Chapter 54

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ARTICLE I. IN GENERAL

Sec. 54-1. Words and terms.

For the purpose of this chapter, certain words and terms used in this chapter shall be interpreted or defined as follows: words used in the present tense include the future; words in the singular number include the plural, and vice versa, unless the natural construction of the word indicates otherwise; the term "lot" includes the term "parcel"; the term "shall" is mandatory and not directory; the term "approve" shall be considered to be followed by the words "or disapproved" and supplementing the same; all distances and areas refer to measurement in a horizontal plane.
(Ord. of 9-21-1993, § 2(2-1); Ord. of 6-5-2007)

Sec. 54-2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator and *agent* mean the county administrator, as appointed by the board of supervisors, who will serve as the agent of the governing body in administering this chapter, as hereinafter specifically provided.

Alley means a permanent public or private right-of-way providing a secondary means of vehicular access to the side or rear of those projects whose principal frontage is on some other street.

Applicant means the owner of land proposed to be subdivided or his representative.

Block means a tract of land bounded by streets or by a combination of streets, public areas, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines of municipalities.

Bond means any form of security including a cash escrow, surety bond, cash deposit, certified check, or letter of credit in an amount equal to the full cost of improvements as designated by these regulations and providing for completion of such improvements within a definite period. All bonds shall be approved by the board of supervisors or its agent whenever required.

Building line and *front setback line* mean a line set with respect to the frontage of a plot of land which is fixed by statute, ordinance, deed or contract and beyond which the owner of land shall not build. This is the same as the building setback.

Central sewage system means a community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an area not served by a public sewage system.

Central water system means a private water company formed by a developer to serve a new community development in an area not served by a public water system. The term "central water system" includes water treatment and distribution facilities.

Commission means the planning commission of the county.

Common improvements means commonly owned, held, or controlled facilities such as sidewalks, roads, parks, and recreation areas shared by residents of a subdivision.

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

Dedicate and *dedication* mean an appropriation of land to some public use made by the owner and accepted for such use by or on behalf of the public, or in accordance with Code of Virginia, § 15.1-478.

Developer means an owner of property is being subdivided, whether or not represented by an agent.

Easement means a grant by a property owner of the use of land for a specific purpose or purposes.

Easement of convenience means an easement that is not less than 15 feet in width and is a secondary access to subdivision lots that front on a VDOT maintained secondary or primary road.

Engineer means an engineer licensed by the Commonwealth of Virginia.

Escrow means a deposit of cash with the board of supervisors in lieu of an amount required and still in force on a performance or maintenance bond. The agent shall deposit such funds in a separate manner.

Family and *immediate family* mean the owner's natural or legally defined offspring, spouse, or parent.

Governing body means the board of supervisors of the county.

Grade means the slope of a road or other public way, specified in percentage terms.

Health official means the health director of the county or the sanitarium.

Highway engineer means the resident engineer employed by the state department of transportation.

Individual sewage disposal system means a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Jurisdiction means the area or territory subject to the legislative control of the board of supervisors.

Lot means a numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory buildings. The term "lot" includes the term "parcel".

Lot, corner, means a lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

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

Lot, double frontage, means an interior lot having frontage on two streets.

Lot improvement means any building, structure, place, work of art or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot, interior, means a lot other than a corner lot.

Lot of record means a lot which has been recorded in the office of the circuit court of the county.

Lot, width of, means the mean horizontal distance between the side lot lines.

Monument means a visible monument left on natural or other objects indicating the lines and boundaries of an old survey. New surveys shall be marked by either iron pins or concrete markers in accordance with section 54-176.

Nonresidential subdivision means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this chapter.

Plat includes the terms "map," "plan," "plot," "replat," or "replot"; a map or plan of a tract or parcel of land which has been subdivided. When used as a verb, the term "plat" is synonymous with the term "subdivide." In the county, two types of plats exist: major plat and minor plat. The criteria regarding each are as follows:

(1) *Major plat* is one which:

a. Creates seven or more new buildable lots; or

b. Creates any number of new lots but does not conform to the requirements of this chapter and chapter 58 of this Code.

Major plats must be reviewed and approved by the county planning commission.

(2) *Minor plat* is one which creates six or fewer new buildable lots or provides for boundary line adjustments between two properties. Minor plats shall be reviewed and approved by the subdivision agent only and a record of each approval or denial shall be forwarded to the county planning commission.

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

Remnant means a piece of land below the minimum lot size for the district in which it is located.

Resubdivision means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The use of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Street means the principal means of vehicular access to abutting properties. All streets shall be public and constructed to the standards of the Virginia Department of Transportation unless otherwise permitted herein.

Street categories means the categories of subdivision streets divided into traffic volume classifications by the state department of transportation.

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

Street, private, means a street serving a subdivision containing lots, each of which is five acres or more, with such streets constructed and maintained pursuant to section 54-175.2 of this Code.

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

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

Subdivider means an individual, corporation or registered partnership, executors, heirs, their successors in interest except for immediate family owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided, or any of such, who have given their power of attorney to one of their group or to another individual or to a corporation or partnership to act on their behalf in planning, negotiating for, representing, or executing the purposes of the subdivision.

Subdivision means division of any tract, parcel, or lot of land into two or more parts at one time or any extended period of time for the purpose of transfer of ownership or building development.

(1) The term "subdivision" shall not include a "bona-fide" division or portion of agricultural land for agricultural purposes if no streets are required.

(2) The term "subdivision" shall not include a "remnant" of land that is to be conveyed by the owner of the remnant to the owner of adjacent property so that the remnant can be combined with the adjacent property. This process, which involves relocation and removal of existing lot lines, is not considered a subdivision, provided no additional lot will be created, a substandard lot will not be created, and such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein and the revision will not be in conflict with any provisions of this chapter. Provided these requirements are met, such property owners may convey the property by deed, recorded in the county's office of the clerk of circuit court, which contains a surveyed drawing of all lots involved and a signed statement from the agent stating the lot line revisions are not in conflict with any provisions of this chapter. The deed conveying the remnant shall clearly identify the pieces of land conveyed and combined by tax map number, tax parcel number, and by legal description.

(3) The term "subdivide" and derivatives thereof shall have reference to the term "subdivision" as defined in this section.

Surveyor means a surveyor licensed by the Commonwealth of Virginia.

(Ord. of 9-21-1993, § 2(2-1.1—2-1.46); Ord. of 6-5-2007, § 54-175(b))

Cross reference—Definitions generally, § 1-2.

Sec. 54-3. Purpose and applicability.

(a) *Purpose.* This chapter is adopted for the general purpose of promoting the health, safety, and general welfare of the public. To these ends, this chapter is designed to:

(1) Assist in the orderly development of land by establishing reasonable standards of design and procedures for subdividing and resubdividing land and by ensuring the proper legal description and marking of subdivided land;

(2) Provide for the coordination of streets within, contiguous to, adjacent to, or in the vicinity of the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, the coordination of such streets with existing or planned streets in existing or future subdivisions;

(3) Ensure that proper provisions will be made for drainage and flood control, water supply, sewerage, and other necessary improvements and ensure that buildings are constructed with adequate light and air;

(4) Provide for the acceptance or dedication for public use of any right-of-way located within any subdivision or section thereof which has constructed or proposed to be constructed within the subdivision or section thereof any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use and maintained by the county, the commonwealth, or other public agency, and for the provision of other site-related improvements

required by the county's ordinances for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities; and for the construction and maintenance of private streets in certain subdivisions as allowed herein;

(5) Provide for the efficient and orderly extension of community services at a minimum cost and at a maximum level of service;

(6) Ensure the equitable handling of all subdivision applications by providing uniform procedures and standards for the subdivision of land;

(7) Prevent the pollution of air and streams and to encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the county in general and residential neighborhoods in particular;

(8) Provide for the prorata sharing of costs in establishing reasonable and necessary sewerage, water, and drainage facilities required by the improvement or development of land subdivided.

(b) *Applicability of regulations.*

(1) No person shall divide or subdivide, or cause a subdivision to be made, by deed or map, any tract of land which is located within the boundaries of the county as the same may, from time to time, be established according to law, as provided for in Code of Virginia, § 15.1-465, as amended, except in conformity with the provisions of this chapter.

(2) Whenever the owner or proprietor of any tract of land located within the county desires to subdivide the same, he shall submit a plat of the proposed subdivision to the local commission of the county or any agent designated by the board of supervisors for such purpose. When any part of the land proposed for subdivision lies in a drainage district, such fact shall be set forth on the plat of the proposed subdivision. When any grave, object, or structure marking a place of burial is located on the land proposed for subdivision, such grave, object, or structure shall be identified on any plans required by this chapter. When the land involved lies wholly or partly within an area subject to the joint control of more than one political subdivision, the plat shall be submitted to the designated agent of the political subdivision in which the tract of land is located.

(3) Any owner or developer of any tract of land who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the county clerk of the circuit court. No such plat of subdivision shall be recorded unless and until it has been submitted and approved and certified by the agent in accordance with the regulations set forth in this chapter. No land shall be subdivided for residential use if the planning commission, in the exercise of its considered judgment, after hearing all proper evidence, deems the same unsuitable for such purpose.

(4) This chapter bears no relation to any private easement, covenant, agreement, or restriction, and the responsibility of enforcing such private easement, covenant,

agreement, or restriction is not implied in this chapter to any public official. When this chapter calls for more restrictive standards than those required by private contract, the provisions of this chapter shall control.

(Ord. of 9-21-1993, § 1(1-1, 1-2); Ord. of 6-5-2007)

Sec. 54-4. Exceptions.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and in the opinion of the agent a departure may be made without destroying the intent of such provisions, the planning commission may authorize an exception to the requirements of this chapter. Any exception thus authorized is to be stated in writing in the report of the planning commission with the reasoning on which the departure was justified set forth. No such exception may be granted which is opposed in writing by the county or highway engineer or health official as defined in this chapter.

(Ord. of 9-21-1993, § 7(7-1); Ord. of 6-5-2007)

Sec. 54-5. Conditions.

In approving exceptions, the commission may require such conditions as will, in its judgment or the agent's judgment, secure substantially the objectives of this chapter.

(Ord. of 9-21-1993, § 7(7-2); Ord. of 6-5-2007)

Sec. 54-6. Procedures.

A petition for any such exception shall be submitted in writing by the subdivider at the time when the preliminary plat is submitted for consideration or immediately thereafter. The petition shall state fully the grounds for the application and the facts relied on by the petitioner.

(Ord. of 9-21-1993, § 7(7-3); Ord. of 6-5-2007)

Sec. 54-7. Penalties.

(a) *Subdivisions shall comply with this chapter.* No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this chapter.

(b) *No recordation without final approval.* No plat of any subdivision shall be recorded unless and until it shall have received final approval as provided by this chapter.

(c) *Plat approval rewired.* No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided in this article unless such subdivision was lawfully created prior to the adoption of this chapter; provided, that nothing in this article contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

(Ord. of 9-21-1993, § 7(7-4); Ord. of 6-5-2007)

Sec. 54-8. Violation.

Any person violating the foregoing provisions shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than $25.00 and not more than $500.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies in this article provided.
(Ord. of 9-21-1993, § 7(7-5); Ord. of 6-5-2007)

Sec. 54-9. Amendments.

This chapter may be amended in whole or part by the board of supervisors, provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held, in accordance with Code of Virginia, § 15.1-431.
(Ord. of 9-21-1993, § 7(7-7); Ord. of 6-5-2007)

Sec. 54-10. Administrative agent.

(a) *Powers of administration and enforcement.* The agent appointed by the board of supervisors is hereby designated to administer this chapter only as hereinafter specifically provided, and the planning commission shall have only those powers which are hereinafter expressly delegated to it. The powers of administration and enforcement of this chapter are hereby vested in and retained by the board of supervisors except as such powers are expressly delegated herein below to the agent appointed by the board and to the planning commission.

(b) *Duties.* All administration and enforcement of this chapter shall be done in conformity with this chapter and with Code of Virginia, § 15.2-2240 et seq., and with other applicable provisions of the Code of Virginia, and as illustrated in appendix I of this chapter.

(c) *Agent to consult.* In the performance of his duties, the agent may call for opinions or decisions, either verbally or in writing, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident highway engineer and the health department. Any applicable information shall be made available to the commission.

(d) *Additional authority.* In addition to the regulations contained in this article for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this chapter, consistent with the Land Subdivision and Development Act of the Code of Virginia.
(Ord. of 9-21-1993, § 3(3-1—3-4); Ord. of 6-5-2007)

Editor's note—Appendix I referred to in subsection (b) has not been set out in this chapter but may be found on file with the county.

Sec. 54-11. Family subdivision.

(a) A division of a lot or parcel is permitted for the purposes of sale or gift to a member of the immediate family of the property owner, and subject only to any express requirement contained in the Code of Virginia and the following provisions:

(1) Only one such division shall be allowed per family member, and shall not be made for the purpose of circumventing this section.

(2) The person the lot is to be conveyed to is a natural or legally defined child, spouse, sibling, parent, grandparent, grandchild, niece, or nephew of the property owner. One such division shall be allowed per family member, but this exception shall not apply so as to permit further subdivision of such parcel by grantees hereunder for a period of five years after the final plat is recorded.

(3) The person to whom the lot is to be conveyed has not previously been conveyed a lot by the exercise of this section or any previous family exemption section of the Craig County Code. Where the previous conveyance can be shown not to have resulted in a circumvention, the agent or the planning commission may grant an exception to this requirement.

(4) The grantee is at least 18 years of age and able to hold real estate under the laws of Virginia.

(5) Lots or parcels created through a family subdivision shall be titled in the name of the original recipient for whom the subdivision is made for a period of not less than five years. Upon application, the subdivision agent may grant relief to this five-year retention period in cases of severe hardship including foreclosure, death, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. Additionally, the subdivision agent may approve the transfer of property between eligible family members as defined in section (2) within the five-year retention period. Any such relief granted by the agent shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the circuit court.

(6) The family division is to create a lot for the housing needs of the grantee.

(7) For property not served with public water and public sewer, each lot shall have its septic system and water source approved by the Virginia Department of Health and shown on the subdivision plat as evidenced by applicable permits, plat review, or extension of public water and/or sewer to the site.

(8) Each lot or parcel or property shall:

a. Front upon a public street; or

b. Front upon an access easement 20 feet or greater in width or a private road which is in a right-of-way 50 feet or greater in width. Such right-of-way shall remain private and any drive or road within it shall be maintained by the adjacent property owners in a condition passable in all weather by emergency vehicles.

c. Each private street shall be clearly marked as such on the final plat of any development, and the subdivider shall have boldly printed upon the final plat, which must also be included in the real estate sales/land contract as a covenant in each deed for a lot in the subdivision the following statements:

THE STREETS IN THIS SUBDIVISION DO NOT MEET THE STANDARDS NECESSARY FOR INCLUSION IN THE SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION OR THE COUNTY AND ARE NOT ELIGIBLE FOR RURAL ADDITION FUNDS OR ANY OTHER FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY AND ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD. IN ADDITION, CRAIG COUNTY SCHOOL TRANSPORTATION POLICIES MAY NOT ALLOW SCHOOL BUSES TO TRAVEL AND PICK UP CHILDREN ON PRIVATE STREETS IN THE EVENT THAT OWNERS OF LOTS IN THE SUBDIVISION SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE STREETS TO THE SECONDARY SYSTEM OF THE STATE HIGHWAYS FOR MAINTENANCE. THE COST TO UPGRADE IT TO THE PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN TRANSPORTATION OR CRAIG COUNTY. PRIVATE STREETS IN THIS SUBDIVISION ARE NOT DEDICATED AND ARE OWNED BY THE ADJOINING OWNERS.

(9) The corners of all lots created by family subdivision shall be marked with iron pipes or other standard permanent material.

(10) Each lot, parcel or tract shall comply with minimum lot size and building line requirements of the zoning ordinance for the district in which it is located.

(11) The remainder of the parent tract from which the lot is created meets the minimum lot area requirements of the subdivision and zoning (as applicable) after the division is complete. If the remainder of the parent tract from which the lot is created contains less than five acres, such tract must meet the minimum state-maintained road frontage requirements set forth in the subdivision ordinance.

(12) A final subdivision plat, four copies, shall be submitted by the subdivider to the agent for consideration as provided for in this section. Said plat shall indicate that the subdivision is a family subdivision. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in 60 days, such subdivision shall be deemed approved.

(13) The plat shall contain a certificate, the exact wording as provided by the herein, wherein the owner of the property or family members receiving same, sets forth the relationship of the parties, attests to the compliance of the conveyance with the county ordinances governing same and affirms the subscriber's awareness that resale of the tract so conveyed to a non-family member within five years shall be determined to be

a circumvention of the ordinance and that the parties thereto may be subject to fines and/or prosecution for perjury. This certificate shall be subscribed and sworn before a clerk or deputy clerk of the circuit court or a notary public as follows:

I, _____, owner of this tract to be subdivided certify that the person receiving the lot, parcel, or tract as a result of this subdivision is a natural or legally defined child, spouse, sibling, parent, grandparent, grandchild, niece, or nephew of the property owner.

(14) It shall be the applicant's responsibility to obtain preliminary approvals of the proposed family subdivision before executing the deed or to render the conveyance void and of no effect if the agent finds that the plat is not in conformity with the County Code.

(15) Family subdivisions that do not comply with these requirements shall be presumed to have intended at the time of approval to circumvent this chapter and shall be deemed to be in violation and may result in one or more of the following:

a. Any action, including but not limited to, civil remedy and relief and criminal penalties and fines;

b. Vacation of the subdivision;

c. Refusal of building permits and other development permits.

(Ord. No. 10-01, 2-11-2010)

Secs. 54-12—54-35. Reserved.

ARTICLE II. PLATS

DIVISION 1. GENERALLY

Sec. 54-36. Platting required.

Any owner or developer of any tract of land situated within the county who subdivides the same shall cause a final plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the circuit court of the county. No such final plat or subdivision shall be recorded unless and until it shall have been submitted, approved by the planning commission, and certified by the agent in accordance with the regulations set forth in this chapter. No building erected or lot shall be sold in any such subdivision before the plat has been recorded.
(Ord. of 9-21-1993, § 4(4-1); Ord. of 6-5-2007)

Sec. 54-37. Draw and certify.

Every such plat shall be prepared by a surveyor or engineer duly licensed by the state who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place or record of the last instrument in the chain of title. When the plat is of land required from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an insert block, or by means of a dotted boundary line upon the plat.
(Ord. of 9-21-1993, § 4(4-2); Ord. of 6-5-2007)

Sec. 54-38. Owner's statement.

Every such plat or the deed of dedication to which such plat is attached shall contain in addition to the surveyor's or engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any;" which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds, and when thus executed and approved as specified in this section shall be filed and recorded in the office of the clerk of the circuit court of the county, and indexed under the names of the landowners signing such statement and under the name of such subdivision.
(Ord. of 9-21-1993, § 4(4-3); Ord. of 6-5-2007)

Sec. 54-39. No one exempt.

No person shall subdivide any tract of land that is located within the county except in conformance with the provisions of this chapter.
(Ord. of 9-21-1993, § 4(4-4); Ord. of 6-5-2007)

Sec. 54-40. Private contracts.

This chapter bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement, or restriction implied in this chapter to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.
(Ord. of 9-21-1993, § 4(4-5); Ord. of 6-5-2007)

Sec. 54-41. Necessary changes.

No change, erasure, or revision shall be made on any preliminary or final plat nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plats or sheets, unless authorization for such changes has been granted in writing by the agent.
(Ord. of 9-21-1993, § 4(4-6); Ord. of 6-5-2007)

Sec. 54-42. Fees.

There shall be reasonable fees and charges not to exceed any amount commensurate with the services rendered. Such fees shall be set by resolution of the board of supervisors of the county and maintained in the agent's office.
(Ord. of 9-21-1993, § 4(4-7); Ord. of 6-5-2007)

Secs. 54-43—54-65. Reserved.

DIVISION 2. PRELIMINARY PLATS

Sec. 54-66. Approval required before construction and sale.

Whenever any subdivision of land is proposed and before any permit for the erection of a structure shall be granted, the subdivider shall comply with the following requirements regarding approval of plats, as outlined in appendix II. The preliminary plat may be reviewed by a designated agent of either the planning commission or the board of supervisors. Unless otherwise specified, the term "agent" refers to the county administrator throughout.
(Ord. of 9-21-1993, § 6(6-1); Ord. of 6-5-2007)

Editor's note—Appendix II referred to in § 54-66 has not been set out in this chapter, but may be found on file with the county.

Sec. 54-67. Preliminary sketch.

(a) The subdivider may, if he so chooses, submit to the agent and the planning commission a preliminary sketch of the proposed subdivision prior to his preparing an engineered preliminary and final plat. The purpose of such preliminary sketch is to permit the agent and commission to advise the subdivider whether his plans, in general, are in accordance with the requirements of this chapter. The agent and commission, upon submission of any preliminary

sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary after the next regularly scheduled planning commission meeting. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the agent and commission.

(b) It shall be drawn on white paper or a print of a topographic map of the property. It shall be drawn to a scale of not more than 200 feet to the inch. It shall show the name, location, and dimensions of all streets entering or adjacent to the property or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.
(Ord. of 9-21-1993, § 6(6-2); Ord. of 6-5-2007)

Sec. 54-68. Plats for sections of subdivisions.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the board of supervisors a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within such section for public use and maintained by the locality, the commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.
(Ord. of 9-21-1993, § 6(6-3); Ord. of 6-5-2007)

Sec. 54-69. Preliminary plat.

The subdivider shall present to the agent eight copies of a preliminary layout at a scale of not less than 50 feet nor than more 100 feet to the inch as a preliminary plat. The plat shall be no larger than 18 inches by 24 inches. The agent shall forthwith transmit the plats to the planning commission, which shall place the matter on its docket for the next regularly scheduled meeting or as soon thereafter as practicable not exceeding two regular monthly meetings. The preliminary plat shall include the following information:

(1) *Name of subdivision, etc.* Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point, and scale.

(2) *Location.* Location of proposed subdivision by an insert map at a scale of not less than two inches equal to one mile showing adjoining roads, their names and numbers, towns, subdivisions, and other landmarks.

(3) *Survey.* The boundary survey or existing survey or record provided such survey shows a closure with an accuracy of not less than one in 2,500, total acreage; acreage of subdivided area; number and approximate area and frontage of all building sites; existing buildings within the boundaries of the tract; names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(4) *Streets.* All existing, platted, and proposed streets, their names, numbers, and width; existing utility and other easements; public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data. Subdivisions with roads not intended for acceptance into the state's secondary system of highways must clearly show the statements specified in section 54-175.1.

(5) *Topography.* Topography at intervals satisfactory to the highway engineer if deemed necessary by the agent.

(6) *Elevations.* Elevations of existing and proposed ground surface at all street intersections and points of major grade change along the centerline of streets together with proposed grade lines connecting therewith or as necessary for the agent to reasonably interpret the intention of the subdivider.

(7) *Sewer and water.* Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

(8) *Drainage.* Provisions for collecting and discharging surface drainage and preliminary designs of any structures that may be required.

(9) *Uses of land.* Indication of the intended use of lots including all uses other than residential intended by the subdivider.

(10) *Areas in floodplain.* A clear delineation of all parcels or parts of parcels located in the floodplain.

(11) *Shared utility easements.* Common or shared utility easements shall be drawn on the plat.

(Ord. of 9-21-1993, § 6(6-4); Ord. of 6-5-2007, § 54-175(a))

Sec. 54-70. Procedure.

(a) The planning commission and the agent may discuss the preliminary plat with the subdivider for planning purposes only to determine whether or not his preliminary plat generally conforms to the purposes and requirements of this chapter and chapter 58 of this Code.

(b) The local commission, agent, and, if necessary, state agencies shall act on any proposed plat within a cumulative total of 90 days after it has been officially submitted for approval by either approving or disapproving such plat in writing, and giving with the latter specific reason therefor. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself. The reasons for disapproval shall identify deficiencies in the plat which cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall generally identify such modifications or corrections as will permit approval of the plat.

(c) Any state agency making such a review of a plat forwarded to it under this section, including, without limitation, the state department of transportation, shall complete its review within 45 days of receipt of such preliminary plat. If the state agency does not approve the

preliminary plat, it shall give the reasons for disapproval in writing as specified in subsection (b) of this section. Upon receipt of the approvals from all state agencies, the local agent shall act upon a preliminary plat within 35 days.

(d) If the local commission, the agent, and any state agency involved fails to approve or disapprove the preliminary plat within a cumulative total of 90 days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the commission or agent, may petition the county circuit court to enter such order with respect thereto as it deems proper, which may include directing approval of the plat.
(Ord. of 9-21-1993, § 6(6-5); Ord. of 6-5-2007)

Sec. 54-71. No guarantee; appeal from rejection of preliminary plat.

(a) Approval by the planning commission of the preliminary plat does not constitute a guarantee of approval of the final plat nor approval to begin construction or soil-disturbing activities. Refusal of approval by the planning commission may be appealed to the county circuit court by giving ten days' notice in writing to the agent. If the planning commission or the agent disapproves a preliminary plat and the subdivider contends that such disapproval was not properly based on the ordinance or was arbitrary or capricious, he may appeal to the county circuit court, which shall hear and determine the case as soon as may be, provided that his appeal is filed with the county circuit court within 60 days of the written disapproval by the planning commission or other agent.

(b) The circuit court shall fix a reasonable time for the hearing of an application of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within 90 days of the filing of the application or appeal. In exercising its powers the circuit court may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from. The circuit court shall keep minutes or records of its proceedings and other official actions which shall be filed in the office of the circuit court and shall be public records. The circuit court may administer oaths and compel the attendance of witnesses.
(Ord. of 9-21-1993, § 6(6-6); Ord. of 6-5-2007)

Sec. 54-72. Six months' limit.

The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The agent may on written request by the subdivider grant an extension of this time limit not to exceed six months.
(Ord. of 9-21-1993, § 6(6-7); Ord. of 6-5-2007)

Sec. 54-73. Final plats.

Copies of subdivision plats shall be submitted for final approval and subsequent recording drawn clearly and legibly in ink upon reproducible material at a scale of not less than 50 feet nor more than 100 feet to the inch on sheets of 18 inches by 24 inches. The following information shall be provided:

(1) *Name, etc.* Name of subdivision, magisterial district, county, state, owner, true north point, scale of drawing and number of sheets. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join. A blank oblong space three inches by five inches shall be reserved for the use of the approving authority.

(2) *Location.* Location of proposed subdivision by an insert map at a scale of not less than two inches equal one mile indicating thereon adjoining roads, their names and numbers, towns, subdivisions, and other landmarks.

(3) *Survey.* A boundary survey with an error of closure within the limits of one in 10,000 related to the true meridian and showing the location of all monuments and their type of material. The survey may be related to the USGS state grid north if the coordinates of two adjacent corners of the subdivision are shown.

(4) *Certificates signed.* Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

(5) *Statement of free consent.* A statement of the effect that the subdivision as it appears in the plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.

(6) *Tracts to be outlined.* When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashlines and identification of the respective tracts shall be placed on the plat.

(7) *Location and dimensions.* The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.

(8) *Statement regarding substandard roads.* In the event streets in a subdivision will not be constructed to meet the standards necessary for inclusion in the secondary system of state highways or for state street maintenance moneys paid to municipalities, the subdivision plat and all approved deeds of subdivision, or similar instruments, must

contain a statement advising that the streets in the subdivision do not meet state standards and will not be maintained by the department of transportation or the county as specified in section 54-175(l)(1) [54-175.1(k)]. Grantors of any subdivision lots to which such statement applies must also include the statements on each deed of conveyance thereof as specified in 54-175.2.

(9) *Dimension standards.* All dimensions shown in feet and decimals of a foot to the closest 100th of a foot, all bearings in degrees, minutes, and seconds to the nearest ten seconds or the decimal equivalents.

(10) *Curve data.* The data of all curves along the street frontages shown in detail at the curve or in a survey data table containing the following: delta, radius, arc, tangent, chord, and chord bearings.

(11) *Floodplain delineation.* A clear delineation of the floodplain shall be shown on the plat if any or all of the platted land is in a floodplain.

(12) *Shared utility easements.* Common or shared utility easements shall be shown on the plat and become official at final plat approval.

(Ord. of 9-21-1993, § 6(6-8); Ord. of 6-5-2007)

Secs. 54-74—54-95. Reserved.

DIVISION 3. FINAL PLAT

Sec. 54-96. Approval.

(a) The agent shall not approve the final plat if determinations by other public agencies in section 54-147 have shown the land to be unsuitable for subdivision and development. Generally, approval will be forthcoming if the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and the regulations of other public agencies and has made satisfactory arrangements for bonds, cash, or cash bond to cover the cost of necessary improvements to the satisfaction of the agent.

(b) If the plat is a major plat, as defined in section 54-2, the agent refers the final plat to the planning commission for approval. However, the final plat may require approval by the board of supervisors if the board deems it necessary because of the potential impacts on the county associated with the subdivision. Once approved, the agent shall sign and approve the plat as instructed by the planning commission or board of supervisors.

(c) If the plat is a minor plat, as defined in section 54-2, only approval by the agent is required.

(d) Approval of the final plat, both major and minor, shall be written by the agent on the face thereof and the plat returned to the subdivider within 30 days.

(Ord. of 9-21-1993, § 6(6-9); Ord. of 6-5-2007)

Sec. 54-97. Petition within 60 days.

The agent and commission or board of supervisors shall approve or disapprove the proposed final plat within 60 days after it has been officially submitted for approval. If not, the subdivider after giving ten days' written notice to the agent may petition the county circuit court to decide whether the plat should be approved or denied.
(Ord. of 9-21-1993, § 6(6-10); Ord. of 6-5-2007)

Sec. 54-98. Recordation.

Recordation of the approved final plat shall occur in the county's office of the clerk of circuit court within 60 days after approval. This shall operate to transfer, in fee simple, to the county such land or portion of the premises platted as is on such plat set apart for streets, alleys, or other public use and to transfer to the county any easement indicated on such plat to create a public right of passage over the same. Rights of subdividers of land that has been validly reserved are not to be affected.
(Ord. of 9-21-1993, § 6(6-11); Ord. of 6-5-2007)

Secs. 54-99—54-120. Reserved.

DIVISION 4. VACATION OF PLATS

Sec. 54-121. Sales of lots.

(a) *Plat vacation before sale of lot therein.* Any plat recorded or parts thereof may be vacated as specified in the Code of Virginia. Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

(1) With the consent of the board of supervisors or its authorized agent and that of all owners, proprietors, and trustees, if any, who signed the statement of consent required by Code of Virginia, § 15.2-2264, at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, duly executed, acknowledged, or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded, and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in and to reinvest such owners, proprietors, and trustees, if any, with the title of the streets, alleys, easements for public passage, and other public areas laid out or described in such plat;

(2) By ordinance of the governing body of the county in which the property shown on such plat or part thereof to be vacated lies, provided that no facilities for which bonding as required pursuant to Code of Virginia, § 15.2-2241, have been constructed on such property and no such facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded; or

(3) By consent of the board of supervisors of the county, the original plat for a given property may be vacated in the event of the resubdivision of that property.

(b) *Plat vacation after sale of lot therein.* In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the two methods described in subsections (a)(1)—(3) of this section. However, in cases involving drainage easements or street rights-of way and where the vacation does not impede or alter drainage or access for any lot owners, only the owners of adjoining and contiguous land are required to sign an agreement for action. (Ord. of 9-21-1993, § 6(6-12); Ord. of 6-5-2007)

Secs. 54-122—54-145. Reserved.

ARTICLE III. REQUIRED IMPROVEMENTS AND STANDARDS

DIVISION 1. GENERALLY

Sec. 54-146. Mutual responsibility.

There is a mutual responsibility between the subdivider and the county to divide the land so as to improve the general land use pattern of the area being subdivided.
(Ord. of 9-21-1993, § 5(5-1); Ord. of 6-5-2007)

Sec. 54-147. Land must be suitable.

(a) *Public best interest protected.* The subdivision of land shall not be approved if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

(b) *General land suitability.* Land subject to flooding and land deemed to be topographically unsuitable because of inadequate drainage, severe erosion potential, unfavorable topography, inadequate sewage and waste disposal capabilities, or any other feature harmful to the general health, safety, and welfare shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life, or property.

(c) *Suitability of subdivision in floodplains.* All proposed subdivision activities in land determined to be within a 100-year floodplain shall be governed by the regulations of the Virginia Uniform Statewide Building Code and the state health department.

(d) *Drainage.* No plat of subdivision shall be approved without provision for adequate drainage. To ensure development of lots containing sufficient land upon which to place structures without impeding natural drainage, the subdivider shall provide elevation and flood profiles as may be required by the agent.

(e) *Suitable for septic tanks.* No subdivision shall be approved without the subdivider first having obtained from the county health department or other authorized agency a statement that the lot or tract has been approved for wastewater disposal system and potable drinking water system installation.
(Ord. of 9-21-1993, § 5(5-2); Ord. of 6-5-2007)

Secs. 54-148—54-170. Reserved.

DIVISION 2. IMPROVEMENTS

Sec. 54-171. Completion of improvements.

(a) *Certification of payment of construction costs.* Prior to the approval of the final plat, the subdivider may be required to complete in accordance with the commission's decision as the case may be and to the satisfaction of the state department of transportation and the state department of health all the public street, water and sewer, sanitary, and other improvements intended to be public including lot improvements on the individual lots of the subdivision as required in these regulations specified in the final plat and as approved by the agent and to dedicate them to the county, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

(b) *Bond and prorata payment requirements as related to completion of improvements.*

(1) The agent may waive the completion of requirements of subsection (a) of this section if the subdivider furnishes a bond in an amount calculated by the agent to secure the required improvements intended to be public in a workmanlike manner and in accordance with the specifications and construction schedules established or approved by the state department of transportation and the state department of health. This bond shall be payable to and held by the board of supervisors. In lieu of bond with corporate or personal surety, the agent is authorized to accept a certified check, irrevocable letter of credit, assignment of loan proceeds, or cash escrow agreement if in his judgment such arrangements will provide a substantially similar guarantee of performance of the applicant's obligations. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities. Such bond shall be issued for a period of 12 months and may be renewed by the agent for a bona fide reason an additional 12 months. Subsequent requests for additional extensions beyond this 24-month period shall be made to the board of supervisors.

(2) If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the board of supervisors a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within such section for public use and

maintained by the locality, the commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

(3) The board of supervisors shall permit the periodic partial and/or final complete release of any bond, escrow, letter of credit, or other performance guarantee required under this subsection within 30 days after receipt of written notice from the subdivider or developer of completion of part or all of any facilities required to be constructed under this division unless the board of supervisors or its designated agent notifies such subdivider or developer in writing of nonreceipt of approval by the applicable state agency, and suggested corrective measures prior to the expiration of the 30-day period. If no such action is taken by the board of supervisors or administrative agency within the time specified above, the request shall be deemed approved and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail return receipt to the chief administrative officer of such board of supervisors. The board of supervisors or its designated administrative agency shall act within ten working days of receipt of the request; if no action is taken, then the request shall be deemed approved and final release granted to the subdivider or developer.

(4) No governing body or administrative agency shall refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by such bond, escrow, letter of credit, or other performance guarantee.

(5) Upon written request by the subdivider or developer, the board of supervisors or its designated administrative agency shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than 80 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the board of supervisors, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, or after completion of more than 80 percent of such facilities. The board of supervisors or administrative agency shall not be required to execute more than three periodic partial releases in any 12-month period. Upon final completion and acceptance of such facilities, the board of supervisors or administrative agency shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" is deemed to mean when such public

facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

(6) The board of supervisors may require developers to make prorata payments to a general sewer, water, and drainage improvement program. It may require payment by a subdivider or developer of land of his prorata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development. The agent shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage, water, and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow, water flow, and/or increased volume and velocity of stormwater runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage, water, and/or runoff from such area in its fully developed state.

(7) This chapter allows for the voluntary funding of off-site road improvements by developers and reimbursements of advances by the board of supervisors. If a subdivider or developer makes a voluntary, not mandatory, advance of payments for construction of reasonable and necessary road improvements located outside the property limits of the land owned or controlled by him, the need for which is substantially generated and reasonably required by the construction or improvement of his subdivision or development, and such advance is accepted, the board of supervisors may agree to reimburse the subdivider or developer from such funds as the board of supervisors may make available for such purpose from time to time for the cost of such advance together with interest, which shall be excluded from gross income for federal income tax purposes, at a rate equal to the rate of interest on bonds most recently issued by the board of supervisors on the following terms and conditions:

a. The board of supervisors shall determine or confirm that the road improvements were substantially generated and reasonably required by the construction or improvement of the subdivision or development and shall determine or confirm the cost thereof on the basis of a study or studies conducted by qualified traffic engineers and approved and accepted by the subdivider or developer.

b. The board of supervisors shall prepare or cause to be prepared a report accepted and approved by the subdivider or developer indicating the governmental services required to be furnished to the subdivision or development and an estimate of the annual cost thereof for the period during which the reimbursement is to be made to the subdivider or developer.

c. The board of supervisors may make annual reimbursements to the subdivider or developer from funds made available for such purpose from time to time, including, but not limited to, real estate taxes assessed and collected against the land and improvements on the property included in the subdivision or developments in amounts equal to the amount by which such real estate taxes exceed the annual cost of providing reasonable and necessary governmental services to such subdivision or development.

(Ord. of 9-21-1993, § 5(5-3); Ord. of 6-5-2007)

Sec. 54-172. Maintenance of common improvements, annual report.

(a) Upon a verified petition signed by the owners, other than the original subdivider, of ten percent of the lots in any subdivision, the board of directors or other governing body of a subdivision association or homeowners' association charged with collection of maintenance fees and the maintenance of common improvements shall render an annual report with a statement of account of all fees collected and the disposition of all funds derived from any fees assessed for the maintenance of common improvements to the lot owners. The board of directors or other governing body of the subdivision may charge the lot owners for the actual cost of copying the annual report.

(b) As part of maintaining common improvements within a subdivision, the homeowners living in a given subdivision must develop and adhere to a road maintenance agreement which outlines requirements for adequately maintaining road access throughout the subdivision.
(Ord. of 9-21-1993, § 5(5-4); Ord. of 6-5-2007)

Sec. 54-173. Building site.

The site of buildings constructed within a subdivision shall be in accordance with the following:

(1) *Building setback.* The building setback for each lot shall conform to the provisions contained in chapter 58 of this Code, or as provided by section 54-17(b) [sic] of this chapter, whichever setback is greater in width.

(2) *Building line.* The building line shall be designated by the subdivider and reflected on the plat. This line shall not be closer to the street line than the building setback, as defined in subsection (1) of this section and not less than 15 feet from other abutting property lines.

(3) *Lot sizes.* Residential lot sizes shall conform to the regulations of the use district in which located as specified in chapter 58 of this Code. Availability of public water or sewer and/or a suitable alternative approved by the state department of health shall be the governing factor in the determination of lot sizes.

a. *Shape.* The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings and shall be properly related

to topography and shall conform to requirements set forth in this section. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unsuitable for normal purposes.

b. *Location.* Each lot shall abut on a street dedicated by the subdivision plat, and constructed to the then-current requirements of the Virginia Department of Transportation; on a street which has become public by right of use or, if permitted by section 54-175(b) of this Code, a private street built and maintained to the standards contained in that section. If the existing streets are not 50 feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of 50 feet.

c. *Corner lots.* Corner lots shall have extra width sufficient for maintenance of required building lines on both streets as required by the agent.

d. *Side lines.* Side lines of lots shall be approximately at right angles or radial to the street line.

e. *Remnants.* All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

f. *Separate ownership.* Where the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Such deed is to be deposited with the agent and held with the final plat until the subdivider is ready to record it and they both shall then be recorded together.

g. *Private water and/or sewer.* Nothing in this section shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities by the subdivider; provided, however, that any such installations must meet all of the requirements of the state water control board, the state health department, and any other state or local agency having authority over such installations.

h. *Septic tanks.* Greater lot areas may be required where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil condition, or other conditions to cause potential health problems. The agent shall require that data from percolation and soil analysis tests be submitted as a basis for making decisions on subdivisions containing septic tanks as a means of sewage disposal.

i. *Required information.* The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans, and flood control devices. The subdivider shall also provide plans for all such improvements,

together with a certified engineer's statement that such improvements, when properly installed, will be adequate for proper development. The agent, health official, and highway engineer shall then approve or disapprove such plans. The subdivider shall also provide any other information required by the state department of transportation and the state health department.

j. *Erosion and sedimentation control.* Proposed subdivisions shall meet the applicable requirements of article II of chapter 22 of this Code, and the subdivider shall submit the required erosion and sedimentation control plan and materials to the agent at the time the preliminary plat is filed with the agent. Except as otherwise provided in this section, no cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be left deposited on any lot or street at the time of issuance of a certificate of occupancy. Removal of such debris and waste shall be considered a prerequisite of the issuance of a certificate of occupancy. The agent may allow burying of certain such materials in the subdivision provided that:

1. No burying of such waste material shall be allowed on potential building sites; and

2. No burying of such waste material shall be allowed which may result in soil erosion.

k. *Easements.* The agent may require those easements for drainage through adjoining property is provided by the subdivider. Easements of not less than 15 feet in width shall be provided for water, sewer, power lines, and other facilities in the subdivision when required by the agent. If deemed desirable by the agent, the developer may convey common or shared utility easements to the public service authorities, corporations, or providers that will furnish gas, telephone, and electric service to the proposed subdivision. The shared easement shall be drawn on the preliminary and final plats and becomes official at approval of the final plat.

l. *Fire protection.* The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided adequate water is available.

(Ord. of 9-21-1993, § 5(5-5); Ord. of 6-5-2007)

Sec. 54-174. Blocks.

(a) *Length.* The maximum length of blocks generally shall be 1,200 feet and the minimum length of blocks with lots having frontage shall be 500 feet.

(b) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.

(c) *Orientation.* Where a subdivision adjoins a major road, the commission may require that the greater dimensions of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress and egress.

(d) *Business or industrial.* Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.
(Ord. of 9-21-1993, § 5(5-6); Ord. of 6-5-2007)

Sec. 54-175.1. Public streets.

(a) *Approvals and inspections.* All approvals and inspections of public streets will be coordinated with the state department of transportation.

(b) *Alignment and layout.* The arrangement of public streets in new subdivisions shall make provision for the continuation of existing public streets in adjoining areas. The public street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for public street access to adjoining property, proposed public streets shall be extended by dedication to the boundary of such property. Coordination of public streets in adjacent subdivisions and subdivisions contiguous to the adjacent subdivisions shall be provided for. Half public streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, public streets should intersect at right angles. In all hillside areas, public streets running with contours shall be required to intersect at angles of not less than 60 degrees, unless approved by the state department of transportation.

(c) *Service drives.* Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal access public street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or public street projected across any railroad, limited access highway, or expressway shall be of adequate width to provide for the cuts or fills required or any future separation of grades.

(d) *Approach angle.* Major public streets shall approach the major or collector public streets at an angle of not less than 80 degrees, unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

(e) *Minimum widths.* The minimum widths of proposed public streets, measured from lot line to lot line, shall be in accordance with regulations established by the state department of transportation. However, in no case shall a public street be less than 50 feet in width. Alleys, if permitted, shall be not less than 20 feet or more than 28 feet in width. If an existing public street is to be utilized and such public street is not 50 feet in width and the subdivider owns

property on both sides of the public street, then provisions shall be made on the plat to widen such public street to 50 feet or the standard width of that public street, whichever is greater. Should the subdivision abut on only one side of an existing public street, the subdivider shall dedicate enough land so that one-half the width of such public street, as measured from the centerline to the subdivision property line, shall be 25 feet or one-half the standard width of such public street, whichever is greater.

(f) *Grading and paving widths.* Grading and paving of all public streets dedicated to public use shall be in accordance with regulations established by the state department of transportation.

(g) *Culs-de-sac.* Minor terminal public streets (culs-de-sac) designed to have one end permanently closed shall not be longer than 700 feet in residential districts nor more than 1,000 feet in commercial or industrial districts. There is no limit on cul-de-sac length in agricultural districts. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in right-of-way diameter.

(h) *Alleys.* Alleys should be avoided unless they serve a useful and practical purpose. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the state department of transportation. Alleys may be provided for delivery trucks, garbage pickup, and other service and maintenance type purposes.

(i) *Spite strip.* Every subdivided property shall be served from a 50-foot dedicated right-of-way. There shall be no reserve strips controlling access to public streets, except where the control of such strips is definitely placed with the community under conditions approved by the agent.

(j) *Names.* Proposed public streets which are obviously in alignment with other already existing and named public streets shall bear the names of the existing public streets. In no case shall the names of proposed public streets duplicate existing public street names in the county nor shall they duplicate public street names of adjoining jurisdictions if such names should conflict with the delivery services of the United States Postal Service in that location. The use of these suffixes (i.e., street, avenue, boulevard, drive, way, place, lane, or court) to circumvent the intent of this subsection is prohibited. The agent shall approve public street names. Names of existing public streets shall not be changed except by approval of the board of supervisors.

(k) *Secondary system of state highway bonding.* In the event the county board of supervisors, wherein the highway system is maintained by the department of transportation, has accepted the dedication of a road for public use and such road, due to factors other than its quality of construction, is not acceptable into the secondary system of state highways, then such board of supervisors may require the subdivider or developer to furnish the county with a maintenance and indemnifying bond with surety satisfactory to the board of supervisors in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the board of supervisors may accept a bank's letter of credit on certain designated funds satisfactory to the board of supervisors as to the bank, the amount, and the form or accept payment of a

negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. The term "maintenance of such road" shall be deemed to mean maintenance of the public streets, curb, gutter, drainage facilities, utilities, or other public street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage. If access from a public road is required to access a lot, a minimum 50-foot dedicated right-of-way shall be reserved for access.

(l) *Identification signs.* Public street identification signs of a design approved by the state department of transportation shall be installed at all intersections by the subdivider prior to occupancy of any residence thereon.

(m) *Grades.* The grades of public streets shall be in accordance with specifications established by the highway engineer, and such grades as submitted on subdivision plats shall be approved by the highway engineer prior to final action by the agent.

(n) *Access and egress.* Where a proposed subdivision will border on or include frontage on an existing or proposed primary arterial, the planning commission may require that access to such public streets be limited by one of the following means:

(1) *Backing of lots.* The subdivision of lots so as to back onto a parallel local public street; no access shall be provided from the primary arterial and screening shall be provided in a strip of land along the rear property line of such lots.

(2) *Public street arrangements.* A series of culs-de-sac, U-shaped public streets or short loops entered from and designed generally at right angles to such a parallel public street, with the rear lines at their terminal lots backing onto the primary arterial.

(3) *Marginal access or service road.* A marginal access or service road, separated from the primary arterial by a planting or grass strip, having access thereto at suitable points.

(Ord. of 9-21-1993, § 5(5-7); Ord. of 6-5-2007)

Sec. 54-175.2. Private streets.

(a) *Applicability.* Any subdivision containing lots, each of which is five acres or greater, may be served by private streets pursuant to the provision of this section and under the terms and conditions hereof.

(b) [*Requirements.*] Developments which contain private streets as allowed must meet the requirements set forth as follows:

(1) All roads in the proposed development shall be designed and constructed in accordance with the minimum standards set forth as follows:

Subdivisions of 6 lots or less:

Minimum easement width..... 50 feet

Additional requirements: Roads in subdivisions of 6 or less lots shall be maintained by the adjacent property owners in a condition that permits emergency vehicles to access in all weather conditions.

Subdivisions of 7 to 15 lots:

Minimum easement width	50 feet
Minimum prepared surface width	14 feet
Maximum grade	12%

Subdivisions of more than 15 lots:

Minimum easement width	50 feet
Minimum prepared surface width	18 feet
Maximum grade	12%

Additional requirements for subdivisions of 7 or more lots:

The prepared surface of roads shall be gravel or hard black shale; but the developer has the option of tar and chip, bituminous asphalt or concrete pavement.

Roads within existing rights-of-way (ROW) or easements used to access the property to be subdivided shall be brought up to required standards.

The subdivider is liable for repair in the event the road fails until the road maintenance is assumed by the homeowners association which is referenced in section 5 [6] below.

Exceptions to the requirements set forth above for subdivisions of 7 or more lots:

A. Roads may be constructed up to 16 percent at a stretch, but that not to exceed a distance of more than 200 feet. Gradients steeper or longer than these minimum specified must be evaluated by a licensed professional surveyor or civil engineer at the subdividers expense.

B. Subdivision of lots that are not less than 15 acres (each) shall comply with the requirements for subdivisions of less than seven lots. The developers has the option to use a higher than minimum standard.

C. Lots with frontage on a state road may be accessed by an easement of convenience. This provision is specifically intended to provide a safe ingress / egress in situations where the topography and or sight distances are inadequate for individual entrances for each lot.

(1) Roads should follow contours as much as possible.

(2) All roads shall meet the provisions in the erosion and sediment control regulations.

(3) Any entrance to a public street shall be designed and constructed to state department of transportation standards.

(4) No lot of such development to be served by such street shall be less than five acres in land area and 300 feet wide at the building setback line.

(5) Except where permitted by the planning commission, such private street shall not be designed to serve through traffic nor to intersect the state highway system in more than one location.

(6) The subdivider shall create and establish by properly executed documents a trust, membership corporation, or association of development lot owners for the purpose of maintaining and improving the streets and other common areas in the development. Enforcement of road maintenance agreement, provisions of homeowner's associates or any similar agreement is the responsibility of the property owners that are a party to that agreement or association. The County of Craig has no responsibility to enforce any provisions of these agreements.

(7) The initial funding of the road maintenance fund or trust, corporation or association to be established as already described, shall be provided by the subdivider depositing to the credit of such trust, corporation or association in an amount sufficient to cover the maintenance of the roads. Assessments for road maintenance purposes shall apply only to lots that front on the roads that are subject to the road maintenance agreement and all roads shall meet the requirements in the erosion and sediment control regulations.

(8) The fee simple ownership of such private street is to be owned by the individual lot owners. At such time that three-fourths of the lot owners in the subdivision agree, and the State of Virginia agrees to take over maintenance of the streets in the subdivision, lot owners of that time must relinquish ownership of any land within the 50-foot easement.

(9) The land within private access easements (or private streets) shall not count toward minimum lot sizes. All area within said easement (or streets) shall be in addition to minimum lot size requirements.

(10) Each private street shall be clearly marked as such on the final plat of any development, and the subdivider shall have boldly printed upon the final plat, which must also be included in the real estate sales/land contract as a covenant in each deed for a lot in the subdivision the following statements:

THE STREETS IN THIS SUBDIVISION DO NOT MEET THE STANDARDS NECESSARY FOR INCLUSION IN THE SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION OR THE COUNTY AND ARE NOT ELIGIBLE FOR RURAL ADDITION FUNDS OR ANY OTHER FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY AND ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD. IN ADDITION, CRAIG COUNTY SCHOOL TRANSPORTATION POL-

ICIES MAY NOT ALLOW SCHOOL BUSES TO TRAVEL AND PICK UP CHILDREN ON PRIVATE STREETS. IN THE EVENT THAT OWNERS OF LOTS IN THE SUBDIVISION SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE STREETS TO THE SECONDARY SYSTEM OF THE STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO THE PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR CRAIG COUNTY. PRIVATE STREETS IN THIS SUBDIVISION ARE NOT DEDICATED AND ARE OWNED BY THE ADJOINING PROPERTY OWNERS.

(Ord. of 6-5-2007)

Sec. 54-176. Monuments.

(a) *Visible for inspection.* Upon completion of subdivision public streets, sewers, and other public improvements, the subdivider shall make certain that all monuments required by the highway engineer are clearly visible for inspection and use. Such monuments shall be inspected and approved by the engineer before any improvements are accepted by the board of supervisors.

(b) *Concrete, stone.* Two permanent reinforced monuments as prescribed by the highway engineer shall be placed on the longest public street tangent intervisible. Such permanent monuments shall be stone or reinforced concrete at least 36 inches long and six inches square and shall be set to approved finished grades as practicable.

(c) *Iron.* All other lot corners shall be marked with solid iron or pipe not less than one-half inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, the surveyor shall determine a suitable method for providing a permanent marker.

(Ord. of 9-21-1993, § 5(5-8); Ord. of 6-5-2007)

Sec. 54-177. Sectional development.

(a) *Division into sections.* Prior to approval of the final plat, the agent may require the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as he may deem reasonable and necessary to ensure the orderly development of the plat. The agent may require that a bond be in an amount commensurate with the section or sections of the plat to be filed and may defer the remaining required bond principal amount until the remaining sections of the plat are offered for filing. Offers of dedication by the subdivider for these sections shall also be submitted to the agent for his referral to the board of supervisors.

(b) *Filing deadline after approval.* In the event of approval of sectional development, the entire approved subdivision plat including all sections approved shall be filed at the county's office of the clerk of circuit court within 45 days after the date of final approval. Those sections not approved must be reviewed and approved by the agent, bonds posted and approved fees paid, and offers of dedication submitted prior to recordation.
(Ord. of 9-21-1993, § 5(5-9); Ord. of 6-5-2007)

Sec. 54-178. Resubdivision of land.

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of this chapter, such parcel shall be approved by the agent by the same procedures, rules and regulations as for a subdivision.
(Ord. of 9-21-1993, § 5(5-10); Ord. of 6-5-2007)

Sec. 54-179. Restricted access.

Whenever the public streets in a subdivision have not been accepted into the highway system and serve only, or are primarily for, the general welfare of the inhabitants of the subdivision and do not serve as a connector to other public rights-of-way, then upon petition to the Board of Supervisors of Craig County, signed by the landowners of two-thirds of the subdivision lots, including the subdivider if he has an interest in the subdivision, requesting that they be allowed to restrict ingress and egress to the subdivision, the board may permit the restriction subject to the following conditions:

(1) The restriction may be abolished at any time in the sole discretion of the board;

(2) The restriction shall not be asserted in opposition to the public ownership;

(3) The streets shall not be blocked to ingress and egress of government or public service company vehicles;

(4) Necessary maintenance of the streets will be paid for by the owners; and

(5) Such other conditions as may be imposed by the board.

(Ord. of 9-21-1993, § 5(5-11); Ord. of 6-5-2007)

Ordinance Number	Adoption Date	Section		Section this Code
03-03	4-15-2003			18-31
03-04	4-15-2003			Adopting Ord.
03-06	4-15-2003			18-30
04-01	2-17-2004		Added	38-3
04-05	5-18-2004		Added	38-300
04-06	8- 2-2004			18-31
04-09	12- 6-2004			58-3
				58-257—58-259
				58-287—58-289
				58-322
				58-386—58-389
				58-416—58-418
				58-441—58-446
				58-593
04-10	10-19-2004			38-4(a)
04-11	10-19-2004			38-4(b)
04-12	10-19-2004			22-1
04-13	10-19-2004			38-55
05-02	5-10-2005	1		38-206
Ord. of	5-10-2005	1		38-209
05-06	5-10-2005			38-300
05-07	8- 9-2005	1	Added	58-263, 58-419
		2	Added	58-293
				58-476, 58-507
		3		58-327, 58-357
		4	Added	58-599
05-08	8- 9-2005	1		38-180
		2		38-181
05-09	9-13-2005	1		38-1
		2	Rpld	38-2
		3		38-3
		4		38-112
		5		38-300
		6—9		38-301—38-304
05-11	12-13-2005	1		38-5
06-01	1-19-2006	1		38-54
06-35	11- 2-2006		Added	30-3
07-02	5- 3-2007	1		38-54
Ord. of	6- 5-2007			54-1—
				54-174
			Added	54-175.1,
				54-175.2
				54-176—54-179

Chapters 55—57

RESERVED