E. The requirements of this section may be varied or excepted by the agent as provided in section 14-203.1. In reviewing a request for a variation or exception, the agent shall consider whether the requirement would unreasonably impact the existing above-ground electrical network so that extensive off-site improvements are necessary.

(§ 2, 8-28-74; § 18-12, 9-5-96; § 14-523, Ord. 98-A(1), 8-5-98; § 14-420, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

State law reference--Va. Code §§ 15.2-2241(4), 15.2-2242(1).

Sec. 14-421 Monuments.

The subdivider shall have monuments set as follows:

A. All boundaries, both exterior and interior, of the original survey for the subdivision shall be monumented as provided in 18 VAC § 10-20-370(B), a copy of which shall be on file in the department of community development.

B. No monuments other than those required by paragraph (A) shall be required to be set before recordation of the final plat or the conveyance of land by reference to plat if the professional engineer or land surveyor includes in his certification on the plat that any additional monuments required by this chapter shall be set on or before a specified later date.

C. The setting of any monument at any time after recordation of the final plat shall be established both at law and in equity, at prorated positions as determined from direct remeasurements between the established monuments of record rather than as precisely stated or shown on the recorded plat.

D. The subdivider shall be responsible for resetting any monument on the property which is damaged, disturbed or destroyed during construction of any improvements required by this chapter.

((§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; § 18-39, 9-5-96)(§18-55 (part): § 8, 8-28-74; 2-4-81; § 18-55, 9-5-96); §§ 18-39, 18-55; § 14-524, Ord. 98-A(1), 8-5-98; § 14-421, Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code § 15.2-2241(7).

Sec. 14-422 Sidewalks and planting strips.

Sidewalks and planting strips shall be provided as follows:

A. *Requirement.* Sidewalks and planting strips for street trees and other vegetation shall be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.

B. *Sidewalk design*. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. The agent may allow privately maintained sidewalks to be a 10-foot multi-use asphalt path in unique circumstances such as a path leading to a school or major employment center. The asphalt path generally shall run parallel to the street and shall be constructed to a standard deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare.

C. *Sidewalk ownership*. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be dedicated to public use. Each sidewalk proposed to be privately maintained shall be conveyed to a homeowners association for ownership and maintenance. The agent may require that a sidewalk proposed by the subdivider to be privately maintained instead be dedicated to public use if the agent determines there is a need for the sidewalks to be publicly owned and maintained.

D. *Planting strip design*. Each planting strip shall be a minimum of six (6) feet in width except that the minimum width may be less in areas of transition between rural cross-section and urban cross-section streets. On an urban cross-section street, the planting strip shall be located between the curb and the sidewalk. The planting strip shall be located between the paved travelway and the sidewalk.

E. *Variation of or exception to sidewalk requirements*. The requirements for sidewalks may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted*. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of any existing pedestrian network in the area, whether it is publicly or privately maintained, descriptions by widths and surfaces of the pedestrian ways within the existing pedestrian network, a proposed alternative profile and the intended ownership and maintenance.

2. *Consideration*. In reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (iii) sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street; (iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (v) the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit; (vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider; (vii) the sidewalks would be publicly or privately maintained; (viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

F. *Variation of or exception to planting strip requirements*. The requirements for planting strips may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted*. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent;

(v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable.

2. *Consideration*. In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a sidewalk variation or exception has been granted; (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

(8-28-74; 5-10-77; 10-19-77; § 38-39, 9-5-96; § 14-422, Ord. 98-A(1), 8-5-98, § 14-525; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14)

State law reference--Va. Code §§ 15.2-2241(5), 15.2-2242(1).

Sec. 14-423 Street signs.

Signs identifying the name of each street within a subdivision shall be installed and maintained as provided in chapter 7 of the Code.

(§ 14-526, Ord. 98-A(1), 8-5-98; § 14-423, Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code § 15.2-2019.

DIVISION 4. CONTRIBUTIONS, DEDICATIONS, RESERVATIONS AND TRANSFERS

Sec. 14-424 Contributions for off-site improvements.

Each plat for subdivision may be approved on the condition that the subdivider contributes a pro rata share of the cost of the following off-site improvements:

A. Each subdivider shall pay to the board of supervisors his pro rata share of the cost of providing reasonable and necessary sewer, water and drainage improvements not located on the property if they are necessitated or required, at least in part, by the construction or improvement of the subdivision, provided that: (i) no payment shall be required until the county establishes a general sewer, water and drainage improvement program for an area having related and common sewer, water and drainage conditions and within which the property is located or the board of supervisors has committed itself to such a program is located; and (ii) the program complies with the requirements of Virginia Code § 15.2-2243.

B. Each subdivider may voluntarily contribute and the board of supervisors may accept funds for off-site street improvements substantially generated and reasonably required by the construction or improvement of the subdivision. The determination of whether the need for an improvement is substantially generated by the subdivision shall be made by the agent, who shall consult with the county engineer and the county attorney prior to making the determination. In determining whether the need for an improvement is substantially generated by the subdivision, the agent shall consider whether: (i) the impact of the subdivision would create a threat to the public health, safety or welfare if not addressed by the improvement; (ii) the improvement is identified in the county's capital improvement program, including its six (6) year road plan; (iii) the improvement is identified in the comprehensive plan as a needed or desired improvement; and (iv) the need generated is more than an incremental effect that would otherwise result, as determined by annual population growth, vehicular traffic, or other appropriate criteria.

(§ 3, 8-28-74; 12-20-78; 2-4-81; 1-3-96; § 18-22, 9-5-96; § 14-401, Ord 98-A(1), 8-5-98; § 14-424, Ord. 05-14(1), 4-20-05, effective 6-20-05)

State law reference--Va. Code §§ 15.2-2242(4), 15.2-2243.