

CAMPBELL COUNTY CODE OF 1988

CHAPTER 21

SUBDIVISION OF LAND

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Article I. General Considerations.

Sec. 21-1. Purpose and intent.

[None.]

Sec. 21-2. Definitions.

[THE 1989 AMENDMENT rewrote the definition of “Street” and added the definitions of “Site plan” and “Subdivision.”]

[THE 1992 AMENDMENT inserted the definitions of “Flag lot,” “Land surveyor” and “Professional engineer.”]

[THE MAY 17, 1999 AMENDMENT added the introductory paragraph, changed the definition “Plat” to “Plat of subdivision” and added the final clause in that definition.]

[THE AUGUST 7, 2000 AMENDMENT inserted “Certified Interior Designers” in the title of the named Board in definitions of “Land surveyor” and “Professional engineer.”]

[THE JULY 6, 2004 AMENDMENT substituted “ten thousand (10,000)” for “two thousand five hundred (2,500)” in paragraph (d) in “Subdivide.”]

[THE JUNE 5, 2006 AMENDMENT revised the definition of “Lot” to include “Lot or parcel,” revised item (a) and added item (e) in the definition of “Subdivide,” added the definitions of “Plat or plat of subdivision,” “Plat, final,” “Plat, preliminary,” “Plat, record,” “Plat, resubdivision,” “Resubdivision,” “Survey, ALTA/ACSM . . .,” and “Survey, boundary,” and deleted the former definition of “Plat of subdivision.”]

[THE JULY 7, 2008 AMENDMENT added the final sentence to the definition of “Flag lot” for further clarification.]

[THE DECEMBER 1, 2008 AMENDMENT added the definition of “Dam break inundation zone.”]

[THE JULY 19, 2010 AMENDMENT rewrote the definition of “Lot or Parcel”, substituted “or the County zoning ordinance to which the proposed development or subdivision is the subject” for “except as the context otherwise requires” in the definition of “Site Plan,” added the definitions of “Collector Street,” “Commercial Subdivision,” “Common Area,” “Common Area Right-of-Way,” “Connector Street,” “Dwelling Unit,” “Industrial Subdivision,” and “Multi-Family Dwelling.”]

[THE JULY 20, 2021 AMENDMENT substituted “forty (40)” for “fifty (50)” for the width of a collector street in the definition of “Common Area Right-of-Way.”]

[THE JULY 19, 2022 AMENDMENT added the last four sentences to the definition of “Subdivision.”]

Sec. 21-3. Transactions affected; exemptions; limitations.

[THE 1988 AMENDMENT inserted “preliminary” preceding “approval” in the second sentence of the second paragraph.]

[THE 1992 AMENDMENT added “or if a single lot division as defined in Sec. 21-22 hereof or family division as defined in Sec. 21-23 hereof, the agent” at the end of the first sentence in the second paragraph.]

[THE MAY 17, 1999 AMENDMENT designated the first paragraph as (a) and substituted “the subdivision” for “such subdivision” and “Article 6 of Chapter 22 of Title 15.2” for “Article 7 of Chapter 11 of Title 15.1” therein; inserted new (b); designated former second paragraph as (c), with minor changes in wording of the former first and second sentences, now designated as paragraphs (1) and (2) of new (c).]

[THE JULY 2, 2001 AMENDMENT deleted the provisions of (c), concerning certain road construction and development standards for divisions of land resulting in lots of twenty-five acres or more.]

[THE JUNE 17, 2002 AMENDMENT, in subsection (b)(1), substituted “land previously divided” for “land divided” and inserted “and shall be subject to an administrative review fee of twenty-five dollars (\$25.00);” and inserted “/resurveys” in subparagraph (i).]

[THE DECEMBER 1, 2003 AMENDMENT substituted “ten thousand (10,000) square feet” for “two thousand, five hundred square feet (2,500)” in item (iv) in (b)(1).]

[THE JUNE 5, 2006 AMENDMENT added the second and third sentences in (a); rewrote (b)(1); added “and which do not vacate, relocate, or otherwise alter any boundary line or lot line” in (b)(1)(i) and added (b)(1)(v); substituted “Any exemptions under this subsection must be approved by the Agent and the descriptions” for “The exemptions” in (b)(2); added the second and third sentences in (b)(3); added (b)(4); and added new subsection (c).]

[THE JULY 19, 2010 AMENDMENT added “residue” to (b)(1)(iv) and deleted “map book or deed book and page number of” from subsection (c)(iii).]

[THE DECEMBER 2, 2014 AMENDMENT added (b)(1)(vi) and (b)(1)(vii).]

Sec. 21-3.1 Reserved.

[THE MAY 17, 1999 AMENDMENT repealed this section which had provided a restrictive process for application for exception from general regulations of the subdivision ordinance.]

Sec. 21-4. Appointment of County Administrator or other designee as Subdivision Agent.

[None.]

Sec. 21-4.1. Adoption of official map.

[THE MAY 17, 1999 AMENDMENT substituted “§15.2-2234 (Repl. Vol. 1997)” for “§15.1-459 (Repl. Vol. 1989).”]

[THE JULY 2, 2007 AMENDMENT rewrote the first sentence in the first paragraph and added the second sentence therein, and added the subsequent paragraphs.]

Sec. 21-4.2. Advertisement of plans, ordinances, etc.; joint public hearings; notice.

[THE MARCH 17, 1997 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT, in accordance with Chapter 587 of the 1997 Virginia Acts of Assembly, redesignated subsections herein; and, in the second paragraph of A, added the last sentence; inserted B. and C. as “Reserved” subsections because the corresponding subsections in the authorizing statute apply only to certain written notice requirements concerning zoning matters; deleted former (e), which provisions are now found at end of the second paragraph of A; and deleted former (f), which provided that “a party’s actual notice of, or active participation in, the proceedings for which written notice is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section,” which provisions are based on VA. CODE ANN. §15.2-2204 B. (Repl. Vol. 1997), which subsection is applicable only to zoning.]

[THE DECEMBER 3, 2001 AMENDMENT substituted “five days” for “six days” in the second sentence in the second paragraph in A.]

[THE JULY 6, 2004 AMENDMENT inserted “(21)” in the second paragraph of A., with no substantive change.]

[THE DECEMBER 6, 2004 AMENDMENT redesignated the provisions of former subsection D. as present E., and designated new D. as a reserved subsection.]

Article II. Submission of Plats.

Sec. 21-5. Submission of plats for approval required.

[THE MAY 17, 1999 AMENDMENT, in the second sentence, substituted “duly approved and recorded” for “submitted and approved and recorded,” and deleted “provided” following “thereto”; and, in the present third sentence, substituted “However” for “however, that” and “such” for “said” preceding “land.”]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions.”]

Sec. 21-6. Informal conferences with agent encouraged.

[THE MAY 17, 1999 AMENDMENT substituted “deemed to prohibit” for “construed to prevent” in the first sentence.]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions.”]

Sec. 21-7. Submission of preliminary subdivision plats for tentative approval.

[THE 1987 AMENDMENT added the last two sentences in the third paragraph, inserted the present fourth and fifth paragraphs, and deleted the former last paragraph which had provided that time limits for action set forth in §21-8 did not apply to preliminary plats.]

[THE 1988 AMENDMENT substituted “Department of Transportation” for “highway department” in the first sentence of the second paragraph, inserted “preliminary plats within sixty (60) days of submission to such agent. However, if approval of a feature or features of the preliminary plat by a state agency is necessary, the local agent shall forthwith forward the” following “action on such” in the second sentence in the third paragraph.]

[THE 1989 AMENDMENT inserted “of a plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation” in the first sentence of the fourth paragraph and deleted “to review” at the end of that sentence, deleted “preliminary” preceding “plat” near the beginning of the second sentence therein, and, in the same sentence, inserted “comply with the requirements, and be subject to the restrictions” and substituted “in the second paragraph of §21-8 of this Code (except for the time period therein specified)” for “in writing the reason for such denial and shall state what corrections or modifications would permit approval of the preliminary plat by such agency,” and inserted new sixth and seventh paragraphs.]

[THE 1991 AMENDMENT deleted “its” preceding “agent” twice in the proviso language of the second sentence in the fifth paragraph.]

[THE 1992 AMENDMENT added subsection designations A, B, C and D, added subdivision designations 1 through 5 in C and substituted “subsection B.1.” for “the second paragraph” in the second sentence in C.2.]

[THE MARCH 17, 1997 AMENDMENT inserted the present second sentence in subsection C.2. and substituted “a state agency” for the “the state agency” near the beginning of the present third sentence thereof.]

[THE MAY 17, 1999 AMENDMENT substituted “the preliminary” for “such preliminary” and deleted “to such agent” following “submission” in the second sentence in subsection C.1., and substituted “commission or agent shall forward” for “local agent shall forthwith forward” in the third sentence in subsection C.1.; and substituted “(with the exception of” for “(except for” in the third sentence in subsection C.2.; substituted “the plat” for “such plat” in the first sentence in subsection C.3., deleted “provided” at the end of the second sentence therein, made the clause that formerly followed “provided” into the present third sentence, substituting “no commission or agent” for “that no local commission or agent,” deleted “local” in twice and deleted “that” preceding “all actions” in that sentence; substituted “an order” for “such order” near the end of subsection C.4.; and substituted “the disapproval” for “such disapproval” in the middle of subsection C.5.]

[THE DECEMBER 4, 2006 AMENDMENT added “within ten (10) business days of receipt of such preliminary plat” at the end of subsection C.1.]

[THE DECEMBER 3, 2007 AMENDMENT added “or public authority authorized by state law” in the last sentence of subsection C.1 and rewrote subsection C.2 to clarify duties of state agencies and authorized public authorities.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “subdivision” preceding “plat” throughout this section, and added the third sentence in C3.]

[THE JULY 19, 2010 AMENDMENT deleted “as closely as is possible” from the first sentence of subsection B.]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions” several times throughout the section]

Sec. 21-7.1. Duration of approval of preliminary subdivision plat; conditions; revocation.

[THE DECEMBER 2, 2002 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT designated the first paragraph as (a), and added subsection (b).]

[THE JULY 20, 2009 AMENDMENT added the last sentence in (b).]

Sec. 21-8. Submission of subdivision plat for final approval; failure to act; remedies; appeal.

[THE 1987 AMENDMENT inserted new second and fourth sentences in the first paragraph, and inserted “after it has been officially submitted for approval” in the middle of the first sentence in the second paragraph.]

[THE 1989 AMENDMENT inserted the third sentence in the first paragraph, substituted “any” for “all in the first sentence of the second paragraph, and, in the third sentence of that paragraph, inserted language beginning “The reasons for disapproval” through “or policies” and substituted “generally identify” for “relate in general terms,” inserted “or such other Circuit Court for the county or municipality, in which the major part of the land involved is located” in that same sentence, and inserted “or such other Circuit Court having jurisdiction of such land” in the fourth paragraph.]

[THE MAY 17, 1999 AMENDMENT, in subsection A., substituted “the tract” for “the same” in first sentence, substituted “locality” for “political subdivision” and for “the jurisdiction,” and deleted “to be subdivided” preceding “is located” in the fifth sentence, and, in the last sentence, substituted “Site plans” for “Site plan” and “§21-7, §21-8, and §21-8.1 of this Code” for “this section”; in subsection B.1., deleted “submitted for final approval” preceding “within sixty (60)” and substituted “the plat in writing” for “such plat in writing” in the first sentence and deleted “such” preceding “modifications” in the third

sentence; in subsection B.2., substituted “an order” for “such Order” in the last sentence; and, in subsection B.3., substituted “the disapproval” for such disapproval.”]

[THE DECEMBER 1, 2003 AMENDMENT, in subsection B.1, inserted new second and fifth sentences; in third sentence, substituted “shall” for “may,” inserted “either,” and deleted “may be written” preceding “on the plat itself”; in the fourth sentence, substituted “that” for “which” and deleted “generally” preceding “identify”; and in subsection B.2, inserted “or within forty-five (45) days after it has been officially resubmitted after a previous disapproval” in the first sentence, and, in the last sentence inserted “give the petition priority on the civil docket” and “expeditiously in accordance with the procedures prescribed in VA. CODE ANN. §8.01-644 et seq.]

[THE DECEMBER 3, 2007 AMENDMENT added the third and fourth sentences in subsection (B)(1) and “or within thirty-five (35) days of receipt of any agency response pursuant to VA. CODE ANN. § 15.2-2259(B) (Cum. Supp. 2007)” in subsection (B)(2).]

[THE DECEMBER 1, 2008 AMENDMENT added the fourth sentence in A (effective July 1, 2009) and inserted “Except as otherwise provided in VA. CODE ANN. §15.2-2259 A2 and A3” at the beginning of the first sentence in B1.]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions” three times throughout the section.]

[THE JULY 3, 2018 AMENDMENT added the second sentence in B1.]

Sec. 21-8.1. Duration of approval of recorded subdivision plat or final site plan: extensions; effect of ordinance amendments; modifications.

[THE 1992 ACT adopted this section.]

[THE 1993 AMENDMENT added the second sentence in subsection A.]

[THE MARCH 17, 1997 AMENDMENT inserted the state code citation for the Chesapeake Bay Preservation Act in subsection E.]

[THE DECEMBER 1, 2008 AMENDMENT added subsection F.]

[THE JULY 2, 2013 AMENDMENT added “or the submission of any other administrative documents, agreements, deposits, or fees required by the Planning Commission or agent in order to obtain the permit. However, any fees that are customarily due and owing at the time of the agency review of the site plan shall be paid in a timely manner” in (a).]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions” three times throughout the section.]

[THE JULY 21, 2020 AMENDMENT added “or a recorded plat dedicating real property to the local jurisdiction or public body that has been accepted by such grantee” to F.]

Sec. 21-8.1:1. Recorded plat or final site plan; conflicting zoning conditions.

[THE DECEMBER 2, 2002 ACT adopted this section.]

Sec. 21-8.1:2. Extension of approvals to address housing crisis.

[THE JULY 20, 2009 ACT adopted this section.]

[THE JULY 17, 2012 AMENDMENT advanced the dates of affected matters outstanding from 2009 to 2011, and extended the date of validity throughout to 2017 from 2014, and added “unreleased” in subsection (d).]

[THE JULY 6, 2017 AMENDMENT advanced the dates of affected matters outstanding from 2011 to 2017, and extended the date of validity throughout to 2020 from 2017.]

Sec. 21-8.2. Notice to Commissioner of Revenue of improvements to property in platted subdivisions.

[THE 1992 ACT adopted this section.]

Sec. 21-9. Stale plats.

[THE 1987 AMENDMENT substituted “is” for “be” preceding “filed.”]

[THE 1993 AMENDMENT added the final clause, beginning “; however, in any case where construction...”]

Sec. 21-10. Plat fees.

[THE JUNE 17, 2002 AMENDMENT increased the fee for approval/disapproval of single lot division plats from \$7.50 to \$25.00 in the first paragraph, and, in the second paragraph, increased the fees on other subdivision plats from \$25.00 per plat and \$2.00 per lot for subdivisions containing five lots or more and from \$15.00 per plat and \$2.00 per lot for subdivisions containing less than five lots to \$50.00 per plat plus \$10.00 per lot shown thereon *regardless of the size of the subdivision.*]

[THE DECEMBER 3, 2007 AMENDMENT added the second sentence in the first paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT added the third paragraph.]

[THE JULY 5, 2016 AMENDMENT increased the fee for approval/disapproval of single lot division plats from \$25.00 to \$35.00 and added a fee of \$25.00 for examination and approval of relocation or vacation of boundary lines plat in the first paragraph, and in the second paragraph, increased the fees on other subdivision plats from \$50.00 per plat plus \$10.00 per lot shown to \$75.00.]

Article III. Requirements for Subdivisions.

Division A. Streets and Other Improvements.

For ordinance designating certain private roads as “highways” for law-enforcement purposes, see §15-8.3:4 of this Code.

Sec. 21-11. When streets required to be dedicated and constructed.

[THE 1988 AMENDMENT substituted “Virginia Department of Transportation” for “Virginia Department of Highways and Transportation” and “secondary system of state highways” for “Secondary Highway System” in the first paragraph.]

[THE APRIL 3, 1995 AMENDMENT added the exception regarding multi-family dwellings at the end of the third paragraph.]

[THE APRIL 30, 1996 AMENDMENT, in the third paragraph, substituted “System of State Highways” for “secondary system of highways,” inserted “design and,” substituted “such streets” for “which streets,” and deleted subsection designation “E” following “Sec. 21-28.”]

[THE MARCH 17, 1997 AMENDMENT substituted “primary system of state highways or the secondary system of state highways” for “System of State Highways” in the third paragraph.]

[THE JULY 2, 2001 AMENDMENT, in the first paragraph, inserted “(VDOT)” in the first sentence, and added the new second and third sentences.]

[THE JULY 19, 2010 AMENDMENT substituted “as required by VDOT and/or the Campbell County Zoning Ordinance at Chapter 22 of this Code” for “on such streets when the proposed subdivision contains ten (10) or more lots, the majority of which are one-quarter (¼) acre or less, and all other VDOT requirements for accepting sidewalks for maintenance are present. Sidewalks shall be constructed on at least one side of through streets, and on both sides of streets ending in a cul-de-sac” at the end of the first paragraph, added “and acceptance in the secondary system of state highways” in the third paragraph, added “commercial developments and industrial developments not otherwise eligible for state maintenance” in the third paragraph, deleted “coming within the purview of Article IV hereof” in the first line of the third paragraph, deleted “residents thereof with” prior to “access to streets” in the third paragraph, and changed the cross reference from 21-28 to 21-26.]

[THE JULY 21, 2020 AMENDMENT substituted “two and a half (2.5)” for “three (3)” in the first sentence.]

Sec. 21-12. When streets required to be dedicated but not constructed.

[THE FIRST 1988 AMENDMENT inserted “road construction feasibility” in (b).]

[THE SECOND 1988 AMENDMENT substituted “Virginia Department of Transportation” for “Virginia Department of Highways and Transportation” twice and “secondary system of state highways” for “Secondary Highway System” twice in (a).]

[THE OCTOBER 6, 1997 AMENDMENT substituted “two (2)” for (ten (10))” in (c).]

[THE JULY 19, 2010 AMENDMENT added the last sentence in subsection (a).]

[THE JULY 16, 2019 AMENDMENT changed “lots of three (3) acres or more” to “lots of two and a half (2.5) acres or more” in (a).

Sec. 21-13. Coordination of streets within and contiguous to subdivision with other existing or planned streets.

[THE 1988 AMENDMENT substituted “secondary system of state highways” for “State Secondary Highway System” twice in the second paragraph of (a), “§21-11” for “§20-11” in first sentence of (b), and “Virginia Department of Transportation” for “Virginia Department of Highways and Transportation” in the first and second sentences of (b), and added “in conformity with §21-13.1 of this Code” at the end of the second paragraph of (c).]

[THE 1990 AMENDMENT substituted “thirty (30) feet” for “twenty (20) feet” twice in the second paragraph in (a).]

[THE 1991 AMENDMENT inserted language beginning “within the general area” and ending “or contiguous to adjacent subdivisions” in the first sentence in (a), and, in the third sentence of (a), inserted “existing or planned” following “congestion on” and “or on existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions” preceding “to maximize.”]

[THE 1992 AMENDMENT inserted new third and fourth paragraphs in (a).]

[THE OCTOBER 6, 1997 AMENDMENT deleted “adjoining” following “no more than two (2)” in the first sentence of the third paragraph in (a).]

[THE MAY 17, 1999 AMENDMENT substituted “Subdivision Agent” for “Administrator” in the second paragraph in (a)].

[THE DECEMBER 6, 2004 AMENDMENT, in the second paragraph in (a), substituted “shall abut a street for a distance equal to the minimum lot width . . . abut a street for a distance of at least fifty feet (50’)” for “must, unless on a cul-de-sac, abut a distance of at least thirty (30) feet on a street providing said lot with access to a street within the secondary system of state highways and, in the case of lots on a cul-de-sac, such lots must abut a street providing access to a street within the secondary system of state highways for a distance deemed sufficient by the Planning Commission, or Subdivision Agent, as the case may be” and deleted “but in no event less than thirty (30) feet” following “abutting a cul-de-sac” at the end of the paragraph; in the third paragraph in (a), substituted the present second sentence for the former second and third sentences which read: “Flag lots

containing three (3) or more acres must have at least fifty (50) feet of frontage on a street providing said lot with access to a street within the secondary system of state highways. Flag lots of less than three (3) acres must have at least thirty (30) feet of frontage on such a street.”]

[THE AUGUST 1, 2005 AMENDMENT, in the first paragraph in (a), inserted “in compliance with applicable provisions of the Statewide Fire Prevention Code, as incorporated as a part of this Code by §10-26” in the third sentence, and added the last sentence.]

[THE DECEMBER 3, 2007 AMENDMENT inserted the fourth sentence in the first paragraph of (a).]

[THE JULY 1, 2014 AMENDMENT inserted the second sentence in the second paragraph of subsection (a).]

[THE JULY 7, 2015 AMENDMENT inserted “except those streets and offstreet parking areas located within multifamily dwelling developments, commercial developments, and industrial developments not otherwise eligible for state maintenance and which provide access to streets within the primary system of state highways or the secondary system of state highways, the design and construction of such streets and offstreet parking areas shall be controlled by the provisions of Section 21-26 herein” in the first paragraph of (a), and rewrote the rest of (a) to clarify distances for street abutment and exceptions (i) through (v).]

Sec. 21-13.1. Required statement when subdivision streets below state standards.

[THE 1988 ACT adopted this section.]

[THE 1992 AMENDMENT inserted “or for state street maintenance moneys paid to municipalities” in the first sentence.]

[THE JULY 7, 2008 AMENDMENT inserted “and are not eligible for maintenance or improvement with funds allocated by either the General Assembly of Virginia or the Commonwealth Transportation Board” at the end of the first sentence.]

Sec. 21-14. Recordation of approved plat as transfer of streets, termination of easements and rights-of-way, etc.; relocation of certain public easements.

[THE 1989 AMENDMENT rewrote this section, incorporating former fifth paragraph of former (a), and added new (b). The amendment also redesignated former first, second, third and fourth paragraphs of former (a) as present (a), (b) and (c) of new §21-14.1, and deleted as redundant former (b) which concerned the recordation of a plat of single lot division as effecting dedication of areas set aside for streets, alleys or other public use.]

[THE MARCH 17, 1997 AMENDMENT deleted the clause stating “provided, however, that nothing contained in this chapter shall affect any right of a subdivider of land validly reserved prior to the enactment of this or preceding subdivision ordinances within

Campbell County” at the end of the first sentence in (a) and added present second, third, fourth, and fifth sentences therein. The third sentence substantially restates the provisions of the deleted clause.]

[THE MAY 17, 1999 AMENDMENT substituted “§15.2-2265 (Repl. Vol. 1997) for §15.1-478 (Cum. Supp. 1996)” twice in (a); in first sentence of (a), substituted “the portion” for “such portion,” “the plat set apart” for “such plat set apart,” “the plat to create” for “such plat to create,” and “over the land” for “over the same;” and in (b), substituted “When” for “Provided, that where” and “the plat or replat” for “such plat or replat.”]

[THE DECEMBER 20, 1999 AMENDMENT redesignated provisions of (a) as paragraph (1) therein and added paragraph (2).]

[THE JULY 2, 2001 AMENDMENT substituted “an approved plat” for “any approved plat” in the first sentence in (a)(1).]

[THE JUNE 5, 2006 AMENDMENT added the second, third, and fourth sentences in (b).]

Sec. 21-14.1. Acceptance of dedication to public use; bonding.

[THE 1987 AMENDMENT inserted “or section thereof” in (a) and inserted language beginning “and other site-related improvements” and ending “stormwater management facilities” preceding the first enumerated clause in (b)(1).]

[THE 1988 AMENDMENT substituted “secondary system of state highways” for “state highway system” and for “state’s highway system” in the second sentence of (b)(2), added language beginning “or acceptance of a negotiated sum” following “form” in the third sentence therein, and, in the fourth sentence thereof, substituted “or” for “and” preceding “other street improvements.”]

[THE 1989 AMENDMENT rewrote former §21-14 incorporating the former first, second, third and fourth paragraphs of former (a) thereof as present (a), (b), and (c) herein, and added “subject to the exceptions set forth in §21-14 of this Code” at the end of (a), and substituted “sewerage system, or waterline” for “sewer system, water line” in the first sentence of (b)(1).]

[THE 1991 AMENDMENT redesignated former clauses (1) through (3) as present clauses (i) through (iii) in the first sentence of (b)(1).]

[THE 1993 AMENDMENT deleted “or” preceding clause (ii) in the first sentence of (b)(1).]

[THE MARCH 17, 1997 AMENDMENT, in (b)(1), inserted “including traffic signalization and control” in the middle of the first sentence and added “which shall not exceed twenty-five percent of the estimated construction costs” at end of the last sentence; in (b)(2), inserted language “or for such longer period . . . size and phasing of the proposed development” in first sentence, and substituted “savings institution” for “savings and loan association” throughout the section.]

[THE MAY 17, 1999 AMENDMENT deleted “or” preceding “waterline as part of” near the beginning of (b)(1); and, in the last sentence in (b)(2), substituted “as used in this section means” for “shall be deemed to mean.”]

[THE DECEMBER 2, 2002 AMENDMENT added the last sentence in (b)(1).]

[THE DECEMBER 3, 2007 AMENDMENT added subsection (d).]

[THE DECEMBER 1, 2008 AMENDMENT inserted “subdivision” preceding “plat” twice in the first sentence of (b)(2).]

[THE JULY 20, 2009 AMENDMENT substituted “ten” for “twenty-five” in the second sentence in (b)(1), and substituted “any” for “the first” preceding “section” in the first sentence of (b)(2).]

[THE JULY 19, 2010 AMENDMENT added “or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the governing body or its designated administrative agency” to (b)(1)(i).]

[THE JULY 17, 2012 AMENDMENT added the third sentence in (b)(1), to provide that in cases of default, the locality shall be entitled to retain the allowance for administrative costs.]

Sec. 21-14.2. Recordation of plat as transfer of certain public utility easements to franchised cable television operators or public service corporations.

[THE 1991 ACT adopted this section.]

[THE 1991 AMENDMENT inserted “franchised cable television operator or” twice in the first sentence, inserted “franchised cable television operators furnishing cable television and/or” near the end of the second sentence and added the last sentence.]

[THE MARCH 2, 1998 AMENDMENT inserted “and franchised cable television operators” near the beginning of the second sentence and deleted “agreed to by such franchised cable television operators furnishing cable television and/or public service corporations” preceding “and recorded . . . “ near the end of the second sentence; and deleted the former fourth sentence which read: “the failure of any such franchised cable television operator to agree to the terms and conditions set out in such declaration shall not defeat or impair any such common easement conveyance.”]

[THE MAY 17, 1999 AMENDMENT deleted “in fee simple” following “shall operate to transfer” in the first sentence.]

[THE JULY 6, 2004 AMENDMENT, in the second sentence, inserted a comma following “operators” and substituted “shall be conveyed” for “may be conveyed.”]

[THE DECEMBER 4, 2006 AMENDMENT inserted “shall furnish cable television” following “Cable television operator” in the first sentence, deleted the former second and third sentences which had provided for conveyance by reference on the final plat to a declaration of terms and conditions of common or shared easements and which had required evidence of recordation of such terms and conditions, and added the new second and third sentences.]

Sec. 21-15. Periodic partial and final release of certain performance guarantees.

[THE 1988 AMENDMENT substituted “Transportation” for “Highways and Transportation” in first and fourth paragraphs and “VA. CODE ANN. §54.1-400 (Repl. Vol. 1988) and “§54.1-408 (Repl. Vol. 1988)” for “§54-17.1 of the Code of Virginia (Cum. Supp. 1987)” in the last paragraph.]

[THE 1989 AMENDMENT revised language beginning “the Board of Supervisors shall make” and ending “preceding sections of the ordinance” in the first sentence of first paragraph and substituted “§54.1-400 (Repl. Vol. 1988)” for “§54.1-400 (Repl. Vol.1988) and §54.1-408 (Repl.Vol.1988)” in the last paragraph.]

[THE 1991 AMENDMENT inserted “and may make partial releases to such lower amounts as may be authorized by the Board of Supervisors or its Subdivision Agent” in first sentence of fourth paragraph, deleted “or after completion of more than eighty percent (80%) of said facilities” following “or other performance guarantee” in second sentence thereof.]

[THE 1992 AMENDMENT inserted the present third paragraph.]

[THE MARCH 17, 1997 AMENDMENT substituted “ninety percent (90%)” for “eighty percent (80%)” in the first sentence of the fifth paragraph.]

[THE MAY 17, 1999 AMENDMENT added subsection designations “A” through “F” to the existing paragraphs; and, in the fifth sentence in E., substituted “means” for “is deemed to mean” and deleted “for “preceding “operating such facility.”]

[THE DECEMBER 2, 2002 AMENDMENT inserted “public” or “such public” preceding “facilities” throughout section, and added the last sentence in subsection A.]

Division B. Other Requirements.

Sec. 21-16. Monuments.

[THE 1988 AMENDMENT deleted “Highways and” following “Department of” in the eighth sentence.]

Sec. 21-17. Plans and specifications for utility fixtures and systems to be submitted for approval.

[THE MAY 17, 1999 AMENDMENT substituted “streets or alleys” for “street or alley” and “plans or specifications” for “plans and specifications” in first sentence; and in third sentence, substituted “Board of Supervisors of Campbell County” for “Campbell County Utilities and Service Authority or the Director of Public Works,” “its” for “his” twice, and “as approval by” for “as the approval of,” and deleted “Judge of the” preceding “Circuit Court.”]

[THE AUGUST 1, 2005 AMENDMENT deleted the former second and third paragraphs, which are now set forth at §21-17.2.]

[THE DECEMBER 3, 2007 AMENDMENT added “or adjacent to” to the first sentence of this section, and substituted “forty-five (45)” for “thirty (30)” in the second sentence.]

Sec. 21-17.1. Requirements as to water, sewer and other facilities as condition precedent to approval of subdivision plat, or of alteration thereof.

[THE AUGUST 1, 2005 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT deleted “the” prior to “such systems” in (a)(3), which was a scrivener’s error.]

Sec. 21-17.2. Requirements regarding suitability for private sewage disposal system and/or private water source.

[THE AUGUST 1, 2005 AMENDMENT redesignated these provisions, formerly included in §21-17, and inserted “or subsurface sewage disposal systems” in the first paragraph.]

[THE JULY 19, 2010 AMENDMENT added the last sentences to both paragraphs, deleted “nor shall the agent approve any single lot division where sanitary sewers are not provided” after “sanitary sewers are not provided” in the first paragraph, and deleted “nor shall the agent approve a subdivision where a private well or private wells are to be the water source under the single lot division provisions hereof” after “the water source” in the second paragraph.]

[THE JULY 16, 2019 AMENDMENT added “or lots of twenty (20) acres or more” twice.]

Sec. 21-17.3. Applicability of CCUSA system development fee to subdivision of property; review by CCUSA; fee to be paid prior to recordation of plat.

[THE AUGUST 1, 2005 ACT adopted this section.]

Sec. 21-17.4. Connection to public sewer system required where subdivided tract abuts or adjoins public sewer system or main.

[THE AUGUST 1, 2005 AMENDMENT adopted this section.]

[THE DECEMBER 5, 2017 AMENDMENT deleted references to required connections to public water systems four times, twice in the catchline.]

Sec. 21-17.5. Standards for optional centralized on-site sewage treatment system in developments of ten or more dwelling units; exception for expansion of existing system.

[THE DECEMBER 4, 2006 ACT adopted this section.]

Sec. 21-18. Flood control; erosion control; drainage, and soil characteristics.

[THE 1991 AMENDMENT substituted “certified professional engineer’s” for “certified engineer’s” in second sentence in the first undesignated paragraph.]

[THE MARCH 17, 1997 AMENDMENT deleted “and” preceding “flood control devices” and added the language beginning “and a survey identifying the characteristics of soils present” in the first sentence in the first paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “information related to the failure of impounding structures and impacts within dam break inundation zones” into the first paragraph, effective July 1, 2009.]

Sec. 21-19. Payment by subdivider or developer of the pro rata share of the cost of certain off-site sewerage, water, and drainage facilities.

[THE 1988 AMENDMENT, in the first paragraph, substituted “sewerage, water, and drainage” for “sewerage and drainage” in the first and second sentences, “standards to determine the proportionate” for “standard to determine their proportionate” in the second sentence, inserted “water flow” in third sentence, and inserted “water” preceding “and/or run-off” near end of that sentence.]

[THE 1991 AMENDMENT designated provisions as (a) and (b), and added new (c); and, in first clause of first sentence in (a), inserted “or developer” preceding “of land must pay,” substituted “controlled by the subdivider or developer” for “controlled by him” once and “the” for “his” or “him” several times in the last sentence in (a); and, in first sentence of (b), substituted “required” for “received,” inserted “such” preceding “payment received,” deleted “held in a separate account and” preceding “expended only,” and substituted “identified in the established sewer, water, and drainage program” for “for which the payment was required, and until so expended shall be held in a special interest bearing account for the benefit of the subdivider or developer;” and added the second sentence in (b).]

[THE MARCH 17, 1997 AMENDMENT, in (a), inserted “or the County Board of Supervisors has committed itself by ordinance to the establishment of such a program” in first sentence, inserted “or ordinance” in second sentence, and added fourth sentence; in (b), inserted “necessary engineering and related studies and” in first clause in first sentence and “studies or” near end of second clause therein; and added third sentence; and, in (c), deleted former last sentence which read: The transferred assets shall be the sole property of the County which established the general improvement program,” and added the last sentence.]

[THE MAY 17, 1999 AMENDMENT, in (a), substituted “cost” for “costs” in first, second, and third sentences, “has established” for “shall have established” in the first sentence, and “to adequately serve” for “adequately to serve” in second sentence.]

[THE DECEMBER 3, 2001 AMENDMENT, in (a), inserted “to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development or” in the third sentence and inserted “the pollutant loading caused by the subdivision or development or” in the last sentence.]

[THE JULY 19, 2022 AMENDMENT added subsection (b) and renumbered former subsections.]

Sec. 21-19.1. Payment by developer or subdivider.

[THE DECEMBER 1, 2008 ACT enacted this section, *effective July 1, 2009.*]

Sec. 21-20. Lot size and location.

[THE 1988 AMENDMENT substituted “Transportation” for “Highways and Transportation” in paragraphs (a) and (c) and for “Highways and Transportation” at end of second sentence of paragraph (b).]

[THE 1989 AMENDMENT deleted “and in all areas zoned” preceding “with respect to” in introductory paragraph, substituted present last sentence in that paragraph for “The following lot sizes shall be required:” and deleted former paragraphs (a), (b), and (c) which formerly followed said introductory paragraph and which concerned minimum lot sizes for lots served by public water and sewer, lots served by public water or public sewer, and lots served by neither public water nor public sewer.]

[THE MARCH 17, 1997 AMENDMENT inserted second sentence in first paragraph.]

[THE MARCH 2, 1998 AMENDMENT added “unless a specific exception is prescribed for a particular zoning district” in the last sentence in the first paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted “sewage” for “sewerage” twice in the second sentence in the second paragraph.]

[THE JULY 19, 2010 AMENDMENT added “to provide adequate light and air” to the first sentence in the first paragraph, and deleted “Furthermore, the provision of adequate light and air within a subdivision shall be a significant factor to be considered in setting lot size and setback requirements and in arranging lots within a subdivision.” from the first paragraph.]

Sec. 21-21. Blocks and length.

[None.]

Division C. Minor Subdivisions.

Sec. 21-22. Non-family minor subdivisions.

[THE 1989 AMENDMENT substituted “for each respective zoning district by Chapter 22 of this Code” for “in Division B of this Article.”]

[THE JULY 5, 2016 AMENDMENT substituted “up to five (5)” for “one (1)” and added “the required certifications have been approved by the appropriate agent(s) for the separation of more than one (1) parcel” in the first sentence and changed the catchline by substituted “minor subdivisions for “single lot divisions.”]

[THE DECEMBER 4, 2018 AMENDMENT added “within a one (1) year period” in the last sentence.”]

Sec. 21-23. Family divisions.

[THE 1987 AMENDMENT rewrote the first sentence and rewrote the former last phrase of that sentence as the present second sentence.]

[THE 1989 AMENDMENT substituted “for each respective zoning district by Chapter 22 of this Code” for “in Division B of this Article” in the second sentence and increased the road frontage requirement from twenty to thirty feet.]

[THE 1991 AMENDMENT inserted “grandchild, grandparent” in the last sentence.]

[THE OCTOBER 6, 1997 AMENDMENT inserted “sibling” in the last sentence.]

[THE MARCH 2, 1998 AMENDMENT inserted “unless a specific exception is prescribed for a particular zoning district” in the second sentence.

[THE MAY 17, 1999 AMENDMENT substituted “per family member” for “to be made by the property owner for each family member” in the third sentence.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “stepchild” into the definition of immediate family member in the last sentence of the section.]

[THE JULY 19, 2010 AMENDMENT added “including the family member’s spouse” in the first sentence and deleted “in the case of lots of five acres or more, no new streets of less than forty (40) feet in width are required to serve the parcel, or such parcel abuts for a distance of thirty (30) feet on a street within the secondary system of state highways, or provided” from the first sentence.]

[THE JULY 5, 2016 AMENDMENT deleted “single lot” from the catchline of the section.]

[THE DECEMBER 7, 2021 AMENDMENT added “aunt, uncle, niece, or nephew” to the definition of “immediate family.”]

Sec. 21-23.1. Reserved.

[None.]

Division D. Street, Road, and Alley Names.

Sec. 21-24. Approval of names of streets, roads, and alleys required; renaming; effect thereof.

[THE 1988 AMENDMENT substituted “Transportation” for “Highways and Transportation” in the third sentence.]

[THE MAY 17, 1999 AMENDMENT substituted “Names of streets, roads, and alleys” for “Street names” and inserted “final” in first sentence; substituted “streets, roads, or alleys” for “street or streets” in second sentence; substituted “Such signs” for “Street name signs” and added language “and to such other . . .” in third sentence; substituted “street, road, or alley” for “street” in fourth sentence; and added the fifth sentence.]

[THE AUGUST 7, 2000 AMENDMENT, in the first paragraph, substituted “Subdivision Agent, who shall notify the Planning Commission of such designations” for “Planning Commission” at the end of the first sentence and deleted “Planning Commission or” preceding “Agent” in fourth sentence; and added the second paragraph.]

[THE DECEMBER 1, 2015 AMENDMENT substituted “Chapter 5, sections 5-14 through 5-22 and Appendices” for “Article IV of Chapter 10” in the first paragraph.]

Sec. 21-25. Reserved.

[THE NOVEMBER 2, 1992 AMENDMENT repealed this section which had provided a procedure for approval of street names.]

Article IV. Special Requirements for Commercial, Industrial and Multi-Family Divisions.

Sec. 21-26. Special requirements for commercial, industrial and multi-family divisions.

[THE 1988 AMENDMENT substituted “secondary system of state highways” for “secondary highway system” at the end of the first sentence in E.]

[THE JULY 19, 2010 AMENDMENT consolidated this section, formerly titled “Special requirements for industrial parks and sites” with former sections 21-27 and 21-28, titled “Special requirements for commercial subdivisions” and “Special requirements for multi-family dwellings” respectively, and moved the definitions formerly contained within to the definitions section of this chapter at 21-2.]

Sec. 21-27. Reserved.

[None.]

Sec. 21-28. Reserved.

[None.]

Article V. Requisites for Plat.

Sec. 21-29. Plat to be prepared by certified professional engineer or land surveyor.

[THE 1988 AMENDMENT substituted “Chapter 4 of Title 54.1” for “Chapter 3 of Title 54” in the first sentence.]

[THE MAY 17, 1999 AMENDMENT substituted “each plat” for “each such plat” in first sentence; divided former second sentence into present second and third sentences by substituting “indicated on the plat” for “indicated on such plat; provided,” in present second sentence and deleting “that” following “However” in third sentence; and inserted “city planners” in third sentence.]

Sec. 21-30. General requirements of plats.

[THE 1988 AMENDMENT substituted “within the secondary system of state highways” for “with the State’s Secondary Highway System” in paragraph (i).]

[THE 1989 AMENDMENT added the last two sentences in paragraph (c).]

[THE DECEMBER 1, 2008 AMENDMENT inserted “When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision” into subsection (c), effective July 1, 2009.]

[THE JULY 19, 2010 AMENDMENT deleted former subsection (g), which had outlined detailed map requirements, and renumbered the other subsections.]

[THE DECEMBER 5, 2017 AMENDMENT removed the requirements for a preliminary plat listed in former subsections (a) through (h) and substituted a cross reference to Section 21-31 for elements that should be included.]

Sec. 21-31. Requirements of final plats.

[THE 1987 AMENDMENT substituted “8 1/2” x 11” nor larger than 18” x 24”“ for “8 1/2” x 14” nor larger than 18” x 23”“ in second sentence of the second undesignated paragraph; inserted new third, fourth and fifth sentences in that paragraph; and inserted “dark blue or black” in paragraph (o) and deleted “all” and added “for the Department of Transportation, Health Department, Campbell County Utilities & Service Authority, Erosion and Sediment Control Administrator, and Subdivision Agent” in subsection (p).]

[THE 1988 AMENDMENT added “and such regulations as may be promulgated from time to time under authority of the aforesaid Virginia Public Records Act” in the first undesignated paragraph; substituted “on an approved durable” for “or an approved

durable” in first sentence of the second undesignated paragraph; substituted “Chapter 4 of Title 54.1” for “Chapter 3 of Title 54” in paragraph (b), substituted “one (1) foot to ten thousand (10,000) feet” for “one (1) to ten thousand (10,000)” in the fifth sentence of paragraph (c); substituted “in” for “and” preceding “the land included on the plat or replat” in the last sentence in paragraph (q-1) and substituted “Transportation” for “Highways and Transportation” twice in paragraph (s).]

[THE FIRST 1989 AMENDMENT substituted language beginning “except that an interest acquired” and ending “shall not be affected thereby” for “unless otherwise shown by a separate instrument of record” at the end of paragraph (q-1).]

[THE SECOND 1989 AMENDMENT inserted new paragraph (f-1) and added the last sentence in paragraph (m).]

[THE 1991 AMENDMENT inserted “certified professional” in paragraph (b), “and common or shared public utility easements as contemplated by §21-14.2 of this Code” in the third sentence in paragraph (q-1), and “VA. CODE ANN. 15.1-480.1 (Supp. 1990)” near the end of paragraph (q-1), and substituted “§21-14.1(c) of this Code” for “§21-14. (a)” in paragraph (t).]

[THE 1992 AMENDMENT added “signed by the owner(s), proprietors, and trustees, if any, and duly acknowledged before some officer authorized to take acknowledgment of deeds” at end of paragraph (q); inserted “in accordance” in the first sentence in paragraph (q-1) and inserted “to meet the standards necessary . . . paid to municipalities” in the introductory paragraph of paragraph (s), and added new first sentence beginning ““The undersigned understands that the streets in the subdivision do not meet”” at the beginning of the required statement recited in paragraph (s).]

[THE MARCH 17, 1997 AMENDMENT, in paragraph q-1, inserted language beginning “and shall operate to transfer to Campbell County, or to such association..... utilized for such purposes, as the County may require,” preceding “provided that where” in the second sentence.]

[THE MAY 17, 1999 AMENDMENT, in paragraph (q), substituted “in addition to the professional engineer’s or land surveyor’s certificate” for “a surveyor’s and/or civil engineer’s seal and,” and substituted “an officer” for “some officer” in paragraph (q-1), divided former third sentence into the present third and fourth sentences; substituted “§15.2-2265 (Repl. Vol. 1997)” for “§15.1-478 (Cum. Supp. 1997)” and “over the land” for “over the same” in the third sentence; substituted “then upon” for “and from,” “recordation of the plat” for “recordation of such plat,” and citations to Title 15.2 for citations to former Title 15.1, all in the fourth sentence of (q-1); and in the introductory language of paragraph (s), rewrote the first part of the sentence to track language in the state code and in §21-13.1 of this Code.]

[THE DECEMBER 20, 1999 AMENDMENT added paragraph (u).]

[THE JULY 2, 2001 AMENDMENT added new paragraph (v).]

[THE JULY 7, 2008 AMENDMENT added “and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board” at the end of the first sentence of the second paragraph at paragraph (s).]

[THE DECEMBER 1, 2008 AMENDMENT inserted “When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision” in subsection (m), effective July 1, 2009, and substituted “Plat Cabinet” for “Map Book” in subsection (n).]

[THE JULY 19, 2010 AMENDMENT substituted “The plat” for “One original mylar or approved comparable tracing medium” in the second sentence of the second paragraph, and added “as needed” in subsection (p).]

[THE JULY 1, 2014 AMENDMENT substituted “all existing” for “proposed” in subsection (b), substituted “stormwater best management practices” for “storm sewers, catch basins” in (b); substituted “best management practices, drainage easements, or other stormwater infrastructure” for “detention or retention basin or facility”, “§8-16” for “§8-8.3” and “stormwater best management practices and infrastructure” for “basin or facility” in subsection (u), and made related changes.]

[THE JULY 5, 2016 AMENDMENT deleted “Original plats shall be inscribed on either translucent or opaque paper, polyester or linen” from the second introductory paragraph.]

[THE JULY 21, 2020 AMENDMENT substituted “Instrument Number” for “Deed Book _____, at Page” in the second paragraph of (u).]

Sec. 21-32. Single lot division plats.

[THE 1989 AMENDMENT added paragraphs (6) and (7) in (a).]

[THE 1991 AMENDMENT inserted “certified professional engineer’s or land” in paragraph (2) of (a) and substituted “land surveyor’s” for “surveyor’s” and “certified professional engineer’s” for “civil engineer’s” in paragraph (5) thereof.]

[THE JUNE 5, 2006 AMENDMENT, in (a)(4), inserted “of the subject property and” and added “, and tax map identification numbers of the subject property and of all adjoining property”; and added paragraphs (a)(8) and (a)(9).]

[THE DECEMBER 4, 2006 AMENDMENT added subsection (c).]

[THE DECEMBER 1, 2008 AMENDMENT added subsection (a)(6A), effective July 1, 2009.]

[THE JULY 19, 2010 AMENDMENT substituted “reference to last instrument in the chain of title” for “deed book and page number references” in (a)(4), and deleted former subsection (c), which had referred to former section 21-23.1, now repealed.]

Article VI. Street Light District.

Sec. 21-33. Purpose.

[THE MAY 17, 1999 AMENDMENT substituted “the owners of abutting property,” for “the abutting property owners,” in the first sentence and “§15.2-1200 (Repl. Vol. 1997)” for “§15.1-510 (Repl. Vol. 1989)” in the second sentence.]

Sec. 21-34. Designated street lighting districts.

[THE AUGUST 7, 2000 AMENDMENT substituted “may by ordinance designate” for “shall by resolution designate” and added “or may by ordinance create . . . area of the County.” in the first sentence; and added “In either case, . . . specified in VA. CODE ANN. §15.2-2402 (Repl. Vol. 1997). In addition,” at the beginning of the second and third sentences.]

Sec. 21-35. Plan for development of street lights.

[None.]

Sec. 21-36. Authorization of improvements by Board; voluntary petitions; notice required prior to authorizing improvements.

[THE MAY 17, 1999 AMENDMENT substituted “percent” for “percentum” in the first sentence.]

[THE AUGUST 7, 2000 AMENDMENT rewrote this section.]

Sec. 21-37. Assessment and apportionment of costs.

[THE 1992 AMENDMENT inserted the second sentence.]

Sec. 21-37.1. Payment of initial installation costs by subdivider or developer.

[None.]

Sec. 21-38. Annual assessment.

[THE 1992 AMENDMENT added the second paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted “percent” for “percentum” near the end of the first paragraph.]

Sec. 21-39. Collection of assessments.

[THE AUGUST 7, 2000 AMENDMENT, in the first sentence, inserted “or for which he is liable by agreement,” and added the second sentence.]

Sec. 21-40. Notice to landowners of amount of assessment.

[THE MAY 17, 1999 AMENDMENT rewrote the first and second sentences as the present first and second paragraphs, expanding the explanations of notice requirements and method of giving notice and, in the third paragraph, inserted “or apportionment,” substituted “by counsel” for “be represented by an attorney,” and deleted “as he may wish” at the end.]

Sec. 21-41. Postponement of payment.

[THE MARCH 17, 1997 AMENDMENT, substituted “of payment of said assessments, subject” for “for said assessments, subject” in first sentence and added “until the sale of the property or the death of the last eligible owner” at the end.]

[THE MAY 17, 1999 AMENDMENT substituted “§58.1-3211 (Cum. Supp. 1998)” for “□§58.1-3210 (Repl. Vol. 1997)” in the first sentence.]

[THE DECEMBER 6, 2011 AMENDMENT added “as in effect on December 31, 2010” to the first sentence.]

Article VIA. Road Improvement.

Sec. 21-41.1. Purpose.

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

Sec. 21-41.2. Authorization of improvements by Board; voluntary petitions; notice required prior to authorizing improvements.

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

Sec. 21-41.3. Notice to landowners of amount of assessment; public hearing.

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

[THE DECEMBER 6, 2016 AMENDMENT deleted a citation for notice that is not applicable for ordinances passed under Title 33.2 and Chapter 24 of Title 15.2.]

Sec. 21-41.4. How cost assessed or apportioned.

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

Sec. 21-41.5. Annual assessment.

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

Article VII. Vacation of Plats.

Sec. 21-42. Vacation of plat before sale of lot therein; effect of vacation.

[THE 1988 AMENDMENT substituted “Where no lot has been sold the recorded plat” for “Any plat recorded” at the beginning of the introductory language, added “according to either of the following methods:” at the end of introductory language; designated the first paragraph following said language as subdivision 1 and in that subdivision, combined the first and second sentences and added “or” at the end of that subdivision, and added the three paragraphs of subdivision 2.]

[THE MAY 17, 1999 AMENDMENT substituted “declaring the plat to be” for “declaring the same to be” in subdivision 1; substituted “on the property and no facilities have been constructed on any related section of the property located in the” for “on any related section of the property located in the” in first paragraph of subdivision 2.]

Sec. 21-43. Vacation of plat after sale of lot.

[THE 1988 AMENDMENT substituted “lot” for “lots” in subdivision (b).]

[THE 1991 AMENDMENT added the second sentence in (a).]

[THE MARCH 17, 1997 AMENDMENT added the new last paragraph following subdivision (b).]

[THE MAY 17, 1999 AMENDMENT redesignated former subdivisions (a) and (b) as present subdivisions 1 and 2, respectively.]

[THE DECEMBER 3, 2001 AMENDMENT substituted “or pursuant to other applicable provisions of state law” for §15.2-2298 (Repl. Vol. 1997), or §15.2-2303 (Repl. Vol. 1997)” near the end of the first sentence in the last paragraph.]

[THE DECEMBER 6, 2011 AMENDMENT substituted “Commissioner of Highways” for “Commonwealth Transportation Commissioner.”]

Sec. 21-43.1. Vacation of interests granted to Board of Supervisors as a condition of site plan approval.

[THE 1992 ACT adopted this section.]

Sec. 21-44. Fee for processing application under Sections 21-42, 21-43 or 21-43.1.

[THE 1986 AMENDMENT set the fee at \$35.00.]

[THE 1989 AMENDMENT substituted “\$55.00” for “35.00.”]

[THE 1992 AMENDMENT substituted “\$150.00” for “\$55.00” and “Sections 21-42, 21-43 or 21-43.1” for “Section 21-42 or 21-43.”]

Sec. 21-45. Effect of vacation under §21-43 of this Code.

[THE 1988 AMENDMENT substituted “instrument or ordinance as provided under either Section 21-42” for “instrument as provided under Section 21-42” and “or Section 21-43 of this Ordinance” for “or paragraph (a) of Section 21-43 in the first sentence.]

[THE 1989 AMENDMENT deleted “either Section 21-42 of this Ordinance or” preceding “Section 21-43” in first sentence and inserted “of this Code” in the last sentence.]

[THE MAY 17, 1999 AMENDMENT, in first sentence, deleted “or ordinance” following “instrument,” substituted “provision 1 of §21-43 or of the ordinance as provided under provision 2 of §21-43” for “Section 21-43 of this Ordinance,” and substituted “rights” for “right” and, in second sentence, deleted “such” following “If any.”]

Sec. 21-46. Relocation or vacation of boundary lines.

[THE 1993 AMENDMENT inserted clause (i) designation and inserted “or (ii) properly recorded prior to the applicability of the Campbell County subdivision Ordinance.”]

[THE MARCH 2, 1998 AMENDMENT inserted “vacated” preceding “relocated or otherwise altered” near the beginning.]

[THE MAY 17, 1999 AMENDMENT revised the provisions without substantive change.]

[THE JUNE 5, 2006 AMENDMENT added the second paragraph.]

Sec. 21-47. Duty of Clerk when plat vacated.

[THE MAY 17, 1999 AMENDMENT substituted “plat” for “same” following “reference on the.”]

Article VIII. Miscellaneous Provisions.

Sec. 21-48. Severability.

[None.]

Sec. 21-49. Repeal of prior ordinances.

[THE 1988 AMENDMENT inserted “(formerly Section 20-26.1).”]

[THE 1993 AMENDMENT deleted “With the specific exceptions of Section 21-26.1 (formerly Section 20-26.1) thereof and the Alphabetized Index of Street Names attached as Appendix A thereto,” at the beginning of the sentence, due to the repeal of same by action of the Board of Supervisors on November 2, 1992, and added “Former” preceding “Chapter 20.”]

Sec. 21-50. Violations and penalties.

[THE 1988 AMENDMENT added “or from the remedies herein provided” in (a).]

[THE MAY 17, 1999 AMENDMENT divided subsection (a) into two sentences and deleted “from the” preceding “remedies” in the second sentence; divided subsection (b) into two sentences.]

[THE AUGUST 7, 2000 AMENDMENT substituted “§17.1-223 (Repl. Vol. 1999)” for “§17-59 (Repl. Vol. 1996)” in subsection (b).]

[THE DECEMBER 3, 2001 AMENDMENT redesignated former subsections (a), (b), and (c) as present subsections (d), (e), and (f), also substituting “No clerk of any court shall” for “The Clerk of the Circuit Court shall not” in the first sentence in (e) and substituting “by statute” for “by VA. CODE ANN. §17.1-223 (Repl. Vol. 1999)” in the second sentence thereof, and adding a second sentence in subsection (f); and inserted new subsections (a), (b), and (c).]

[THE DECEMBER 1, 2003 AMENDMENT added “and shall be required . . . and this Subdivision Ordinance.” at the end of the first sentence in (d).]