



Douglas Miles, AICP, CZA
Planning Manager / Zoning Administrator
Planning Division Office: 804.722.8678
dmiles@princegeorgecountyva.gov

PLANNING COMMISSION

James A. Easter, Chairman
Joseph E. Simmons, Vice-Chairman
Alex W. Bresko, Jr.
R. Steven Brockwell
Floyd M. Brown, Sr.
Imogene S. Elder
V. Clarence Joyner, Jr.

PLANNING COMMISSION REGULAR MEETING

Thursday, November 15, 2018
6:30 p.m. in Board Room

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance to the U.S. Flag
- V. Approval of Meeting Minutes – October 25, 2018
- VI. Citizen Comments Period
- VII. Old Business – None
- VIII. New Business – Public Hearings

OA-18-01 Adoption of an Ordinance to amend "The Code of the County of Prince George, Virginia," by deleting §§ 90-12, and 90-1036, and by amending §§ 90-1, 90-52, 90-53, 90-56, 90-102, 90-103, 90-202, 90-242, 90-292, 90-295, 90-342, 90-392, 90-395, 90-442, 90-446, 90-492, 90-496, 90-546, and 90-1039, and to consolidate the requirements for signs by adding Article XIII, "**Signs**" to Chapter 90, "Zoning," §§ 90-591 through 90-601 so as to revise local sign requirements to be consistent with current law and to create a clear and a consistent set of regulations pertaining to signs.

OA-18-02 Adoption of an Ordinance to amend "The Code of the County of Prince George, Virginia," by amending § 70-516.14 Effect of approval of final plat, and by adding § 70-732 (c) Coordination of **Streets** with existing streets and § 70-746 (b) and (c) Street construction, to allow for coordination with VDOT subdivision street acceptance for maintenance purposes through the Subdivision Ordinance.

IX. Planning Manager Communications to the Commission

a. Actions of the Board of Zoning Appeals

b. Actions of the Board of Supervisors

c. General Comments to the Commission

X. Adjournment

The next regularly scheduled meeting will be Thursday, December 20, 2018



Planning Commission
County of Prince George, Virginia

Regular Meeting
October 25, 2018
6:30 p.m.

I. CALL TO ORDER

Chairman Easter called to order the October 26, 2018 meeting of the Prince George County Planning Commission at 6:30 p.m. in the Board Room of the County Administration Building, 6602 Courts Drive, Prince George, Virginia.

II. ATTENDANCE

The following members responded to Roll Call:

Chairman James A. Easter - Present
Vice-Chairman Joseph E. Simmons - Present
Mrs. Imogene S. Elder – Present
Mr. R. Stephen Brockwell - Present
Mr. V. Clarence Joyner, Jr. - Present
Mr. Alex W. Bresko, Jr. - Present
Mr. Floyd M. Brown, Sr. - Present

Also present were: Douglas Miles, Planning Manager, Andrea Erard, Assistant County Attorney, Paul Hinson, VDOT, Horace Wade, Planner and Missy Greaves-Smith, Administrative Support Specialist II.

III. INVOCATION

Mrs. Elder provided the Planning Commission's invocation.

IV. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG

Mr. Brown led in the Pledge of Allegiance to the United States flag.

V. APPROVAL OF MINUTES

Chairman Easter asked if the Planning Commissioners had reviewed the September 27, 2018 meeting minutes. A motion was made by Mr. Bresko and seconded by Mr. Brockwell and the minutes were adopted as written. Roll was called on the motion.

Roll call vote on the motion:

In Favor: (6) Elder, Bresko, Brown, Joyner, Easter, Brockwell
Opposed: (0) Absent: (0) Abstain: (1) Simmons

VI. CITIZENS COMMENTS PERIOD

At 6:32 p.m. Chairman Easter opened the citizen comments period to anyone who wished to speak on any subject not on the agenda. He asked that persons limit their remarks to three (3) minutes. With no one coming forward, Chairman Easter closed the citizen comments period at 6:33 p.m.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS - PUBLIC HEARINGS:

REZONING CASE RZ-18-02 Request of Nathaniel E. Dozier Jr. to conditionally rezone 31+/- acres north of County Drive and west of Wells Station Road from R-A, Residential-Agricultural to B-1, General Business Zoning District to permit certain uses. The Comprehensive Plan indicates that the subject properties are appropriate for commercial uses. The subject properties are located at 5200 County Drive and the parcels are known as Tax Maps 340(0A)00-117-0, 118-0 and 119-0.

Mr. Wade presented to the Planning Commission the following information:

The applicant is requesting to conditionally rezone 31 acres from R-A, Residential – Agricultural to B-1, General Business to allow the property to be developed for certain commercial uses.

The subject property is currently zoned R-A, Residential Agricultural and is located in the Prince George Planning Area (PGPA). New Development within the PGPA is required to be connected to utility services, which ensures that new development does not run the risk of septic or well failure, and bear the financial cost of extending services to the development site to the developer. The future land use plan calls for commercial land use. The request for B-1, General Business Zoning District is consistent with the Comprehensive Plan.

In addition to a development project being consistent with the Future Land Use portion of the Comprehensive Plan, the development project must also be consistent with the Transportation portion of the Plan. The Transportation Plan requires applicants with development projects seeking rezoning or special exceptions that generate over 250 trips per day to submit a traffic impact study to evaluate any expected needs relative to transportation. This transportation requirement will be coordinated with the Virginia Department of Transportation (VDOT) and in this case the VDOT Petersburg Residency.

§ 90-782 of the Prince George County Zoning Ordinance states that the owner of the property may voluntarily proffer in writing, items for which are deemed, by the owner, appropriate for particular zoning case conditions that for the rezoning gives rise for the need for the rezoning, have a reasonable relation to the rezoning, and be in conformity with the Comprehensive Plan.

The applicant has submitted a textual statement signed and received on October 12, 2018. The applicant proposes to exclude certain uses, such as: general advertising signs (billboards), cemeteries, waterfront business activities, noncommercial fairgrounds, and mobile home and recreational vehicle sales, service and repair.

Paul Hinson, VDOT, PE, LEED AP provided further information on the case:

The proposed development will generate in excess of 5,000 vehicle trips per day (VPD) and requires the submission of a Traffic Impact Analysis (TIA) prepared in accordance with VDOT's Chapter 527 regulations. A pre-scoping meeting was held with the applicant, Prince George County and VDOT to discuss the roadway intersections, trip distributions and study parameters to be included in the TIA. The Virginia Department of Transportation, Southern Region Land Development Office has reviewed the Chapter 527 Traffic Impact Analysis dated August 2018 received at the Petersburg Residency on September 6, 2018 and the rezoning application dated September 21, 2019 received at the Petersburg Residency on October 1, 2018 and has the following comments:

1. VDOT requested in the scoping form that the applicant identify whether the proposed main road shown on the Overall Conceptual Plan was proposed to be constructed to VDOT standards for eventually acceptance into the State system for maintenance. The TIA did not identify whether the roads were proposed to be State maintained, but this information was relayed to VDOT in a subsequent meeting with the applicant and his engineer. It was stated that the intent was for main road to be constructed to VDOT standards for eventually acceptance as a State maintained road. Any roadway to be accepted into the State system of maintenance would have to be constructed in accordance with VDOT's *Secondary Street Acceptance Requirements 2011 Edition* (SSAR) and Chapter 92 Secondary Street Acceptance Requirements. The roadway as proposed in the Overall Conceptual Plan included with the TIA would not meet VDOT's connectivity requirements for State acceptance. For roadways with expected trip generation in excess of 2,000 VPD, an additional external connection is required for each 2,000 VPD or portion of each over and above the initial 2,000 VPD. With an anticipated trip generation in excess of 6,107 VPD, five external street connections will be required in order for the roadway to meet the connectivity requirement and qualify for State acceptance and maintenance. One of the five connections must be to a publicly maintained roadway. The remaining external connections may be satisfied by providing "stub out" connections in accordance with the SSAR. An exception would be required from the District Engineer to waive any of the five required connections. It is also required that at least three separate owners own portions of the retail property for a roadway to be accepted into the State system of maintenance unless an exception is approved by the District Engineer.
2. The proposed entrance roadway will be required to meet VDOT's Access Management Regulations. US 460, County Drive is classified as a Principal

Arterial with a posted speed limit of 50 MPH. Full access entrances and intersections are required to be a minimum of 750' from other full access commercial entrances and intersections. The proposed entrance road intersection with US 460, County Drive does not meet the spacing requirements from the commercial entrance to the trailer park to the east and an existing commercial entrance to the west. An Access Management Exception will be required to construct the entrance in its proposed location.

3. It is anticipated that the proposed main road will be functionally classified as a "local" roadway. Local roadways are not subject to VDOT's Access Management Regulations. The commercial parcel access locations as shown on the Overall Conceptual Plan appear to meet VDOT criteria for a local road. If the roadway is functionally classified as a "collector" road or higher, the roadway would be subject to VDOT's Access Management Regulations and the proposed entrances to the commercial areas may require modifications.
4. The Overall Conceptual Plan does not show a sidewalk along the proposed access road, but inclusion of a sidewalk along the access road is discussed in the proffers. Sidewalks must meet ADA requirements and be completely contained within the proposed ROW to be accepted into the State system of maintenance.
5. The Overall Conceptual Plan did not include any centerline geometries for the proposed road and VDOT cannot determine based upon the plan whether the roadway geometry meets VDOT standards.
6. Page 13 of the TIA noted existence of a trip generation table (Table 5-1) but was not included. We assume Table 5-1 should contain the same data included in Appendix A. The TIA also does not mention the source of derived trip generation data. VDOT requires calculations from ITE Trip Generation 10th Edition and this source needs documentation within the report.
7. Capacity analyses for various build scenarios do not indicate heavy truck percentages assigned to turning movements in and out on Route 460 at the site driveway. Given a warehouse land use component, delivery vehicles servicing restaurants and trucks already using Route 460, we expect some heavy truck usage.
8. Although various LOS/Delay/Queue summary tables show queue length results for various traffic movements, Synchro worksheets do not show 95th percentile queues for signalized intersection analyses, nor does the study include SimTraffic analyses. We require this information to verify that auxiliary turn lanes can accommodate expected traffic at Route 460 and Bull Hill Road/Rives Road and when warranted, proposed signal operation at the site entrance.
9. EPR conducted signal warrant analyses for Phase 2 build in 2024 and justified signalization at 100 percent and 70 percent thresholds. However, these analyses assumed all side street approach traffic using one

lane. Given two planned approach lanes, EPR should perform warrant analyses excluding all right turns and the right turn lane. Analyses should therefore assume one minor street approach lane using only left turn volumes at 100 percent thresholds, with 70 percent thresholds at the consultant's discretion. Lesser thresholds appear in the MUTCD as a "may" condition but does not mandate utilization with higher speeds and/or isolated community population. We will only consider Warrant 1 (Eight-Hour Volume) and Warrant 2 (Four-Hour Volume) as all other MUTCD criteria do not apply under proposed conditions.

10. The proffers do not discuss if a traffic signal is warranted at the intersection of US 460 and the access road who will responsible for the cost to design and construct the traffic signal.

Mr. Hinson indicated that he has met with the applicant and the Planning Staff and feels confident that they can work together on these conditions.

Mr. Wade further stated that the Planning Staff recommended the Planning Commission take a 90 day deferral to provide the applicant time to respond and receive further comments from Prince George County and VDOT staff.

Chairman Easter asked for clarification on the proposed Route US 460 entrance to the development and what had changed since the 2012 case.

Mr. Hinson responded by stating the proposed entrance does not meet the access management standards. He stated VDOT is willing to work with the applicant and staff to develop an exception, if one is needed or to utilize the recommended deferral time to work towards meeting access management.

Ms. Brittney Rawlinson, of Rawlinson Law Firm, stated that her client, Mr. Dozier, is in agreement with the recommended ninety (90) day deferral.

Chairman Easter opened the Public Hearing at 6:55 p.m. for any public comments to anyone wishing to speak for or against this rezoning case.

Mrs. Karen Pannill, of 5617 West Quaker Road, stated she was very concerned with having new commercial buildings in her backyard especially with already having the industrial park entrance on West Quaker Road and a truck stop. She asked the Commission to please consider the people that pay taxes and that it would not be fair for them not to have peace and quiet.

Mr. Mark Tibbedeaux, of 5303 West Quaker Road, he explained to the Planning Commission that he has a drainage problem on the rear of his lot that Mr. Dozier the applicant has yet to address from a past logging project.

Mr. Tibbedeaux would like to know if there is a site drainage plan for this proposed project. In addition, he stated that he is a target shooter and that he had purchased property out in the country so he could do things like that.

At 6:56, Chairman Easter closed the Hearing with no further comments.

Vice Chairman Simmons made the Planning Commission's motion to defer:

I, Joseph E. Simmons, do move to defer **REZONING CASE RZ-18-02**, Request of Nathaniel E. Dozier Jr. to conditionally rezone 31+/- acres north of County Drive and west of Wells Station Road from R-A, Residential-Agricultural to B-1, General Business Zoning District to permit certain uses located at 5200 County Drive and on Tax Map Parcels 340(0A)00-117-0, 340(0A)00-118-0, and 340(0A)00-119-0 until January 24, 2019 to allow the applicant a sufficient amount of time to address transportation concerns.

The stated motion was seconded by Mr. Bresko and there was no further discussion by the Planning Commission and it was deferred to

Roll call vote on the motion:

In Favor: (7) Bresko, Brown, Elder, Brockwell, Easter, Joyner, Simmons

Opposed: (0) Absent: (0) Abstain: (0)

REZONING CASE RZ-18-03 Request of Breez-In Associates LC to conditionally rezone one (1) acre from R-A, Residential-Agricultural to B-1, General Business Zoning District to permit certain uses.

The Comprehensive Plan indicates that the subject property is appropriate for residential uses. The subject property is part of Tax Map 140(05)00-001-B and is located east of the Miller Mart at 10101 James River Drive that is currently zoned B-1, General Business.

Mr. Miles presented to the Commission the following information:

The case applicant proposes to conditionally rezone 1.0 acre from R-A, Residential – Agricultural to B-1, General Business to permit certain B-1 uses to include a professional office building use.

The applicant is requesting to allow for the construction of a 3,000 square foot office building for the applicant's corporate headquarters. The one (1) acre site will be accessed by a connection to the adjacent commercial properties owned by the applicant with no access to State Route 10.

The 2018 Comprehensive Plan identifies this general area for residential land uses. The Future Land Use Map serves as a general guide for the future development of the county. The current Comprehensive Plan is under review for potential changes and this portion of Route 10 is more suitable for commercial office, retail and service land uses. The applicant owns the adjoining commercial uses and would like to locate his corporate office building next to his business uses.

Mr. Miles stated VDOT had reviewed it and had the following comments:

VDOT Transportation Comments:

VDOT has reviewed this request and the proposed office building use will require a commercial entrance. The application indicates that access to the proposed use will be from the adjacent site. The adjacent commercial property owned by the applicant contains three full access entrances that meet VDOT's requirements for a commercial entrance. No modifications to the existing commercial entrances are anticipated to be required to serve the proposed B-1 uses.

If an additional entrance is proposed for the office building to SR 10, the entrance spacing would be required to meet VDOT's Access Management spacing standards. There is not sufficient road frontage along SR 10 to meet VDOT Access Management spacing standards from the existing commercial entrance to the west. If an entrance is proposed to connect to SR 10, an Access Management Exception would be needed.

Mr. Miles discussed the applicant's proffered site design requirements:

The materials for exterior walls will be constructed with finish materials, including but not limited to, brick, stone, wood, metal, architectural block and pre-cast panels and no full vinyl siding will be used in the development.

Lights will be provided within the parking area of the development and maintained at the developer's cost and the exact location of the lights will be reviewed and approved through the administrative site plan review process.

Planning Staff recommends Approval of this conditional rezoning case request along with the applicant's textual statement and proffered conditions that are dated September 26, 2018 along with compliance with the Subdivision and Zoning Ordinance requirements for this site development.

Vice Chairman Simmons asked about a future access to the commercial property if the applicant decided to sell some of his property in the future.

Mr. Miles stated that he and Derrick Johnson, Timmons Group, had been working on this request together. He stated through the Subdivision Plat approval process and the Site Plan approval process the County would continue to work with Timmons Group for the required access easements.

Mr. Johnson came forward and represented Breez-In Associates, LC in this case request. He explained that the applicant's current corporate office is in currently located in Hopewell. The applicant would like to build a 3,000 square foot corporate headquarters building on his property next to his current retail and service buildings complex. The plan is to use the existing entrance at the traffic light and the current plans show a future access road. Timmons Group has been working with the Utilities Department, VDOT and the Prince George Health Department staff members to develop this site.

Mr. Bresko asked Mr. Johnson about the future access road running parallel to Route 10 as is shown on the proposed site layout from Timmons Group.

Mr. Johnson stated he had been working with Paul Hinson, VDOT and Mr. Miles on this project. The plan is to construct the building back far enough from the road for the future access road to be parallel to Route 10 due to VDOT requirements. Mr. Miles had worked with Timmons on future access to the remaining portion of this property and the other parcels off Route 10.

Chairman Easter opened the Public Hearing at 7:10 p.m. to anyone wishing to speak for or against the Breez-In Rezoning case request. With no one coming forward to speak, Chairman Easter closed the Hearing at 7:11 p.m.

Mr. Brown made a motion to recommend Approval along with the proffered conditions and be sent onto the Board of Supervisors for their consideration. The motion was seconded by Mr. Brockwell and with no further discussion by the Planning Commission members.

Roll call vote on the motion:

In Favor: (7) Bresko, Brown, Elder, Brockwell, Easter, Joyner, Simmons

Opposed: (0) Absent: (0) Abstain: (0)

Mr. Miles stated that this rezoning case request would be scheduled for a Board of Supervisors Public Hearing on Tuesday, December 11, 2018.

REZONING CASE RZ-18-04 Request of Mitchell Homes Inc. to rezone 21+/- acres from R-E, Residential Estate to R-2, Limited Residential Zoning District. This request will permit the reduction of the front yard setbacks on twelve (12) existing lots from (R-E) 75 feet to (R-2) 35 feet. The R-E front yard setback creates a hardship for buildable lots due to steep slopes and environmental features. The Comprehensive Plan indicates that the subject properties are appropriate for residential uses. The subject properties are known as lots 27-32 and 35-40 of The Meadows Section 2 subdivision and are known as Tax Maps 13J(02)00-027-0,028-0,029-0,030-0,031-0,032-0,035-0,036-0,037-0,038-0,039-0 and 040-0.

Mr. Miles provided the Planning Commission with his zoning case analysis:

The applicant proposes to rezone 21 acres from R-E, Residential Estate to the R-2, Limited Residential District in order to decrease the required front yard setback amount from 75 feet to 35 feet.

The applicant has filed "The Meadows Section 2, Lots 27 through 41, Subdivision Plat" dated September 18, 2018 showing potential house sites on these lots using a 35 foot front setback for a suitable building envelope.

The applicant proposes to build on these recorded lots once the building envelope is changed on the front and will match the Meadows subdivision sections relative to single family dwellings.

He stated that he worked with both the applicant, Mitchell Homes, Inc. and with their consultant, Timmons Group to walk through the various options to make these R-E recorded lots to become buildable given the steep slopes

and extensive environmental features, such as the RPA and the Floodplain areas. Front yard setback Variance requests were ruled out as all of the lots would need a forty (40) foot Variance to the R-E seventy-five (75) foot front yard setback.

The Board of Zoning Appeals (BZA) cannot issue Variances to all of the recorded lots under the State Code of Virginia requirements. The Code states that an applicant shall first seek all other administrative and/or local legislative action relief prior to requesting a Variance as any State relief.

Therefore, the applicant is requesting a rezoning from R-E to R-2 on all of these lots to reduce the front yard setback and then, if needed, they will administratively perform a Boundary Line Adjustment (BLA) to consolidate the unbuildable lots into Meadows Section 2 open space

Mr. Miles stated The Virginia Department of Transportation (VDOT) has reviewed this request and has stated the rezoning request does not include additional lots so no increase in anticipated trip generations will occur with the proposed rezoning. The Meadows Section 2 roads have not been accepted into the State system of maintenance. VDOT provided a list of deficiencies that need to be corrected prior to acceptance on October 24, 2014. No corrections have been made and this section was auctioned off and no additional subdivision road work has been done in this section.

Planning Staff recommends Approval of this rezoning request from R-E to R-2 to allow for the front yard setback to be adjusted so that these recorded lots can become buildable allowing for the lots to have single family dwellings constructed and the subdivision section to be completed. The applicant is looking to be able to build on 60 to 80% of the recorded lots.

Vice Chairman Simmons referenced the map that showed some of these properties having wetlands and asked if it was legal to build a home there. He voiced concerns relative to the lack of back yard space on these lots.

Mr. Miles stated that they would not be building within the wetlands as the wetlands are more to the rear of all of the properties. Mr. Miles expressed his concerns with the steep slopes on some of these properties and stated not all of the lots would become buildable lots. The applicant and Planning Staff are equally looking for the best compromise to make them buildable.

Scott Sleeme, President of Mitchell Homes, Inc, he asked the Commission if they had any additional questions that he could answer for them. He stated his company had been working with Timmons Group to make at least 60 to 80% of these lots buildable for additional, affordable single-family homes.

Chairman Easter opened the Public Hearing at 7:25 p.m. for anyone wishing to speak for or against the Mitchell Homes, Inc. Rezoning case. With no one coming forward, Chairman Easter closed the Public Hearing at 7:26 p.m.

Vice Chairman Simmons communicated with the Commissioners that the reduced setbacks do not bother him. However, uncertainty of what would be available for living space in the back yard for children was a concern.

Mr. Miles articulated to the Commission that the applicant would continue to work with Timmons Group as their surveyor to stake out future home sites as it has been done by Timmons Group over in The Meadows Section 4.

Mr. Bresko made a motion to recommend Approval to rezone from R-E to R-2 for the front yard setbacks. The motion was seconded by Mr. Joyner. There was no further discussion by Commissioners on the rezoning case.

Roll call vote on the motion:

In Favor: (7) Bresko, Brown, Elder, Brockwell, Easter, Joyner, Simmons

Opposed: (0) Absent: (0) Abstain: (0)

Mr. Miles stated that this rezoning case request would be scheduled for a Board of Supervisors Public Hearing on Tuesday, December 11, 2018.

IX: 2020 Comprehensive Plan Subcommittees Discussion:

Mr. Miles stated that Planning Staff would continue to perform Housing and Transportation research for the 2020 Comprehensive Plan and the Planner has attended VDOT Transportation training seminars and that the Planning Manager would be attending Rural Planning Transportation training seminar classes in October to prepare for working on the Thoroughfare Plan in 2019.

X: Planning Manager Communications to the Planning Commission:

Mr. Miles provided the following communication updates to the Commission:

a. Actions of the Board of Zoning Appeals:

There was a cancellation of the BZA Meeting scheduled for November 26, 2018 as there were no Appeal or Variance cases filed for the docket.

b. Actions of the Board of Supervisors:

At the October 23, 2018 Board meeting, the Tree Time Adventures lease was discussed and it was deferred to Wednesday, November 14, 2018 meeting along with the Special Exception for Tree Time Adventures, Inc.

c. Comments to the Planning Commission:

Potential Special Exception case request for the Crater Criminal Justice Academy to construct a driver training track and obstacle course off 460.

They currently utilize the existing track in Chesterfield County or they have to travel up to Spotsylvania County to use a larger training track.

Verizon Wireless 199' communications tower request on Route 10 and east of Anderson Lumber is currently in pre-application process stage.

Retail Store request across from the former Parker's Grocery Store on Route 10 is currently in the pre-application stage for a B-1 zoning use.

X. ADJOURNMENT

A motion was made by Mr. Bresko, seconded by Mr. Brockwell, to adjourn the Planning Commission meeting at 7:32 pm until Thursday, November 13, 2018 at 6:30 pm. Roll was called on the motion.

Roll call vote on the motion:

In Favor: (7) Bresko, Brown, Elder, Brockwell, Easter, Joyner, Simmons

Opposed: (0) Absent: (0) Abstain: (0)

Signs – (FINAL DRAFT) Prince George County, VA

Sec. XX-XXX. Purpose of article.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising to promote a healthy economy. The regulations for signs have the following specific objectives:

- (a) To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
- (b) To allow and promote positive conditions for sign communication to the general public;
- (c) To add a sense of quality to the community, especially to the retail and commercial areas;
- (d) To reflect and support the desired ambience, development patterns, and the aesthetic and architectural harmony and promote an attractive environment;
- (e) To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway;
- (f) To allow and encourage signs in Prince George County with dimensional characteristics at a pedestrian level scale in the community village areas of the County;
- (g) To ensure freedom of expression;
- (h) To reinforce property values to protect private and public investment;
- (i) To establish and enhance aesthetic and architectural compatibility within neighborhoods and commercial areas;
- (j) To create a regular and impartial process for businesses and/or persons seeking to erect signs;
- (k) To reduce sign or advertising distractions and obstructions that may contribute to traffic accidents and reduce hazards;
- (l) To protect and enhance economic viability by assuring that Prince George County will be a visually pleasant place to visit, live and do business.

Sec. XX-XXX. General provisions.

(a) *Definitions.* The following words and terms when used in this article shall have the following meanings unless the context clearly indicates otherwise:

Attention getting device. A device placed upon or attached to any land, structure, building or vehicle to promote or advertise the sale of goods, wares, merchandise, events or services. The device includes pennants, banners, banner signs, streamers, vertical flag, teardrop flag, bow flag,

banner blade, feather flag, balloons, inflatable devices, and any similar device not specifically mentioned here of any configuration when displayed outside. This includes any animated display.

Awning. A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Billboard. See "sign, billboard."

Canopy. A detachable, roof like cover, supported from the ground, or deck, floor or walls of a building, for protection from sun and weather.

Corporate flag. A flag flown on a flag pole to display only a business name and/or logo with no other advertising thereon.

Flag. Emblem or insignia of a nation or other governmental unit, political subdivisions of the United States or of bona fide civic, charitable, fraternal or welfare organizations.

Flag pole. A ground or wall-mounted fixed pole to raise a flag on. This does not include an antennae on a stationary car, truck, or vehicle.

Logo, logogram, or logotype. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yard, open space, lot width and lot areas as are required by this chapter, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, corner. A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

Marquee. A roof like structure or awning projecting over an entrance, as to a theater.

Mural. A picture on an exterior surface of a structure. A mural is an attached sign only if it is related by language or logo to the advertisement of any product or service or the identification of any business.

Nonconforming use. A principal or accessory use of land or of a building or structure, which use was lawfully existing at the effective date of this chapter or subsequent amendment thereto and is not a permitted use under the provisions of this chapter or an amendment thereto.

Scrolling displays. The movement of a static message or display on an electronic changeable copy sign.

Setback. The minimum distance by which any building, structure or designated activity or use must be separated from the front lot line. Also referred to as "front yard."

Shielded light source. Shall have the meaning associated with the nature of the light source, as follows:

(a) For an artificial light source directing light upon a sign, shielded light source shall mean a light source diffused or directed so as to eliminate glare and housed to prevent damage or danger.

(b) For light source located within a sign, shielded light source shall mean a light source shielded with a translucent material of sufficient opacity to prevent the visibility of the light source.

Sign. A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof, including borders and trim which form an integral part of the display and which differentiate the sign from the structure against which it is placed, displayed for the purpose of information, direction or identification or to advertise or promote a business, service, activity, interest or product. Displays, graphics, artwork, or any otherwise lawful noncommercial message that is not for the purpose of directing attention to a business operated for profit or to a commodity or service for sale shall not be considered signs.

Sign, a-frame. A temporary and/or moveable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position. The sign must be constructed of durable materials. No A-frame sign shall be permitted to exceed two (2) feet in width and three (3) feet in height. Each side must be at least one (1) inch in thickness. It shall be located on the sidewalk or on the primary pedestrian path and cannot be placed more than four (4) feet from the entrance of the business it is advertising. In instances where the business entrance does not front the public street it may be located not more than four (4) feet from the edge of the main building.

Sign, abandoned. Any sign which:

(a) For at least two (2) years does not identify or advertise a bona fide business, leaser, service, owner, product or activity on the premises on which the sign is located; or

(b) If the premises is leased, relates to a tenant and at least two (2) years have elapsed since the date the most recent tenant ceased to operate on the premises; or

(c) No legal owner can be found and relates to a use or purpose that is no longer in existence.

Sign alteration. Any change in size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration. A change in corporate logo is not considered an alteration.

Sign, animated. A sign or display which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

Sign, attached. A sign which is painted on or attached flat against a wall or other vertical surface of a building or other structure, including the face of a permanently covered walkway or porch, and which sign extends no more than one (1) foot from the surface to which it is attached and does not extend beyond the extremities of such surface. Signs attached to the lower plane of a mansard or gambrel roof of a building or other structure shall be construed as attached signs, provided that such signs are attached flat to the roof surface or are parallel to the building or

structure wall above which they are located, and do not extend beyond the extremities of the roof surface.

Sign, awning. A sign that is painted or otherwise applied on or attached to an awning, or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

Sign, banner. See "sign, temporary".

Sign, billboard. A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity, interest or product which is not located, offered for sale or otherwise related to the use of the premises on which such sign is situated.

Sign, business. A sign which directs attention to a profession or business conducted or to a commodity, service activity or entertainment sold or offered upon the premises where the sign is located, or on the building to which the sign is affixed.

Sign, changeable copy. A freestanding sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Sign, changeable copy, electronic. A monument sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs or fuel price display signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects. The total area of the electronic changeable copy area for such signs shall not exceed 40% of the total area of the sign area permitted for that site.

Sign, directional. A freestanding sign indicating the direction to which attention is called, and including the name and approximate location of the person or firm responsible for its erection. Directional signs shall not exceed four (4) square feet in area or five (5) feet in height, and shall not be located within five (5) feet of any street line or other property line.

Sign, directory. A sign attached to a building that lists the names, uses, or locations of the businesses or activities conducted within a building or group of buildings of a development.

Sign, double-faced. A sign with two faces either parallel to each other and located not more than twenty-four (24) inches from each other or being a V-shaped sign.

Sign, electronic graphic display. A monument sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer

programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects. The total area of the electronic message display area for such signs shall not exceed 40% of the total area of the sign area permitted for that site.

Sign face. The area of the display surface used for the message.

Sign, flashing. A sign of which any portion changes in light intensity, switches on and off in a constant pattern, or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination. Signs which display time, temperature, or date, and electronically controlled message centers shall not be considered a flashing sign.

Sign, freestanding. A sign not attached to a building and supported by uprights, brackets, poles, posts, foundation or similar features which are anchored within the ground. No freestanding sign shall be located within ten (10) feet of any property line. All freestanding signs shall be monument signs constructed with materials that match the building(s) that they advertise or shopping center or office park that they advertise. See sign, monument for such materials.

Sign, fuel pump. A sign placed directly on, or attached to a fuel pump. Fuel pump signs shall not exceed two (2) square feet in area on each face of a fuel pump.

Sign, gas station canopy. A sign attached to the fascia of a gas station canopy.

Sign, height. The vertical distance from the street grade or the average lot grade at the front setback line, whichever is greater, to the highest point of the sign.

Sign, home occupation. A sign not exceeding the two (2) square feet in area attached to a building and identifying a home occupation located within such building.

Sign, illegal. Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit.

Sign, illuminated. A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

Sign, inflatable. Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Sign, marquee. Any sign painted on or attached to or supported by a marquee. Marquee signs shall only be permitted for theaters and live production venues.

Sign, mounted type. A freestanding sign, limited to no more than the permitted height, with a supporting structure that forms an integral part of the sign displayed thereon.

Sign, monument. A freestanding sign that is either:

- (a) A solid structure made of brick, stone, concrete or similar durable type of material; or

(b) Constructed on or connected directly to a solid supporting foundation made of brick, stone, concrete or similar durable type of material, with no separation between the sign and the base.

Sign, multi-vision. Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

Sign, neighborhood. A monument sign erected at the entrance of a residential, commercial, or industrial development that identifies the development. One (1) neighborhood sign may be located at each street entrance to a residential neighborhood, provided that a total of not more than two (2) such signs shall be erected for a neighborhood, and provided further that each such signs shall not exceed thirty-two (32) square feet in area or six (6) feet in height, and shall not be located within five (5) feet of any street line or other property line.

Sign, nonconforming. A sign lawfully erected and maintained prior to the adopting of this article that does not conform with the requirements of this article.

Sign, off-premise. A sign that directs attention to a business, product, service or establishment, conducted, sold or offered at a location other than the premises on which the sign is erected.

Sign, on-premise. Any sign identifying or advertising a business, person, property, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

Sign, pennant. A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line, such as streamers.

Sign, political. Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election. See temporary sign information.

Sign, portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels, balloons; umbrellas used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used / moved in the normal day-to-day operations of the business and is currently licensed by the State of Virginia with a valid inspection decal displayed.

Sign, projecting. A sign or marquee that is attached to and projects more than one (1) foot from the face of a wall, facade or porch of a structure so that the face of the sign is perpendicular or nearly perpendicular to such wall, facade or porch, except when on an awning or marquee. Projecting signs shall have a minimum under-clearance of eight (8) feet and shall not project from the building greater than ten (10) feet or more than two (2) feet less than the width of any sidewalk over which such sign projects.

Sign, roof. A sign that is mounted on the roof of a building, or roof mounted equipment structure, which extends above the top edge of the wall of a flat-roofed building; above the eave line of a building with a hip, or gable roof; or above the deck line of a building with a mansard

roof. Any sign attached to the lower plane of a gambrel or mansard roof shall be considered an attached sign as permitted within this article.

Sign, shared. A freestanding sign that displays the name and / or use of two (2) or more uses or structures located on the same lot or on abutting lots. Two (2) or more abutting properties utilizing a common driveway are permitted one (1) such sign when a shared / common entrance between the abutting parcels exists. The height of such sign shall not exceed eighteen (18) feet; and the area of such sign shall not exceed one hundred twenty (120) square feet. When a shared sign is utilized, no other freestanding sign shall be permitted on either parcel. Such sign shall not be considered a billboard sign as defined herein.

Sign, temporary. A sign applying to a seasonal or other brief activity. Temporary signs shall be located on private property. Real properties are not permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period unless otherwise specified in this chapter.

Specific types of temporary signs include but are not limited to summer camps, horse shows, auctions or charitable, educational or religious events; and in addition thereto, including the following types of signs:

(a) *Political campaign signs.* Signs announcing candidates seeking public political office or other data pertinent thereto shall be permitted up to a total area of eighteen (18) square feet for each lot in a residential district and individual signs shall not exceed six (6) feet in height.

Political campaign signs shall be permitted up to a total area of thirty-two (32) square feet in a business or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. All signs must be located a minimum of ten (10) feet from the property line. Furthermore, political campaign signs are excluded from the temporary sign regulation of real properties not being permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period. Political signs shall be removed within seven (7) days after the election unless otherwise prescribed by law.

(b) *Construction signs.* Signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owners, contractor, architect, landscape architect or engineer. There shall be permitted only one such sign upon each site, and it shall not exceed the area of thirty-two (32) square feet. It shall not be illuminated and shall be set back not less than ten (10) feet from the property line. These signs shall be removed upon the issuance of the certificate of occupancy.

(c) *Real estate signs.* Signs pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed. There shall be permitted only one sign upon any lot of less than ten (10) acres. For a lot in excess of ten (10) acres, there shall be permitted two (2) such signs. In all residential zones, the area of each such sign shall not exceed four (4) square feet. In all business and industrial zones, the area of such signs shall not exceed thirty-two (32) square feet each. In all zones, such signs shall not be illuminated and shall be set back at least ten (10) feet from the property line.

(d) *Yard sale signs.* Signs announcing to the general public the location of a temporary sale of various items of merchandise at a residence or neighborhood. Such signs may be displayed three (3) days prior to such sale and must be removed within three (3) days following the sale. Such

signs may only be placed on the property where the yard sale is to take place. No permit is required for such signs.

(e) *Auction signs.* A sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed 32 square feet in area and may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty-eight (48) hours of its conclusion. No more than one such sign per site per calendar year.

(f) *Banner signs.* A temporary sign, not exceeding 20 square feet, made of fabric or other flexible material, suspended from a fixed structure, rope, wire, string, or cable. Banner signs are for the advertising of a special event, product, or group. Banner signs are not to be displayed for a period of more than thirty (30) days per calendar year. New businesses may be granted an additional thirty (30) days within the same calendar year for grand opening events on premises.

Sign, traffic control. A freestanding or attached sign not exceeding four (4) square feet in area, containing no advertising matter, and indicating the direction that traffic on the premises is to be routed including but not limited to entrance and exit signs.

Sign, unsafe. Signs deemed unsafe to the public safety, health and welfare by the administrator, for whatever reason, are prohibited in all districts. Such signs shall be removed or modified immediately.

Sign, video display. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, window. A permanent or temporary sign affixed to the interior or exterior of a window or door, or within one (1) foot of the interior of the window or door, visible primarily from the outside of the building; provided that the display of goods available for purchase on the premises is not a window sign. Such signs shall not exceed 40% of the total area of the window or door on which it is located. Window signs of a temporary material, such as paper, cloth or plastic, are allowed provided the regulations set forth for temporary signs are followed.

(b) *Prohibited signs.* The following signs are prohibited in all zoning districts:

- (1) Billboards.
- (2) Unsafe signs.
- (3) Portable signs.
- (4) Roof signs.

(5) Attention getting devices. Except as otherwise permitted in this article, pennants, banners, streamers and all other fluttering, spinning or similar signs and advertising devices are prohibited; except for national flags, flags of political subdivisions of the United States and flags of bona fide civic, charitable, fraternal or welfare organizations and corporate flags which are permitted in accordance with section XX-XXX of this article.

However, during nationally recognized holidays, or during special County events, that pennants, banners, streamers, and other fluttering, spinning or similar type advertising devices pertaining to these holidays or events may be displayed by temporary permit. Notwithstanding the provisions of this paragraph, any business may display such signs at a grand opening of that business for a period not to exceed seven (7) consecutive days.

- (6) Flashing signs.
- (7) Vehicle signs.
- (8) Video display signs.
- (9) Signs with fluctuating illumination.
- (10) Multi-vision signs.
- (11) Animated signs.
- (12) Inflatable signs.

(13) Signs mounted on unapproved structures. Signs, including posters, which are mounted on trees, utility poles, street sign poles, or on any other unapproved supporting structure are prohibited in all districts, except as provided by state law. The administrator may grant a permit for such signs, as a temporary sign under the provisions of this article, if the supporting structure is deemed appropriate by administrator.

(c) *Total sign area.* Three (300) square feet is allotted to one (1) business property for the erection of attached and freestanding signage. Where four (4) or more businesses occupy the same business property such as a shopping center or an office park an additional three (300) hundred square feet shall be permitted for all signage on the premises. The administrator shall have administrative approval to work with shopping center or office park managers to allot the appropriate amount of signage based upon the submitted sign package for such development.

(d) *Electronic changeable copy sign and electronic graphic display signs.* Electronic signs must meet the following standards:

- (1) *Design.* The electronic sign must be contained within / or as part of a monument sign;
- (2) *Setback from residential.* The leading edge of the electronic sign must be a minimum distance of 100 feet from an abutting residential district boundary;
- (3) *Setback from other electronic changeable copy or electronic graphic display.* Electronic signs must be separated from other electronic signs by at least 35 feet;

(4) *Orientation.* When located within 150 feet of a residentially-used lot in a residential district, any part of the electronic sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;

(5) *Duration.*

a. Any portion of the electronic changeable copy sign message must have a minimum duration of four seconds and must be a static display as regulated by VDOT state employees;

b. Any portion of the electronic graphic display sign image must have a minimum duration of 20 minutes and must be a static display;

c. No portion of the electronic sign message or image may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement;

(6) *Color.* The message or display must use a single color. Gasoline price signs may use up to two colors;

(7) All electronic signs must be equipped with an automatic dimmer that controls the intensity of the light source. The intensity of light allowed for all illuminated signs shall be 85 percent by day and 50 percent at night;

(8) All electronic message signs must be turned off at the close of business, unless displaying time or temperature;

(9) *Limited text.* The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction; and

(10) *Audio or pyrotechnics.* Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.

Sec. XX-XXX. Illuminated signs.

(a) *Illumination of signs.* Unless otherwise specified by the provisions of this article, permitted signs may be illuminated, provided the source of illumination is not visible and exposed, with the exception of LED and neon signs and that illumination is of such type and is located, directed or shielded so as not to shine directly on adjoining properties or streets.

(b) *Interference with traffic.* No sign shall be located, arranged, designed or illuminated in such a manner that it interferes with traffic by any of the following means: glare; confusion with a traffic control device by reason of its color, location, shape, or other characteristic; similarity to or confusion with official signs, traffic signals, warning lights or lighting on emergency vehicles.

(c) *Flashing or intermittent messages.* No sign having a conspicuous and intermittent variation in illumination or message shall be permitted, except a sign indicating time or temperature which changes its message not more than once every four (4) seconds.

(d) Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving light or lights that does not fall under the definition of electronic changeable copy signs or electronic graphic display signs is prohibited.

Sec. XX-XXX. Nonconforming signs.

- (a) *Alterations.* Any sign existing prior to _____ 2018, which does not meet the requirements of this article is declared a legal nonconforming sign and may remain.

Normal maintenance of a legal nonconforming sign, including changing of copy or sign face, nonstructural repairs, and incidental alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted. However, no structural alteration, enlargement, or extension shall be made to a legal nonconforming sign unless the alteration, enlargement, or extension will result in elimination or reduction of the nonconforming features of the sign.

- (b) *Repair of damage.* Damaged nonconforming signs may be repaired to their original state if the extent of the damage does not exceed fifty (50) percent of the sign's replacement value during a period of twelve (12) consecutive months.

- (c) *Additional signs.* Real properties with nonconforming signs are not permitted any additional signs, except that each business located in a shopping center shall be allowed one attached sign and if available one tenant space sign in the freestanding sign on the premises.

Sec. XX-XXX. Permits.

- (a) A permit is required from Prince George County prior to the construction, major alteration or relocation of all signs. No sign permit shall be issued before an application is filed with the administrator, along with a set of drawings or specifications, as required by section XX-XXX. Drawing or specifications must be sufficiently detailed so as to fully acquaint the administrator with sign location, construction materials to be used, manner of illumination, method of support and approximate wording to be used. Each sign for which a permit is issued shall be inspected by the administrator, his agent and/or by the Prince George County Building Official or his agent.

- (b) All signs shall be constructed, altered or relocated before six (6) months elapse from the date the permit is issued. A new permit shall be required for all signs not constructed, altered or relocated within this period.

- (c) The administrator shall issue temporary permits for the following signs and displays for a period of time to be determined by the administrator, but not to exceed forty-five (45) consecutive days during one (1) calendar year.

(1) Signs advertising a special civic or cultural event, such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization.

(2) Special decorative displays used for holidays, public demonstrations, or promotion for nonpartisan civic purposes, provided no commercial sign area is displayed.

Sec. XX-XXX. Erection, maintenance and removal of certain signs.

(a) It is recognized that in a limited number of cases the need for erecting a noncommercial identification, attached or projecting sign in the R-1, R-2, R-3, R-A, A-1, R-E and PUD districts. Such a sign is necessary to adequately identify property usage and appropriate in character to the area in which it is located. Such signs are limited to one per property, regardless of property size or location and at the discretion of the administrator.

(b) All temporary signs are to be removed by the owner no later than seven (7) days following cessation of activity for which the signs are intended. If such removal is not accomplished, the administrator shall cause the removal and charge the cost to the owner on whose property the sign is located or take such other action as is permitted in section XX-XXX of this chapter.

(c) Every sign, including those exempt from the permit and fee requirements of this article, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports that are not galvanized or of a rust-resistant material. The administrator or his agent or the Building Official or his agent shall inspect and possess the authority to order the painting, repair, alteration or the removal of a sign which constitutes a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

Chapter 70 - SUBDIVISIONS¹¹

Footnotes:

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Editor's note— Ord. No. O-09-02, adopted Jan. 27, 2009, amended Ch. 70 in its entirety to read as herein set out. Former Ch. 70, §§ 70-1—70-712, pertained to similar subject matter. See the Code Comparative Table for full derivation.

Cross reference— Buildings and building regulations, ch. 10; community development, ch. 22; environment, ch. 38; manufactured homes and trailers, ch. 50; planning, ch. 62; utilities, ch. 82; zoning, ch. 90.

State Law reference— Codification of subdivision ordinance, Code of Virginia, § 15.2-1433; planning generally, Code of Virginia, § 15.2-2200 et seq.; notices, hearings, advertisements, Code of Virginia, § 15.2-2204; land subdivision and development, Code of Virginia, § 15.2-2240 et seq.; preparation and recommendation of ordinance, Code of Virginia, § 15.2-2251.

ARTICLE I. - GENERALLY

Sec. 70-100. - Title.

- (a) This ordinance shall be known and cited as the "Subdivision Ordinance of Prince George County, Virginia," or the "Subdivision Ordinance."

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-102. - Policy.

- (a) Land to be subdivided within Prince George County shall be of a character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate public facilities exist and proper provision has been made for safe access, drainage, potable water, and sewage disposal.
- (b) Proposed public improvements shall conform to proposals as may be shown in the comprehensive plan and the capital improvement program of the county. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building code, the zoning ordinance, the comprehensive plan, and the capital improvement program of the county.
- (c) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this ordinance.
- (d) It shall be the responsibility of the subdivider and the intent of the county to achieve a subdivision design that improves the general land use pattern of the county, improves traffic flow, promotes pedestrian safety and protects and enhances the county's environmental resources.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-104. - Purpose.

- (a) The purpose of this ordinance is to establish procedures and regulations for the subdivision of land within the legal limits of Prince George County, Virginia, and to accomplish the following objectives:

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.6. - Final plats—Signature by owners, proprietors, and trustees.

- (a) Every final plat shall contain in addition to land surveyor's certificate a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before an officer authorized to take acknowledgment of deeds.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.8. - Deadline for filing final plat and plans.

- (a) The subdivider shall file with the agent the final plat and final engineering plans meeting the standards of this ordinance for all or one or more sections of the subdivision within one year of the county's approval of the preliminary plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.10. - Review of final plat.

- (a) The agent shall approve the final plat, if found to be in conformity with the requirements of law and this ordinance, within 60 days after it has been officially submitted or resubmitted for approval.
- (b) The final subdivision plat, including the final plat for each phase of a multiphase development, shall demonstrate compliance with this ordinance, the zoning ordinance, and other applicable county standards and ordinances.
- (c) The agent shall not approve a final plat until any necessary deed of dedication has been submitted and approved by the county attorney. A deed of dedication is required to convey parkland, pump station sites, and other property to the county. A deed of dedication is not necessary to convey streets, alleys, any easement for public passage, or an easement for the conveyance of stormwater, domestic water or sewage.
- (d) The agent shall not approve a final plat until any necessary subdivision agreement, with surety, has been submitted and approved by the county attorney.
- (e) Where appropriate, the agent shall not approve a final plat until any required deeds of easement to a homeowner's association are submitted and approved by the county attorney.
- (f) After final plat approval by the agent, no change, erasure or revision shall be made on the plat or accompanying data sheets unless authorization for such change has been granted in writing by the agent.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.12. - Disapproval of final plat.

- (a) In the case of disapproval, the agent shall give the subdivider specific reasons for denial, and these may be contained in a separate document or may be written on the plat. They shall relate in general terms such modifications or corrections as will permit approval of the plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.14. - Effect of approval of final plat.

- (a) Only a final plat approved by the county may be recorded with the clerk of the circuit court.
- (b) An approved final plat must be recorded with the clerk of the circuit court ~~by the agent~~.
- (c) The subdivider shall record any required deeds of easement to a homeowner's association contemporaneously with the final plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.16. - Final plat—Recordation in phases.

- (a) If the subdivider prepares for recordation a final plat which is a section or phase of a subdivision as shown on the approved preliminary plat within the period established in section 70-516.8 above, then the subdivider may prepare the remaining sections or phases within a period of five years from the recordation date of the first section, in accordance with this section. The subdivider shall furnish the county with a certified check, cash escrow, bond, or irrevocable letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section or phase for public use by the county, the commonwealth, or other public agency. The five-year time period provided herein may be extended for a period not to exceed one year by the agent at the time of approval of the preliminary plat, as provided in section 70-512.10 above.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.18. - Effect of recordation of approved plat.

- (a) The recordation of an approved plat shall operate to transfer, in fee simple, to the county, the portion of the premises set apart for streets, alleys, bikeways, sidewalks or other public use, and to convey facilities and easements for the conveyance of stormwater, public water and sewage.
- (b) When the agent approves, in accordance with this ordinance, a plat or replat of land, then upon the recording of the plat or replat in the circuit court clerk's office, all rights-of-way, easements or other interest of the county in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.20. - Appeal of failure to act on final plat.

- (a) If the agent fails to approve or disapprove a final plat within 60 days after it has been officially submitted for approval, the subdivider, after ten days' notice to the agent, may petition the board of supervisors to decide whether the plat should or should not be approved.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.22. - Appeal of disapproval of final plat.

- (a) If the agent disapproves a final plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the circuit court within 60 days of the written disapproval.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-516.24. - Final plat and plans—Copies to be provided.

- (a) Subsequent to the approval of the final plat and plans, the subdivider shall provide the county with one reproducible and six printed copies of all approved plats and plans. The county may also require that the subdivider provide one digital copy of all approved plats and plans in a format specified by the county.

(Ord. No. O-09-02, 1-27-2009)

Secs. 70-517—70-599. - Reserved.

ARTICLE VI. - SURETY FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS

Sec. 70-600. - Surety in lieu of completion.

- (a) When a subdivider wishes to record a final plat, but physical improvements and installations including public streets, shown on the approved plan and/or final plat have not been made, in whole or in part, the subdivider shall enter into a subdivision agreement with the county and submit a performance surety in an amount sufficient for and conditioned upon the satisfactory construction and completion of said improvements or installations.
- (b) Such physical improvements and installations shall include, but not be limited to, any street, curb and gutter, sidewalk, stormwater management system, public sewerage system, public water line, street lighting, or any other improvements intended for dedication for public use to be maintained by the county. Also included, shall be any physical improvement required by this or other ordinances of the County Code for vehicular access, stormwater management or other improvements accepted as a condition of rezoning pursuant to the zoning ordinance.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-602. - Subdivision agreement.

- (a) When a subdivider chooses to post surety in lieu of completion of those physical improvements shown on an approved plan and/or final plat in order to allow recordation prior to completion and acceptance of all required improvements, the subdivider shall enter into a subdivision agreement, approved as to content and form by the county attorney, with the county prior to approval of the final plat. The agent shall provide the subdivider with a sample subdivision agreement during review of the final plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-602.2. - Time of agreement.

- (a) The period within which improvements or installations shall be completed and inspected for acceptance shall be specified in the subdivision agreement. In approving the time of performance of the subdivision agreement, the agent shall require a report containing the following information from the subdivider:
 - (1) Percent of public improvements already completed; and
 - (2) Rate of construction activity including the estimated completion date for each major feature (roads, sidewalks, sewer, water, lights, etc.) remaining to be completed.

- (b) The agent shall not permit a subdivision agreement to be executed where, on the basis of the report submitted by the subdivider, it is apparent that the improvements or installations covered by said agreement cannot reasonably be expected to be completed by the deadline established therein.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-604. - Surety required.

- (a) The subdivider shall furnish to the county a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the agent, in an amount sufficient for and conditioned upon the construction of such facilities.
- (b) The subdivider may furnish a bank or savings institution's irrevocable letter of credit on certain designated funds, satisfactory to the agent as to the bank or savings institution, the amount and the form. The irrevocable letter of credit may be used in lieu of the certified check, cash escrow, or bond in subsection (a).
- (c) The amount of the certified check, cash escrow, bond, or irrevocable 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 county and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 25 percent of the estimated construction costs.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-604.2. - Periodic partial release of surety.

- (a) Upon completion of at least 30 percent of the facilities covered by any bond, escrow, irrevocable letter of credit, or other performance guarantee, the agent is authorized to, and may make, periodic partial releases of the surety.
- (b) A maximum of three periodic partial releases per any 12-month period shall be authorized. The agent shall make periodic partial releases of such bond, escrow, irrevocable letter of credit, or other performance guarantee in a cumulative amount equal to no less than 90 percent of the original amount for which the performance guarantee was taken.
- (c) The agent shall provide for the periodic partial release of any bond, escrow, irrevocable letter of credit, or other performance guarantee required by this ordinance within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed.
- (d) No such release need be made if the agent notifies the subdivider or developer in writing of non-receipt of approval by the applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures prior to the end of the 30-day period.
- (e) If no such action is taken by the agent within the 30-day time period, the request shall be deemed approved and a partial release granted to the subdivider or developer.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-604.4. - Final and complete release of surety.

- (a) In addition to the written request for release of surety and 30-day time period as established, above, the subdivider or developer shall submit a second written request for the final and complete release of surety. The agent shall approve or deny the request within ten working days of receipt of the

request for final release. If no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

- (b) Upon final completion and acceptance of the facilities, the agent shall release any remaining bond, escrow, irrevocable letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the county or other public agency which is responsible for maintaining and operating such facility.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-604.6. - Grounds for refusal to release surety.

- (a) The agent shall not refuse to make a periodic partial or final release of a bond, escrow, irrevocable letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of facilities covered by said bond, escrow, irrevocable letter of credit, or other performance guarantee.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-604.8. - Use of surety.

- (a) In those cases where performance surety has been posted and the required improvements or installations have not been completed within the terms of the subdivision agreement, the agent shall declare the subdivider to be in default and shall draw on the posted surety. After the funds or proceeds from the surety have been received, the agent shall cause such improvements to be completed. The subdivider shall be fully and completely responsible and liable for the entire cost of completing the improvements, even when such cost exceeds the amount of surety.
- (b) If the funds or proceeds from the surety are insufficient to complete the improvements, the agent and the county attorney shall proceed to obtain such funds from the subdivider, its successor or assigns including such reasonable costs as may be expended in the process.
- (c) If any funds remain after all improvements or installations are completed and accepted with all necessary fees paid and no defects are found therein which must be repaired, such remaining funds, less any such reasonable administrative or overhead costs which may have accrued, shall be returned to the subdivider within 180 days of final acceptance of the final improvement or installation.

(Ord. No. O-09-02, 1-27-2009)

Secs. 70-605--70-699. - Reserved.

ARTICLE VII. - REQUIREMENTS FOR DESIGNS STANDARDS AND PUBLIC IMPROVEMENTS

Sec. 70-700. - Land must be suitable.

- (a) In addition to the requirements established by this ordinance, all subdivision plats shall comply with the county zoning ordinance; all applicable ordinances of the County Code, as amended; the rules and regulations of the Virginia Department of Transportation; and any other applicable federal, state, or local requirement.
- (b) Each lot shall be suitable for a building site provided, however, that tracts of land containing 25 acres or larger, designated as a remainder parcel, are exempt from this requirement. Land not suitable for a building site shall be combined with other lots. The agent shall have the authority to

deny any preliminary or final subdivision plat if the agent finds the land to be unsuitable for the purposes for which it was intended.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-702. - Flooding.

- (a) Land in the floodplain overlay district of the zoning ordinance and land deemed to be topographically unsuitable because of flooding shall not be platted for residential occupancy or for such other uses that may increase danger to health, life or property, or cause erosion or flood hazards.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-704. - Wetlands and Chesapeake Bay resource protection areas.

- (a) Each plat submitted shall delineate wetlands or Chesapeake Bay resource protection areas (RPAs) and resource management areas (RMAs). Each lot to be created will contain sufficient land if it is one acre or less in size to meet the minimum lot size required by the county zoning ordinance, without inclusion of the wetlands or Chesapeake Bay resource protection area (RPA). On acreage divisions an area at least one contiguous acre in size unaffected by wetlands or an RPA will be included in each parcel.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-706. - Wetlands and RPA permits required.

- (a) Where either a wetland or Chesapeake Bay resource protection area (RPA) is to be crossed by a roadway, a permit from the U.S. Army Corps of Engineers will be required as well as detailed construction drawings indicating the method of construction to be used in these areas in order to protect these sensitive environmental areas.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-708. - Off-site improvements.

- (a) Where the construction or improvement of a subdivision of land makes necessary, at least in part, the installation of a new or improved transportation, sewerage, water, or drainage facility located outside the property limits of the subdivision, the subdivider or developer of the subdivision shall pay the cost of the facility.
- (b) Nothing in this section shall imply or constitute an obligation on the part of the county to upgrade or construct any transportation, sanitary sewerage, water or storm drainage facility.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-710. - Improvements by developer/subdivider.

- (a) All required subdivision improvements shall be installed by the developer/subdivider at his cost.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-712. - Land for public purposes.

- (a) Where a subdivider dedicates or otherwise conveys land for public purposes including, but not limited to, parks, playgrounds, pump station lots, greenways, bikeways, and similar public uses, it shall be of a character, size, dimension, and location suitable for the particular use for which the land is dedicated or conveyed. Land held by the county or other political subdivision or public agency is not required to meet the minimum street frontage, lot size, lot shape, or other lot requirements, so long as it is suitable for its public use.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-714. - Reservation of land for public purposes.

- (a) The subdivision agent, upon the recommendation of the planning commission, may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public and semipublic uses, subject to the following:
 - (1) Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the board. Where land is required in excess of this amount, the reimbursement by the board shall be based on a proportionate share of the cost of raw land, costs of improvements including interests on investments, development costs, plus not more than ten-percent profit on the total of such costs.
 - (2) Subdividers shall not be required to reserve land for public purposes, other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than 18 months following the recording of the plat for such purchase. If the land is not purchased within the required 18 months, it may be sold as lots for the same purposes for which the subdivision was platted. The subdivider shall show on his final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land and may sell such lots after the expiration of the time reservation, by lot number, without filing an amended plat. The agent shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider shall not be required to reserve an unusable portion of the subdivision.
- (b) Nothing contained in this section shall be construed to mean that land may be set aside for commercial purposes in a residential district without the land so required for commercial use being zoned appropriately in accordance with the county zoning ordinance.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-716. - Lot shape.

- (a) Lot arrangement, design and shape shall be such that all lots will provide appropriate sites for buildings and be properly related to topography so that each lot has an acceptable building site with direct access from an improved street. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-718. - Lot dimensions.

- (a) Lot dimensions shall comply with the minimum standards of the Prince George County zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the

agent may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and this ordinance.

- (b) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance. Townhouse lots may be subdivided along the party walls into lots smaller than those normally allowed for single-unit dwellings.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-720. - Lot orientation.

- (a) Except as may be allowed by the zoning ordinance or exemptions contained in this ordinance, each lot shall be served by and abut on a public street dedicated by the subdivision plat or on an existing public street. Lots shall be arranged so that each lot may access a local street; unless the parent parcel fronts only on an arterial or collector street and the parcel depth is insufficient to accommodate the construction of a new local street.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-722. - Remnants.

- (a) All land below minimum lot size left over after subdividing a tract shall be added to adjacent lots.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-724. - Subdivider to dedicate streets; private streets limited.

- (a) All new streets within the county shall be constructed to VDOT standards and dedicated for public use. Those streets within subdivisions requiring curb and gutter shall have a pavement width of 28 feet. When in conflict with the provisions of a planned unit development, this requirement may be waived by the planning commission.
- (b) All traffic calming measures incorporated into the design of public streets shall be reviewed and approved by VDOT.
- (c) Subject to all other applicable provisions of this ordinance, the following street improvements shall be installed and provided by the subdivider and shall be dedicated to the county or the Commonwealth of Virginia, as appropriate:
 - (1) Cross drains and catch basins.
 - (2) Curbs and gutters.
 - (3) Street paving.
 - (4) Street name signs.
 - (5) Street lights.
- (d) Notwithstanding (a) and (b) above, private streets may be constructed:
 - (1) In accordance with an approved cluster development of the county zoning ordinance; or
 - (2) In accordance with an approved PUD or PB development of the county zoning ordinance; or

- (3) As access drives to parking areas serving townhouse or multifamily dwellings.
- (4) To serve no more than three single-family lots in A-1 and R-A zoning districts, provided:
 - i. No more than one private street shall be allowed for any lot or parcel that existed as of the effective date of this ordinance.
 - ii. No more than one private street shall be allowed or shown on any preliminary or final subdivision plan.
 - iii. Private roads shall meet all the geometric design requirements (vertical and horizontal) for a two-way subdivision street having a shoulder and ditch section as given in the latest edition of the VDOT Subdivision Street Design Guide. Gravel surfaces will be acceptable on private roads out of the public right-of-way to which it connects but all surfaces shall be the width prescribed for pavement in the subdivision street design guide. All easement or dedicated right-of-way widths shall be 50 feet minimum. All private roads shall have a cul-de-sac or other turnaround as described in the subdivision street design guide or as otherwise approved by the director of planning. Private roads shall be paved in the right-of-way of any public street, as required by the corresponding VDOT entrance permit. Private roads shall be designed to meet the drainage requirements of the VDOT drainage manual.
 - iv. There shall be no private reserve strips controlling access to any street or adjoining property.
- (e) All private street entrances shall meet VDOT standards and shall be approved by VDOT prior to subdivision plat approval.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-726. - Street names and addressing.

- (a) Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. All street names and addressing shall conform to chapter 63 of the County Code, Addressing.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-728. - Dedication of streets.

- (a) The subdivider shall make provision for the dedication to the county of any proposed street extensions as set forth in the comprehensive plan or in other formal documents approved by the commission and the board and for the dedication to the county of the fee simple title to land for other proposed streets in the subdivision.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-730. - Access to and from adjoining property.

- (a) Where it is necessary for the orderly extension of the county's transportation system to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. The subdivider shall be responsible for all costs associated with constructing street extensions to the boundary line. Half streets along the boundary of land proposed for subdivision are not permitted.
- (b) The subdivider enjoys the right to tie into and access adjoining, existing streets under the guidelines and conditions of this ordinance. The county also has the right to require a subdivider to tie into and access adjoining, existing streets.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-732. - Coordination of streets with existing streets.

- (a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas where streets already exist. Arterial, collector and local streets shall be respectively extended as such. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when the subdividers plat their land and seek to provide for convenient vehicle access to it.
- (b) Access points to and from the subdivision and the arrangement of streets within the proposed subdivision and their relationship to adjoining existing streets shall be such as to minimize the effects of traffic, noise, light and danger to pedestrians and children caused by vehicular traffic to and from the proposed subdivision.

(c) All subdivisions shall provide for a second public road access prior to the recordation of any subdivision plat if the cumulative total of the lots in that subdivision is in excess of 59 lots. In addition, the County shall not issue more than 50 building permits in any subdivision until the subdivider or developer completes construction of an approved second public road.

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(Ord. No. O-09-02, 1-27-2009)

Sec. 70-734. - Approach angle.

- (a) All streets shall approach arterial or collector streets at an angle of not less than 80 degrees unless the commission, by waiver, shall approve a lesser angle of approach for reasons of contour or terrain, in order to match existing patterns. Comments from VDOT shall accompany such waiver requests.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-736. - Street intersections—Rounding of property lines.

- (a) At all street intersections, property lines shall be rounded by an arc having a radius of not less than 15 feet. The agent may require a larger radius at arterial and collector street intersections, or at other locations where traffic hazards or congestion have occurred or are likely to occur.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-738. - Minimum right-of-way widths.

- (a) The minimum right-of-way widths of proposed streets is referenced in Table 1. If the existing streets within the subdivision do not meet these minimum standards, the subdivider shall dedicate by subdivision plat so that such streets will meet the standards contained in Table 1.

Table 1

Road Classification	Minimum R/W Width	Number of Lanes
Interstate	250'	4+

Primary	120'	4+
Secondary		
Arterial	90'	2—4
Collector	70'	2
Local	50—60'	2
Industrial Access	50—120'	2—4

- (b) The agent may require additional right-of-way widths where Virginia Department of Transportation standards for the traffic generated by the subdivision require additional rights-of-way widths.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-740. - Cul-de-sacs.

- (a) Cul-de-sac length shall be constructed to VDOT standards.
- (b) The paved area of the bulb turnaround at the end of any cul-de-sac shall be a minimum of 90 feet in diameter.
- (c) Rights-of-way at cul-de-sac bulbs shall be at least five feet beyond the edge of the pavement or the back of the curb.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-742. - Traffic control devices.

- (a) The subdivider shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with manual of uniform traffic control devices standards, or as otherwise requested by VDOT.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-744. - Turn lanes.

- (a) Turn lanes shall be provided on all streets adjacent to and within a subdivision where warranted by the standards of the "Minimum Standards of Entrances to State Highways," latest edition published by the Virginia Department of Transportation.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-746. - Street construction.

- (a) Streets shall be designed to the Virginia Department of Transportation standards. In instances where curb and gutter are required, a pavement width of 28 feet is required unless this pavement width is waived by other provisions of either the zoning ordinance or the subdivision ordinance.
- (b) Where roads are planned to be extended to serve adjoining property in the future, the subdivider or developer shall erect a sign indicating that the road will be extended in the future in accordance with standards established by VDOT or, if there are no applicable VDOT standards the sign shall comply with the following requirements:
- (1) The sign shall be erected at the terminus of the road to be extended;
 - (2) The sign shall state the road is subject to future extension;
 - (3) The sign shall be twenty-four (24) inches by thirty-six (36) inches with black lettering on a white background and stated that the road is subject to future extension; and
 - (4) The sign shall be installed by the developer in accordance with approved construction plans at the time of road construction and such sign shall be bonded as a subdivision improvement. Once the bond is released, the county shall be responsible for maintenance and replacement of the sign until such time as the road extension is completed.
- (c) No more than 80% of building permits in any section of a subdivision shall be issued until the streets have been completed in accordance with VDOT construction standards and accepted into the state system.

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(Ord. No. O-09-02, 1-27-2009)

Sec. 70-748. - Street name signs.

- (a) The subdivider shall be responsible for the cost of fabrication and installation of all street signs. Once the streets have been accepted for maintenance by the county, the county will maintain all standard signs.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-750. - Street inspections.

- (a) The subdivider is responsible for contacting VDOT and/or the county at least 48 hours prior to required street inspections. Base stone shall not be installed until the subgrade has been approved by VDOT. No asphalt pavement shall be installed until the base stone has been inspected and approved by VDOT. VDOT may require compaction tests in areas suspected of inadequate compaction and may require undercutting and additional tests in areas that appear deficient during proof-rolling.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-752. - Sidewalks; handicap access; curb and gutter.

- (a) Sidewalks and curb and gutter shall be provided on any new public street in the Prince George Planning Area according to the chart below. They shall be located within the public right-of-way and shall be constructed to VDOT specifications. In addition, sidewalks shall be provided along existing streets in the Prince George Planning Area, when lots are proposed to be platted along existing streets. Ramps for handicapped access shall be provided at each intersection in the Prince George Planning Area, for all streets within and adjacent to a subdivision, regardless of whether a sidewalk is installed at that location. Sidewalks shall be required according to the following density:

Density	Sidewalks	Curb & Gutter
< 1 unit per acre	No	No
1.01—2.00 units per acre	Yes (One side of street)	Yes
>2.01 units per acre	Yes (Both sides of street)	Yes

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-754. - Blocks.

- (a) The creation of blocks is encouraged. Design guidelines for blocks are as follows:
- (1) **Length:** The length of blocks shall be determined by public safety, traffic flow, and natural topography considerations. Where streets are approximately parallel, connecting streets shall be provided between the parallel streets at reasonable intervals. In general, residential blocks should be between 500 feet and one 1,200 feet in length.
 - (2) **Width:** Blocks shall be designed in two tiers of lots, except where prevented by the natural topography, size of the property, or adjoining railroads or waterways, in which case the agent may approve a single tier of lots.
 - (3) **Orientation:** Where a proposed subdivision adjoins an arterial or collector road, the agent shall require that blocks be oriented and designed to limit or reduce the number of points of access to that road.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-756. - Access management.

- (a) Access management is the process of managing access to land development, while simultaneously preserving the flow of traffic on the surrounding public road system. Specific techniques for managing access are available and include: limiting the number of traffic conflicts, separating basic conflict areas, separating turning volumes from through movements, providing sufficient spacing between at-grade intersections, maintaining progressive speeds along roads, and providing adequate on-site storage lanes.

VDOT has the authority to regulate highway entrances and manage access to highways and generally regulate highway use. No entrance may be constructed within the right-of-way until the county has approved and VDOT has issued a permit for the entrance. VDOT is not obligated to issue more than

one entrance per parcel. All entrances will be designed and constructed in accordance with VDOT standards.

- (b) A maximum of one driveway entrance per lot is permitted for single-family dwellings; a maximum of two entrances per lot for two-family dwellings. The curb cut for each driveway provided shall be a maximum of 20 feet in width at the right-of-way line. Curb cuts on adjacent lots shall be separated by a minimum of 40 feet, measured from center line to center line.
- (c) Notwithstanding (a) above, a shared access easement shall be provided for all residential lots proposed to front on, and/or have direct access to collector or arterial roads. On collector or arterial roads, only one residential driveway curb cut shall be allowed for each three residential lots. This shared access/easement requirement shall not exempt any lot from the requirement to have public street frontage.
- (d) All entrances shall be designed and constructed to accommodate bicycle and pedestrian facilities.
- (e) Temporary construction entrances may be allowed after consultation and approval by VDOT.
- (f) All entrances constructed from a new or existing street or road shall be in accordance with the "Minimum Standards of Entrances to State Highways" of the Virginia Department of Transportation, as amended from time to time, incorporated by reference except as these may be varied by this section.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-758. - Medians.

- (a) Collector and arterial roads within a proposed subdivision in the Prince George Planning Area shall be built with medians to provide for landscaping and to provide for efficient traffic movement. The medians shall meet the current standards of the Virginia Department of Transportation.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-760. - Street lights.

- (a) Street lights shall be provided, by the subdivider, on all new streets within a subdivision in the Prince George Planning Area.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-762. - Monuments visible for inspection.

- (a) Upon completion of subdivision streets, sewers and other improvements, the subdivider shall install at his expense all monuments required by the agent. Such monuments shall be clearly visible and shall be inspected and approved by the agent before any improvements are accepted by the governing body.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-764. - Location of right-of-way iron rods.

- (a) Iron rods not less than five-eighths-inch in diameter and 24 inches long shall be driven into the ground so as to be flush with finished grade at all lot corners and at all points of curvature in street right-of-way lines. When rock is encountered, a hole shall be drilled four inches deep in the rock, and an iron rod shall be cemented therein with the top flush with the finished grade.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-766. - Standards for alleys.

- (a) In certain situations, the use of alleys may be a desirable alternative to the more traditional type of residential development. When new alleys are proposed for a subdivision, or when the improvement of existing alleys is proposed, the following standards shall apply:
 - (1) Frontage on an alley shall not be construed to satisfy any public street lot frontage requirements.
 - (2) Unless dedicated to, and accepted by, the county, alleys shall be maintained and perpetuated by a duly constituted property owners' association and notations to this effect shall be clearly indicated on the face of the final plat.
 - (3) Alleys shall be designed to minimize or eliminate the potential for through traffic.
 - (4) Alleys shall have a minimum paved width of ten feet. New alleys shall have a minimum right-of-way width of 20 feet.
 - (5) Alleys shall have an asphalt surface.
 - (6) Sight distances which comply with Virginia Department of Transportation standards, shall be provided at intersections with public streets. Alleys shall be built with a minimum pavement edge radius of 25 feet at their intersections with public streets.
 - (7) Alleys shall not dead end. Alleys shall end in an intersection with a public street, or in a cul-de-sac constructed to comply with the standards in this ordinance.
 - (8) Alley length shall not exceed 1,200 feet without an intersecting street.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-768. - Public water and sanitary systems required.

- (a) Public water and sewage systems are to be provided and built in accordance with the county's water and wastewater utility ordinances.
- (b) In those instances where private water and sewage systems are permitted by the county's water and wastewater utility ordinance, the subdivision agent shall not approve any subdivision where sanitary sewers and public water supplies are not provided unless the agent shall receive in writing from the health officer a statement to the effect that the area contained in the subdivision is satisfactory for the installation of septic tanks and private wells, and that they will not, so far as can be determined, create hazards to public health.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-770. - Stormwater management required.

- (a) The subdivider shall design and construct stormwater management facilities for the subdivision. The design shall include, but not be limited to, an analysis of: proposed stormwater drainage facilities, pre- and post-development stormwater runoff calculations, impacts on downstream properties, impacts upon downstream stormwater management facilities, and existing and potential runoff from upstream drainage areas. All designs for stormwater management shall be in accordance with professionally accepted hydraulic engineering practices, the Virginia Erosion and Sediment Control Handbook or any later, comparable source, and stormwater management policies of the county.
- (b) The subdivider shall install the stormwater management system, including detention facilities.

- (c) Each phase of a phased subdivision shall demonstrate compliance with these stormwater management regulations.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-770.2. - Capacity standards for stormwater management facilities.

- (a) All engineering calculations shall be performed in accordance with the procedures outlined in the current edition of the Virginia Stormwater Management Handbook and VDOT Drainage Manual, and the Virginia Erosion and Sediment Control Handbook.
- (b) The engineering calculations shall demonstrate the safe passage of the 25-year storm and the 100-year storm through the stormwater management facility.
- (c) Where the downstream channel is inadequate to carry the outfall from the detention pond, the 25-year storm shall also be detained to pre-development levels and the discharge from the pond shall be restricted so as to conform to the required erosion and sediment control standards.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-770.4. - Maintenance of stormwater management facilities.

- (a) An approved maintenance plan for the facilities shall be provided as part of the plan for the subdivision, and maintenance responsibility shall be designated on the subdivision plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-770.6. - Storm drainage design and construction.

- (a) The subdivider shall design and construct a storm drainage system for the subdivision. Design and construction of the storm drainage system, including inlets, pipes, culverts, and appurtenances shall be in accordance with county and VDOT standards.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-770.8. - Drainage easements.

- (a) The subdivider shall dedicate drainage easements consistent with the stormwater management plan for the subdivision. All drainage easements offered for dedication shall have a minimum width of 15 feet.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-772. - Underground utility wiring.

- (a) All new or extended distribution and customer service utility facilities installed within the boundaries of new subdivisions in the Prince George Planning Area or within 200 feet of the boundaries of new subdivisions in the Prince George Planning Area for the purpose of serving the subdivision shall be underground except:
 - (1) Equipment normally installed above ground in accordance with accepted utility practices for underground distribution.
 - (2) Temporary overhead facilities required for construction.

- (3) Streetlights, where provided, shall be installed with underground service.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-774. - Public utility easements.

- (a) The subdivider shall convey a 15-foot wide common or shared public utility easement centered on all lot lines to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, electric service, or public water and sewer, to the subdivision. Such easements may be conveyed by reference on the final recorded plat.
- (b) The agent may require a wider easement where necessary to provide adequate separation between water, sewer, stormwater management facilities and/or other utilities.

(Ord. No. O-09-02, 1-27-2009)

Secs. 70-775—70-799. - Reserved.

ARTICLE VIII. - VACATION OF PLATS

Sec. 70-800. - Relocation or vacation of boundary lines.

- (a) The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision. Such action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-802. - Vacation of plat before sale of lot therein; by the owners.

- (a) The owners, proprietors and trustees, if any, who signed the statement of consent to subdivide on the final recorded subdivision plat of any subdivision, may apply in writing for the vacation of the recorded plat or part thereof. The agent shall refer the application to the commission, which shall review the application for its consistency with the comprehensive plan. The commission shall forward the application, with its recommendation, to the board for action.
- (b) With the consent of the board, the owners, proprietors and trustees shall duly execute, acknowledge and record in the Prince George County Circuit Court Clerk's office a written instrument declaring the plat or part thereof to be vacated. The board's consent shall appear on the face of the instrument, by the signature of the chairman of the board or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-804. - Vacation of plat before sale of lot therein; ordinance of vacation.

- (a) The board may adopt an ordinance vacating a recorded plat, or part thereof, where no lot has been sold. The board may refer the ordinance to the commission for a review and recommendation in light of the county's comprehensive plan.

- (b) The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the board at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.
- (c) An appeal from the adoption of the ordinance may be filed with the Prince George County Circuit Court within 30 days of the adoption of the ordinance. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.
- (d) If no appeal from the adoption of the ordinance is filed within the time above provided, or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the Prince George County Circuit Court Clerk's office.
- (e) The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-806. - Vacation of plat after sale of lot; consent of all owners.

- (a) The owners of all lots shown on a subdivision plat may apply in writing for the vacation of the recorded plat or part thereof. For the 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 a consort of an owner.
- (b) 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 lots owners immediately adjoining or contiguous to the vacated area, only the signature of those lot owners immediately adjoining or contiguous to the vacated area shall be required.
- (c) The agent shall refer the application to the commission, which shall review the application for its consistency with the comprehensive plan. The commission shall forward the application, with its recommendation, to the board for action.
- (d) With the consent of the board, the owners shall duly execute, acknowledge and record in the Prince George County Circuit Court Clerk's office a written instrument declaring the plat or portion thereof to be vacated. The board's consent shall appear on the face of the instrument, by the signature of the chairman of the board or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-808. - Vacation of plat after sale of lot; ordinance of vacation.

- (a) The board may adopt an ordinance vacating a recorded plat, or part thereof, where a lot has been sold. The ordinance may be initiated by motion of one of the board members or on the application of any interested person. The board may refer the ordinance to the commission for a review and recommendation. The commission shall consider the county's comprehensive plan and whether the proposed vacation would irreparably damage the owner of any lot shown on the plat.
- (b) The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance

will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

- (c) An appeal from the adoption of the ordinance may be filed with the Prince George County Circuit Court within 30 days of the adoption of the ordinance. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.
- (d) 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 Prince George County Circuit Court Clerk's office.
- (e) The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-810. - Effect of vacation of plat after lot has been sold.

- (a) The recordation of the instrument as provided in section 70-782 or of the ordinance as provided in section 70-808 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 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.
- (b) If any street, alley or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the 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 re-vested in the owners, proprietors and trustees, if any, who signed the statement of consent to the subdivision, on the final recorded subdivision plat, free and clear of any rights of public use in the same.

(Ord. No. O-09-02, 1-27-2009)

Sec. 70-812. - Notation on vacated plat.

- (a) Immediately upon the vacation of a recorded subdivision plat, or part thereof, the clerk of the circuit court shall write in plain legible letters across such plat or part thereof, the word, "VACATED" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded. The agent shall cause similar notations to be made on any official copy of the plat retained by the county.

(Ord. No. O-09-02, 1-27-2009)