled for the first available date and in accordance with the Administrative manual.

(b) When the planning commission determines that a preliminary residential subdivision plan conforms with the minimum requirements of this chapter and with the policies and standards of the manual, the commission shall approve such preliminary plan. When the commission determines that the preliminary residential subdivision plan does not meet the minimum requirements, the commission may, at the subdivider's requests, defer final action for a reasonable period; otherwise, the commission shall disapprove such preliminary plan. Reconsideration of a revised plan, after such disapproval, shall constitute a new submission and the payment of applicable fees therefor shall be required.

(c) The decision of the planning commission is final. If the planning commission disapproves any preliminary residential subdivision plan submitted pursuant to all processing requirements identified in the manual and the applicant of such plan contends that such disapproval was not properly based on applicable state and local ordinances and policies, he may appeal to the circuit court having jurisdiction over Prince William County. Such appeal must be filed with the circuit court within sixty (60) days of the written disapproval of the planning commission. (No. 79-39-14, § III-3(4), 11-20-70; No. 80-34-34, 12-2-80; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-45. Period of validity of approval; approval does not constitute acceptance of plan for recordation.

Approval of a preliminary subdivision plan shall be valid for a period of five years from the date of approval subject to diligent pursuit. The period of validity of a preliminary residential subdivision plan shall be governed by the requirements and policies set forth in the manual. (No. 79-39-15, § III-3(4), 11-20-79; No. 80-34-34, 12-2-80; No. 86-161, 10-21-86; No. 89-84, 6-20-89; Ord. No. 92-59, 6-16-92; No. 94-69, 10-4-94)

Secs. 25-46--25-50. Reserved.

ARTICLE IV. FINAL SUBDIVISION PLAN AND PLAT*

* Editor's note--Ordinances No. 94-69, adopted Oct. 4, 1994, amended Art. IV to consist of § 25-96 renumbered as § 25-51; § 25-82 renumbered as § 25-52; § 25-83 renumbered as § 25-53; §25-98 renumbered as § 25-54; § 25-101 renumbered as § 25-55; § 25-84 (b)-(d) relettered as §25-55 (d)-(f); §§ 25-102--25-105 renumbered as §§ 25-56--25-59. Said ordinance also repealed §§ 25-81, 25-84(a), 25-97, 25-99, and 25-100, which pertained to site development plan generally, approval generally, by whom prepared, surveyor's or engineer's certificate, and statement of owners, proprietors and trustees, respectively. See Code Comparative Table for specific derivations of said sections.

State law reference--Subdivision ordinance to provide for plat details, Code of Virginia, § 15.22241.

Sec. 25-51. Generally.

A subdivider shall, after receiving approval of any necessary preliminary subdivision plan, submit a final subdivision plan which conforms to this article and requirements of the manual. Such submission must occur within the period of validity of its preliminary ~~or sketch~~ plan. (No. 79-3914, §§ III-1, III-5(2), 11-20-79; No. 82-16-30, 6-1-82; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-52. By whom prepared.

Final subdivision plans and plats shall be prepared by a certified professional engineer or land surveyor authorized by the state to practice as such whose stamp and original signature shall appear on the plan. In addition, plats and plans submitted by a designated plans examiner shall be processed in accordance with Chapter 33 of the Prince William County Code and other pertinent sections of the manual. (No. 79-39-14, § III, 11-20-79; No. 89-84, 6-20-89; No. 93-16, 4-20-93; No. 94-69, 10-4-94)

Sec. 25-53. Conformity to established policies and standards; contents; etc.

All final subdivision plans and plats submitted under this article shall conform to this article, the policies and standards established in the manual and federal, state and county standards. Such plan shall be submitted to insure general compliance with the zoning ordinance and to provide specific information on improvements to be made by the subdivider as required in this chapter and the manual. No site development permit or site preparation permit shall be issued until the subdivider has adequately demonstrated that he has complied with such provisions. (No. 79-39-14, §§ III-1, III-4, 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-54. Method of preparation; contents generally.

Final subdivision plats and plans shall be prepared in accordance with the regulations and standards established in the manual and the Prince William County Zoning Ordinance. (No. 79-3914, § III-5(3), 11-20-79; No. 86-161, 10-21-86; No. 94-69, 10-4-94)

Sec. 25-55. Approval or disapproval generally.

(a) Final subdivision plats and plans shall be approved or disapproved by the director within sixty (60) days of submission and the action taken shall be evidenced thereon by the signature of the director. The director shall approve such a plat and plan, if it is in accordance with the provisions of this chapter and the manual. If the director disapproves the plat, he shall give specific reasons for the disapproval in writing. A good faith effort will be made to identify all deficiencies with the initial submission. The director shall act on any proposed plat that has been previously disapproved within forty-five (45) days after the plat has been modified, corrected and

resubmitted for approval.

(b) The decision of the director is final. If the director disapproves any final subdivision plat and plan submitted pursuant to all processing requirements identified in the manual and the applicant of such plat and plan contends that such disapproval was not properly based on applicable state and local ordinances and policies, he may appeal to the circuit court having jurisdiction over Prince William County. Such appeal must be filed with the circuit court within sixty (60) days of the written disapproval of the director.

(c) If the director fails to approve or disapprove the plat within sixty (60) days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval, the subdivider, after ten (10) days' written notice to the director, may petition the circuit court to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures established in §8.01-644, *et seq.*, of the Code of Virginia, and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

(d) Upon notification from the director or his designee that the final subdivision plat and plan is ready for signature, the subdivider shall submit the required sets of plats and documents as established in the manual.

(e) Once all ordinance requirements have been incorporated into the final plans and plats, the final plans and plats are valid for a period of five (5) years from their date of approval.

(f) Construction or development may begin upon approval of the final subdivision plans and plats, posting of the required assurances, payment of fees and acquisition of required permits. Any person who fails to secure the required permits or allows these permits and/or assurances to expire within the time period set forth herein shall be required to file a new site development plan which conforms with county standards and requirements at the time of the new application, and shall pay an appropriate review fee in accordance with the current fee schedule.

(g) Final subdivision plans and plats shall remain valid until the performance agreement expires. (No. 79-39-14, §§ III-4, III-5(3)-(5), 11-20-79; No. 80-14-19, 5-13-80; No. 86-161, 10-21-86; No. 89-84, 6-20-89; No. 94-69, 10-4-94; No. 03-47, 6-24-03, effective 7-1-03)

Sec. 25-56. Approval does not constitute acceptance of streets and other public space for maintenance, repair or operation by county.

Approval of final plats and plans of subdivisions or sections thereof shall not be deemed the acceptance, by the county, of any street, alley or other public space shown on the plats for maintenance, repair or operation thereof. The director may permit site development activity within any right-of-way which does not conflict with the purposes for which it was dedicated. (No. 79-39-14, § 111-5(4), 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-57. Recordation and indexing generally.

(a) When a final subdivision plat has been approved pursuant to this article, it shall be filed and recorded in the office of the clerk and indexed in the general index to deeds under the names of the owners who signed the statement required by the Administrative Manual and under the name of the subdivision. Three (3) signed copies and a sepia mylar of such plat shall be presented to the clerk with appropriate deeds approved by Prince William County.

(b) The approval of a final subdivision plat shall be null and void if all related off-site plats are not offered for recordation within thirty (30) days after the date of the approval. All remaining related plats (on-site plats) shall not be recorded until a performance bond and agreement has been posted. (No. 79-39-14, § III-5(3), (4), 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)
State law reference--Similar provisions, Code of Virginia, §§ 15.2-2241.8, 15.2-2264.

Sec. 25-58. Recordation receipt; distribution of original and copies of plat.

After the recordation of a final subdivision plat, the applicant shall return to the planning office a sepia mylar of the original plat as it was recorded, along with recordation information and copies of the recorded plat. Copies of the recorded plat and a mylar shall be distributed to the appropriate agencies. (No. 79-39-14, § III-5(4), 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)

Sec. 25-59. Effect of recordation on portions of premises set apart for streets or other public use.

The recordation of a final subdivision plat shall operate to transfer, in fee simple, to the county, such portion of the premises platted as is, on such plat, set apart for streets, alleys or other public use and to transfer to the county any easement indicated on such plat to create a public right of passage over the same; but nothing contained herein shall affect any right of a subdivider of land heretofore validly reserved; provided, that where the director approves, in accordance with this chapter, a plat or replat of land, then, upon the recording of such plat or replat in the clerk's office, all rights-of-way, easements or other interests of the county in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the county, by condemnation, or by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of §§ 15.2-2271 or 15.2-2272 of the Code of Virginia shall not be affected thereby. (No. 79-39-14, § III-5(4), 11-20-79; No. 89-84, 6-20-89; Ord. No. 92-59, 6-16-92; No. 94-69, 10-4-94)

State law reference--Similar provisions, Code of Virginia, § 15.2-2265.

Sees. 25-60--25-70. Reserved.

ARTICLE V. VACATION OF PLATS*

* Editor's note--Ordinance No. 94-69, adopted Oct. 4, 1994, amended this Art. V formerly Art. VI, to consist of §§ 25-117--25-121 renumbered and amended as §§ 25-71--25-75 as herein set out.

Sec. 25-71. Before sale of lot.

Any recorded subdivision plat, or part thereof, may be vacated, by the owners, proprietors and trustees, if any, who signed the statement required by section 25-31 of this chapter, at any time before the sale of any lot therein, by submitting a plat of vacation to the planning office, and in accordance with the requirements of the Administrative Procedures Manual, declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the clerk's office. The execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and divest all public rights in, and to reinvest such 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 such plat. (No. 79-39-14, § II-11, 11-20-79; No. 94-69, 10-4-94) State law reference--Similar provisions, Code of Virginia, § 15.2-2271.

Sec. 25-72. After sale of lot--Methods.

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

(1) By plat of vacation agreeing to such vacation, signed by all the owners of lots shown on the plat and also signed by the director. 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, only the signatures of the lot owners immediately adjoining or contiguous to the vacated area shall be required. The word "owners," as used herein, 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.

(2) By ordinance of the board of county supervisors, on motion of one (1) of its members or on application of any interested person. Such ordinance shall not be adopted until notice has been given as required by § 15.2-2204 of the Code of Virginia. Such notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the board of county supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at such 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 (30) days, with the circuit court of the county. Upon such 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 shall be recorded in the clerk's office. (No. 79-39-14, § II-11, 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)
State law reference--Similar provisions, Code of Virginia, § 15.2-2272.

Sec. 25-73. Same--Effect.

The recordation of an instrument or ordinance of vacation as provided in section 25-72 shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for public passage so vacated in the owners of abutting lots, and shall act to consolidate the vacated portions with the abutting lots, free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any such street, alley or easement for public passage is located on the periphery of the plat, such title, for the entire width thereof, shall vest in such abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 of the Code of Virginia, free and clear of any rights of public use in the same. (No. 79-39-14, § II-11, 11-20-79; No. 89-84, 6-20-89; No. 94-69, 10-4-94)
State law reference--Similar provisions, Code of Virginia, § 15.2-2274.

Sec. 25-74. Duty of clerk.

The clerk of court shall write, in plain legible letters, across each plat, or the part thereof, vacated pursuant to the provisions of this article, the word "vacated" and also make reference on the same to the volume and page in which the instrument of vacation is recorded. (No. 79-39-14, § II-11, 11-20-79; No. 94-69, 10-4-94)
State law reference--Similar provisions, Code of Virginia, § 15.2-2276.

Sec. 25-75. Replatting of recorded subdivisions, adjustment of boundary lines between lots.

(a) A subdivider may submit a replat of any previously recorded subdivision or part thereof, whenever he desires to alter or amend such recorded plat to reflect changes, alterations, or relocations of rights-of-way, easements, or other interests conveyed to the county by the previous plat, in order to cause such record plats accurately to reflect the true locations of such features. Such replats shall be accepted and reviewed by the planning office as other subdivision plats, and upon approval may be recorded in the clerk's office as other plats are recorded.

(b) The recordation of such replat shall operate to terminate and extinguish all such rights-of-way, easements or other public interests except to the extent shown on the replat; except that it shall not operate to terminate or extinguish streets, alleys, or easements for public passage shown on the original plat, which shall be subject to the provisions of law with respect to vacations thereof, or interests which the county has acquired by condemnation or by purchase for valuable consideration and for which a separate instrument of record exists.

(c) The boundary lines of any lot or parcel may be relocated, eliminated, or otherwise altered by an approved

and recorded replat of said lines upon application by the owner or owners of the lots or parcels *affected* thereby; provided that such replat does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas, and that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

(d) The boundary lines of any nonconforming lot may be adjusted to make it more conforming. Any such adjustments shall be in accordance with the requirements of the zoning ordinance. (No. 89-84, 6-20-89; No. 94-69, 10-4-94)