

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
BY AMENDING SECTION 18-3
CHAPTER 18. SUBDIVISIONS, ARTICLE I. IN GENERAL**

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

(1) *That the Code of the County of Dinwiddie, 1985, as amended, is amended and re-enacted by inserting the following language shown underlined and deleting the following language shown in strikethrough:*

Sec. 18-3. - Definitions.

For the purposes of this chapter, certain words and terms used herein shall be interpreted as follows: The word "lot" includes the word "parcel"; the word "approves" shall be considered to be followed by the words "or disapproved"; any reference to this chapter includes all ordinances amending or supplementing the same; all distance and areas refer to measurements in a horizontal plane. The following words and phrases shall have the meanings respectively ascribed to them by this section, except when the context clearly indicates otherwise:

Agent: The representative appointed by the board of supervisors to serve as the agent of the board in approving or disapproving subdivision plats.

Alley: A permanent service way providing a secondary means of access to abutting properties.

Authority: The county water authority or the authorized deputy, director, agent or representative thereof.

Block: A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or boundary lines of the county.

Building: Any structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind and which is permanently affixed to the land.

Building setback line: A line or lines within a lot or parcel of land so designated on a recorded plat as otherwise established by law between which line and the closest property line, the erection of a building is prohibited.

Commission: The planning commission of the county.

Cul-de-sac: A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Developer: An owner of property being subdivided or developed, whether or not represented by an agent.

Development: A tract of land developed or to be developed as a unit under single ownership or unified control, which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. This definition shall not be construed to include any property which will be principally devoted to agricultural, forestall or horticultural production.

Easement: A grant by a property owner of the use of land for one or more specific purposes, either public or private.

Engineer: An engineer licensed by the commonwealth.

Frontage: The width of a lot as measured from one side lot line to the other along the front building setback line.

Governing body: The board of supervisors of the county.

Grade: The slope of a road, street, drainageway, public utility line or other public facility/utility specified in percentage.

Grade, landing: The grade required on streets entering major thoroughfares, at points of intersection as specified herein.

Health official: The health director of the county or the sanitarian.

Highway engineer: The resident engineer employed by the Virginia Department of Transportation serving the county.

Jurisdiction: The area of territory subject to the legislative control of the board of supervisors.

Limited access highway: A trafficway for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Lot: A numbered portion of a subdivision intended for transfer of ownership or for building development for a single building.

Lot, corner: A lot abutting upon two or more streets at their intersection.

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

Lot, double frontage: An interior lot having frontage on two streets.

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

Lot of record: A lot which has been recorded in the office of the clerk of the circuit court.

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

Pedestrian way: A right-of-way or easement across along or within a block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or otherwise designated, and which may include utilities.

Plat: The word "plat" includes the following terms: Map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used [as] a verb, "plat" is synonymous with "subdivide."

Plat, amended: A change to a recorded subdivision which does not involve a change in property lines. Changes that may be made by an amended plat include, but are not limited to, name changes and corrections relating to metes and bounds descriptions, correction of flood plain lines, setback lines, drainage easements, misnumbered lots and misspelled words.

Property: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

Public water or sewer line, facility or system: A utility operating for public purposes, which may be under public ownership or be a privately owned utility, operating in a proprietary capacity to furnish utility services to persons other than the owner on a contractual basis.

Resubdivision: Any division or transfer of land, laid out on a plan previously approved by the county subdivision agent, which proposes to change property lines or public right-of-way not in strict accordance with the approved plan.

Street: A highway, street, avenue, boulevard, road, land, alley, or any public way; the principal means of access to abutting property.

Street, arterial: A major road which serves corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.

Street, collector: A through street or road that carries a large volume of through traffic or anticipated traffic exceeding 500 vehicles per day.

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

Street or alley, public use of: The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

Street, private: A street which serves only the lots within a subdivision, which is constructed pursuant to section 18-101 of this Code and serves no more than six lots.

Street, service drive: A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

Street, stub: A road which no lot has as its only street access and which is shown on subdivision plat to dead-end or terminate at a property line or, in the case of a subdivision constructed in sections, at the periphery of the section.

Street, through: A street or road that carries a large volume of through traffic and is also used as a public access to abutting properties, the anticipated volume of traffic is less than 500 vehicles a day.

Street, width: The total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks, and planting strips.

Subdivider: An individual, corporation, registered partnership or a group of two or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

Subdivision, cluster: Any division of a parcel of land pursuant to Division 3 of Article XI of the Dinwiddie County Zoning Ordinance, Chapter 22 herein.

Subdivision or subdivision, conventional: Any division of a parcel of land (1) for the purpose of transfer of ownership or building development, or (2) involving a new (public) street. The term "subdivision" shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. ~~All proposed conventional subdivisions for residential purposes must be zoned in a residential category, pursuant to the Zoning Ordinance of Dinwiddie County, prior to final subdivision approval.~~ All parcels resulting from the subdivision or division of land, including residual parcels, must comply with the lot size requirements and maximum density of the applicable zoning district unless provided otherwise in this Code.

For purposes of this chapter, the term "subdivision" or "conventional subdivision" shall not include the following divisions of land:

- (1) The division or partitioning of land in an estate by court order or among heirs of the original owner unless or until development of the land is proposed.
- (2) A bonafide division of a tract of land made so that one or more of the resulting parcels may be used as part of a public utility right-of-way or to widen, straighten, or otherwise relocate the rights-of-ways for roads within or eligible for inclusion within the state highway system; provided, that if a parcel resulting from such a division is ever to be used as a building site for other than such right-of-way, before a building permit may be issued for such other use, the owner shall comply with the minimum requirements of this chapter and [chapter 22](#) of this Code.
- (3) The sale or exchange of parcels of land between owners of adjoining properties for the purposes of small adjustments in boundaries; provided, that none of the original lots, portions of which are sold or exchanged, shall be reduced below the minimum sizes required by this chapter or [chapter 22](#) of this Code.
- (4) A single division of land into parcels where such division is for the sale or gift to a member of the immediate family of the property owner, provided the following conditions are met:
 - a. The property owner has owned the property for a minimum of two years prior to the sale or gift of the land to the family member;
 - b. Only one such division shall be allowed per family member;
 - c. Conveyance of the property shall not be for the purpose of circumventing this chapter;
 - d. A plat and an affidavit describing the division and identifying the members of the immediate family receiving the lots created shall be submitted to the subdivision agent for approval. A deed and plat to the property conveying the property to the family member must be recorded in the office of the clerk of the circuit court within six months of the approval date noted on the plat by the subdivision agent for Dinwiddie County;
 - e. The family member receiving the property must retain ownership of the property for a minimum of five years unless (1) transferring or selling the subject property to a person in the immediate family or (2) such property is subject to involuntary transfer such as by foreclosure, death, judicial sale, condemnation, bankruptcy, divorce or any circumstance deemed appropriate upon formal application being submitted to the subdivision agent;
 - f. The member of the immediate family must be defined as a person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the property owner;
 - g. All lots resulting from such division shall have exclusive access of 50 feet or more to a public street or thoroughfare. As used herein, exclusive may be interpreted to include use by other immediate family members, only. In the

event a family member served by the 50-foot family easement shall convey ownership of their property to someone other than an immediate family member, then no further family divisions shall be permitted utilizing the above referenced 50-foot easement; and

h. The lot area of each lot existing after the division shall comply with the minimum lot area criteria but exempted from maximum density requirements set forth in the zoning district within which the property is located.

~~(5) Any division of a land parcel of record prior to June 2, 1999 into exactly two parcels, if a public street is not involved in such division. For purposes of this subsection, a "land parcel of record prior to June 2, 1999" means that the parcel has been assigned a unique tax map identification number by the commissioner of the revenue on or before June 1, 1999.~~

~~(6) Any division of a land parcel of record prior to June 2, 1999, into three or more parcels, no more than two of which contain an area of fewer than 20 acres each, if a public street is not involved in such division. For purposes of this subsection, a "land parcel of record prior to June 2, 1999" means that the parcel has been assigned a unique tax map identification number by the commissioner of the revenue on or before June 1, 1999.~~

Surveyor: A certified land surveyor licensed by the commonwealth.

(2) *That this ordinance shall become effective immediately upon adoption.*