

Chapter 216

SUBDIVISION OF LAND

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- D. To avoid the undue concentration of population and the overcrowding of land.
- E. To bring about the coordination of streets within subdivisions with other existing and planned streets.
- F. To provide for the safe and efficient circulation of traffic.
- G. To avoid hazardous intersections and other dangerous conditions.
- H. To establish construction standards for streets and other improvements.
- I. To provide for proper ingress and egress.
- J. To ensure proper legal description and proper monumenting of subdivided land.
- K. To secure safety from flood, fire, panic and other danger.
- L. To facilitate the further resubdivision of tracts or parcels of land.
- M. To provide for adequate drainage and flood control.

§ 216-3. Word usage.

In the construction of this chapter, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural, the singular.
- B. The word "lot" includes the words "plot" and "parcel."
- C. The word "shall" is mandatory and not discretionary.
- D. The word "may" is permissive.
- E. The word "approved" shall be considered to be followed by the words "or disapproved."
- F. The masculine gender includes the feminine and neuter.
- G. Any references to "this chapter" include all ordinances amending or supplementing the same.
- H. All distances and areas refer to measurement in a horizontal plane.

§ 216-4. Definitions.

For the purpose of this chapter, certain words or terms used herein shall be defined as follows:

ADMINISTRATOR — The Carroll County Planning Commission having been appointed to serve as the agent of the Board in administering all provisions of the Subdivision Ordinance.

FINAL PLAT — A map or plan of a subdivision of land which meets all requirements of this chapter, including any accompanying material, as described in Article V of this chapter.

FLAG LOT — A tract or parcel of property connected to the state-maintained road by a narrow strip of property known as the "flag pole." The flag pole is to be a part of the flag lot. The minimum building setback line shall be measured from the point where the flag pole meets the flag lot. The maximum number of flag lots shall be three or for the division of tracts or parcels of greater than 10 acres being subdivided into 10 or more tracts or parcels, the maximum number of flag lots shall not exceed 30% of the total number of lots created. All flag lots shall be a minimum of 1.5 acres in size. Any further divisions of flag lots shall comply with all appropriate provisions of this chapter.

FLAG POLE — A narrow strip of property connecting a flag lot to the state-maintained road. The minimum width of a flag pole shall be 20 feet. The maximum length of a flag pole shall be 1,000 feet. The maximum number of contiguous flag poles shall be two.

FRONTAGE — The length of the property line of any lot, lots or tract of land measured at the front setback line along a street, road or highway against which land abuts.

HEALTH OFFICER — The Health Director of Sanitarian of Carroll County, Virginia, or his designated agent.

HIGHWAY DEPARTMENT — The Virginia Department of Transportation.

HIGHWAY ENGINEER — The engineer employed by the Highway Department serving Carroll County.

IMPROVEMENTS — All public utilities and facilities, including but not limited to streets, storm and sanitary sewer systems, curbs and gutters, culverts, catch basins and other drainage structures, waterlines and fire hydrants, sidewalks and street signs.

JURISDICTION — The area or territory subject to the legislative control of the Board of Supervisors.

LOT — A numbered and recorded portion of a subdivision intended for transfer or for building development for a single building and its accessory building.

LOT, BUTT — A lot at the end of a block and located between two corner lots.

LOT, CORNER — A lot abutting two or more streets at their intersections. 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 — The horizontal distance between the front and rear lot lines.

LOT, INTERIOR — A lot other than a corner lot.

LOT OF RECORD — A lot which has been recorded among the land records in the office of the clerk of the appropriate court.

Carroll County are classified as Class A subdivisions, Class B subdivisions or family subdivisions. Subdivisions may be completed in phases. For multiple phase subdivisions, a subdivision map key or subdivision overlay map must be included and all properties to be subdivided shall physically connect.

- A. Class A subdivisions are standard subdivisions and shall comply with all requirements of this chapter.
- B. Class B subdivisions are subdivisions intended for the primary purpose of erecting non-primary recreational dwellings. Lots within Class B subdivisions will not receive public services, and the streets serving such subdivisions will not be constructed to the standards of the Virginia Department of Transportation (VDOT) or maintained by VDOT or public funds. All streets within a Class B subdivision shall be maintained by the developer or a homeowners' association. No Class B streets shall serve as a thoroughfare between two state-maintained roads. All lots in Class B subdivisions shall be a minimum of 2.5 acres in size and shall not be resubdivided. Class B subdivisions shall comply with all requirements of this chapter but shall have reduced requirements for streets as herein provided.
- C. Class C subdivisions are nonstandard subdivisions intended for the primary purpose of erecting primary dwellings. Class C subdivisions are intended to allow limited subdivision of parcels of real estate in existence as of January 1, 2014, which lack road frontage and/or acreage necessary to develop a Class A or Class B subdivision on the parcel. Therefore, no Class C subdivision may be created except on parcels existing and recorded in the office of the Clerk of the Circuit Court of Carroll County, Virginia, before January 1, 2014, and which parcel lacks road frontage and/or acreage necessary to develop a Class A or Class B subdivision pursuant to the provisions of the Carroll County Subdivision Ordinance. The maximum number of lots allowed in a Class C subdivision shall be five lots. Lots within Class C subdivisions will not receive public services and the streets serving such subdivisions will not be constructed to the standards of the Virginia Department of Transportation (VDOT) or maintained by VDOT or public funds. All streets within a Class C subdivision shall be maintained by the developer or a homeowners' association. All lots in Class C subdivisions shall be a minimum of 1.5 acres in size and shall not be resubdivided. Class C subdivisions shall comply with all requirements of this chapter but shall have reduced requirements for streets as herein provided.
- D. Family subdivisions are as herein defined.

§ 216-5. Construal of provisions.

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of the provisions of any other ordinances of

- (4) No land shall be subdivided for residential use in the areas where all land is designated as within the one-hundred-year floodplain.
- C. No land shall be subdivided for residential use which is held by the Administrator, after determination by the resident Highway or County Health Department in accordance with applicable County and state health standards, to be unsuitable for such use by reason of adverse earth or rock formation or topography or any other reason likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision.
- D. All land to be subdivided and roads to be constructed within a Class A subdivision shall be served by state-maintained public roads for access to the subdivision.
- E. All land to be subdivided and roads to be constructed within a Class B subdivision may be served by a minimum existing 30 feet right-of-way from a state-maintained road to the entrance of the subdivision, contingent upon approved access to the state-maintained road in accordance with Virginia Department of Transportation entrance standards.
- F. Areas with slopes greater than 33% may not preclude development; however, they may add special problems for development and shall be reviewed by the County Engineer. Should the County Engineer determine that special problems for development exists, the developer must present a plan for corrective action developed by an engineer licensed in the Commonwealth of Virginia. The corrective plans will be reviewed by the County Engineer and a recommendation for approval or modification made to the Administrator and agent to consider as part of the development approval process. Once approved, improvements to be constructed pursuant to such approved plans shall be subject to § 216-38 of this chapter.

§ 216-8. Reservation of land for public and semipublic uses.

The Administrator may require subdividers of residential subdivisions to set aside land for sidewalks, bicycle paths, parks, playgrounds, schools, libraries, municipal buildings, historical landmarks and similar public and semipublic uses in accordance with the Carroll County Comprehensive Land Use Plan and subject to the following regulation:

- A. Subdividers shall not be required to reserve land for public purposes other than streets and drainage easements except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than 18 months following the recording of the plat for such purposes. If the land is not purchased within said 18 months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land and may sell such lots, after the expiration date of the reservation, by number without filing an amended plat.
- B. Where land is required for public purposes other than streets and drainage easements, the reimbursement by the governing body shall be based on a proportionate share of the value of raw land; cost of improvements, including interest on investment; and development cost; and not less than 10% profit on the total of such costs.

provisions of this chapter, until such plat shall have been approved and recorded as herein provided.

- D. No lot shall be sold in any subdivision before the plat has been recorded. A violation of this provision shall be punishable in accordance with § 216-38 of this chapter; however, nothing herein shall be construed to prevent the recordation of the instrument by which the land is transferred or the passage of title between the parties to the instrument.
- E. Every subdivision plat submitted for approval and recordation shall be prepared by a certified land surveyor or any person duly licensed by the Commonwealth of Virginia, who shall endorse upon each such plat a certificate signed by him setting forth the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat. No provision of this chapter shall preclude the preparation of a preliminary plat by an architect, landscape architect, engineer, or land planner.
- F. Every such plat shall contain a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustee, if any." The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgement of deeds.
- G. There shall be a charge of \$15 per parcel for the examination and approval or disapproval of every small subdivision plat containing four new parcels or less, for both preliminary and final, reviewed by the agent. There shall be a charge in the amount of \$150 for the examination and approval or disapproval of every other subdivision plat, for both preliminary and final, plus a charge of \$25 per each lot described thereon. At the time of filing the preliminary plat, the subdivider shall deposit the required fee with the agent. The plat shall not be processed for approval or disapproval until the required fee has been paid.
- H. The preparation and recording of subdivision plats shall be done in accordance with the provisions of Title 15.2, Chapter 22, Article 6, of the Code of Virginia 1950, as now or hereafter in effect.
- I. If a property report is required by the United States Department of Housing and Urban Development in the developing of a subdivision, a copy of the report shall be submitted to the Administrator of this chapter.
- J. Developers shall use an authorized on-site evaluation (AOSE) to conduct the soil evaluations, layouts and sewage designs for each lot. Drainage fields for all on-site septic or sewage systems shall have a reserve area equal to 50% of the required and permitted drainage field upon which no structure may be constructed.

the Administrator shall give a first review to see if it appears that the preliminary plat meets the requirements of this chapter. If it appears that the requirements of this chapter have not been met, such plat shall be returned to the subdivider for modification with reasons provided for any noncompliance. This initial review is not a determination of compliance of this chapter but is done only for convenience of the developer. If it appears that the plat meets the requirements of this chapter, the Administrator shall forward to the Highway Department, PSA and Health Department of Carroll County copies of the preliminary plat. They shall approve, approve with changes or disapprove the preliminary plat and return it to the Administrator. The Administrator shall not approve a final plat unless and until approval has been granted by the Highway Department, PSA and Health Department of Carroll County.

- B. Following return of the preliminary plat from the agencies referenced in Subsection A of this section, the Administrator shall review the preliminary plat and communicate within 60 days, in writing, with the subdivider, informing him of action taken and stating specific changes, if any, that are required in the preliminary layout. If for any reason the subdivision is disapproved, the reasons for such disapproval shall be given. In cases where approval of the plat is conditional upon changes being made in the subdivision layout, one copy of the plat shall be returned to the subdivider with the desired changes marked thereon or with notes of such changes attached. The sixty-day time period may be extended by agreement of the Administrator with the subdivider. Approval of a preliminary plat does not guarantee approval of a final plat for recordation.

§ 216-16. Review and approval of improvements.

After receiving notice of approval of the preliminary plat, the subdivider shall submit to the Administrator four copies of plans and specifications for all improvements to be installed. The Administrator shall advise the subdivider concerning the character and extent of improvements and the estimated amount of the performance bond or other surety that will be required before final approval of the subdivision plat. The Administrator, after consultation with the Highway Department, PSA, County Health Department and other public officials, shall advise the subdivider of approval or disapproval, in writing, within 60 days.

§ 216-17. Installation of improvements; bond.

The subdivider shall, prior to filing with the Administrator a final plat for approval, complete all improvements and installation of utilities required under these regulations; or in lieu of completing said improvements, the subdivider shall furnish the County with a bond as required by § 216-38B.

§ 216-18. Submission of final plat.

The subdivider shall, within 18 months after official notification of approval by the Administrator in respect to the preliminary plat, apply, in writing, to the Administrator for approval of the final subdivision plat and submit 11 copies thereof prepared in accordance with Article V. The subdivider may file for approval only that portion of the approved preliminary plat which he proposes to record and develop at that time.

- A. The proposed subdivision name and location.
- B. The names and addresses of the owner of record, the subdivider, the person who prepared the plat and the holders of any easements affecting the property.
- C. The names of all subdivisions immediately adjacent and the names of the owners of record of adjacent unsubdivided property.
- D. The date of drawing, North point and scale.
- E. A survey of the tract boundary, showing bearings and distances and a separate map showing the tract boundaries on a topographical map. Except as provided herein, residential lots for single-family detached dwellings shall have a minimum width at the setback line of 80 feet shown on the plat. All lots shall have an average depth of at least 100 feet. All buildings built in any subdivision shall not be constructed closer than 35 feet to the adjacent edge of any street, or 15 feet from the boundary of the lot or parcel upon which the structure is to be built.
- F. The location, width and names of all existing or platted streets within or adjacent to the subdivision and the location of existing buildings, easements, railroad rights-of-way, utility lines and drainageways.
- G. Preliminary plans for all utilities, including but not limited to the proposed method of accomplishing surface drainage, water supply, sewage disposal, common or shared easements to franchised cable television operators, gas, telephone and electric service to the proposed subdivision, and preliminary designs for any bridges and culverts that may be required.
- H. The location and dimensions of proposed streets, lots, building lines and easements. Identify lots by number and streets by name.
- I. The proposed use of all lots after being subdivided.
- J. The designation of all parcels of land proposed to be dedicated or reserved for public use and the conditions, if any, of such dedication.
- K. When the proposed subdivision is part of a larger subdivision, the proposed subdivision shall be so identified.

§ 216-23. Supporting information.

The following information shall be furnished; either set forth on the face of the plat or submitted as separate documents:

- A. Signed statements of the appropriate officials concerning the availability of water, sewer, gas and electricity to the proposed subdivision.
- B. Private restrictions, if any, proposed to be included in the deeds.

- (12) In the case of the resubdivision of existing recorded lots, existing lot lines shall be shown by dotted lines and the resubdivision by full lines.
- (13) The purpose for which sites other than residential lots are dedicated or reserved.
- (14) Private restrictions, if any, shall be recorded in the Circuit Court of Carroll County, and the deed book and page number shall be shown on the plat.
- (15) Temporary turnarounds when required by this chapter, and the following notation shall be made on the plat: "Any area on this plat designated as a temporary turnaround shall be constructed and used as other streets in the subdivision until such time as (insert here the name of the street) is extended to join another street and the cul-de-sac ceases to exist. Thereupon the land in the temporary turnaround area which extends beyond the normal right-of-way line of the street will be vacated for street purposes and will revert to adjoining lot owners."
- (16) The location of any buildings and construction, including the site of any residence to be constructed, the well site, the siting of the septic facilities and, when required by § 216-29, Lot requirements, Subsection D, the location of the required reserve area for such septic facilities.
- (17) It is requested, but not required that a digital copy of the final approved plat be made available to the Carroll County Assessor's office.

- B. Any subdivision of any land upon which there is located any stream or wetlands shall include the following language on the plat:

"Any streams or wetlands crossing(s) shall be designed, installed, and maintained in a manner that complies with all applicable local, state, and federal laws and regulations. Any proposed work within _____ Creek or its tributaries and/or its adjacent wetlands is subject to written approval by the Corps of Engineers and/or DEQ prior to its initiation. The owner will obtain written approval by submitting a complete permit application prior to performing any work in the waterways and/or wetlands."

ARTICLE VI

Design Standards; Monuments; Improvements

§ 216-27. Streets.

- A. In any Class A subdivision, all lots or parcels shall be served by public streets designed, planned and constructed in accordance with the requirements of the Virginia Department of Transportation and either in or are to be accepted into the state system and maintained by the Virginia Department of Transportation upon completion. Property shall be determined to be served by a state-maintained road if the property meets the state-maintained road at a point where a driveway could be built. The preliminary plat, along with all other requirements, shall show the location of the driveway.
- B. In Class B subdivisions, any road, street or right-of-way shall not be required to be constructed to meet state road requirements but shall meet the following requirements:

shall be paved over the required stone or base material with a minimum of three inches of asphalt, and shall not exceed 200 feet in length before leveling out.

- (5) The developer must disclose, in its marketing material and by written notice to purchasers, which shall be acknowledged in writing at closing, and by reference in the deed of conveyance, the exact type of right-of-way, street or road, including the method of maintenance and whose responsibility it is to maintain the same or if left wholly to the purchaser to maintain;
 - (6) A road profile shall be submitted at the time of submission of the preliminary plat in such form and nature to allow the Administrator to determine compliance with these provisions and the Administrator, or its agent, shall be notified when the street is under construction and shall have the right, but not the obligation, to inspect.
- D. On any plat in which the streets are not to be constructed to VDOT standards and taken into the VDOT system, such plat and all deeds conveying any parcel in such subdivision shall contain the following statement: "These streets are built to a standard less than that acceptable to the Department of Transportation to accept maintenance jurisdiction over the streets as part of the secondary system of state highways. All costs associated with the maintenance of the street(s) or its improvement to a standard acceptable to the Department of Transportation shall be the responsibility of the landowners (or others) and may not be sustained from public funds administered by the Department of Transportation or the County." These statements must be in type as large as or larger than the main body of the deed and must be included in each subsequent deed of conveyance.
- E. In the layout of streets, the subdivider shall comply with the following:
- (1) Streets within and contiguous to the subdivision shall be coordinated with other existing or planned streets within the general area as to location, widths, grades and drainage; including planned streets in existing or future adjacent or contiguous to adjacent subdivisions.
 - (2) The minimum street right-of-way width shall be 50 feet.
 - (3) All external streets which serve the subdivision shall be maintained by the Virginia Department of Transportation within the state system.

§ 216-28. Size, shape, and orientation of lots.

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and the type of development and use contemplated.

- A. Except as provided herein, residential lots for single-family detached dwellings shall have a minimum width at the setback line of 80 feet. All lots shall have an average depth of at least 100 feet. All buildings built in any subdivision shall not be constructed closer than 35 feet to the adjacent edge of any street, or 15 feet from the boundary of the lot or parcel upon which the structure is to be built.

50% reserve area for the construction of a replacement facility, should the first facility fail or prove inadequate.

- (5) A tolerance of 5% on a total number of lots may be permitted by the Administrator.
- B. Clustering. The Administrator may approve a subdivision plan which reduces the minimum lot size as herein required in order to cluster residences or commercial structures (together "units") in an effort to preserve open space. Any application filed hereunder shall contain a plan of development (POD) of the entire parcel(s) submitted for approval. Any change to the POD shall not be permitted except upon specific approval by the Administrator. Such subdivision plan shall only be approved upon a specific finding by the Administrator that approval thereof will not injure public health, safety of public welfare, and only under the following express requirements, which cannot be waived or modified:
- (1) All lots and the buildings constructed or to be constructed in the POD will be served by public water and sewer, whether publicly or privately owned and such systems shall be constructed to the standards of the PSA, the State Health Department and the Virginia Department of Environmental Quality, as applicable;
 - (2) All lots and the buildings thereon will be served by public roads or private roads, constructed to the standards of the Virginia Department of Transportation ("VDOT"); provided, however, that the Administrator may permit that the grade of any road within the POD adjusted outside of VDOT standards by no more than 4%;
 - (3) Sidelines for units constructed in the POD may be waived and common walls permitted;
 - (4) Setbacks may be reduced to 15 feet, and buildings may be staggered;
 - (5) There shall be open space in the POD in a minimum acreage of 15% of the total acreage of the POD parcel(s) or two acres, whichever is greater. Nothing may be constructed on this open space except for common facilities to be used by owners of the units or the public such as swimming pools, tennis courts, walking paths, etc. The open space shall not be hereafter further subdivided or transferred;
 - (6) Density of the units on that portion of the POD planned for construction of units shall not exceed five units per acre; and
 - (7) All utilities not accepted for operation by the PSA, all roads not accepted for maintenance by VDOT, all facilities constructed for use by the owners of the units or the public and the open space shall be owned, maintained and operated by a homeowners' association established by the developer of the POD and controlled by the owners of the units in the POD under a written homeowners' agreement. The developer shall construct such amenities, including the roads and utilities and maintain them until 75% of the units in the POD have been sold at which time the developer shall establish the homeowners' association and then transfer the utilities, roads and open space to such association.

- (e) On any plat in which the streets are not to be constructed to VDOT standards and taken into the VDOT system such plat and all deeds conveying any parcel in such subdivision shall contain the following statement: "The streets in the subdivision do not meet state standards and will not be maintained by the Department of Transportation or any locality." These statements must be in type as large or larger than the main body of the deed and must be included in each subsequent deed of conveyance.
- (f) In the layout of streets, the subdivider shall comply with the following:
 - [1] Streets within and contiguous to the subdivision shall be coordinated with other existing or planned streets within the general area as to location, widths, grades and drainage; including planned streets in existing or future adjacent or contiguous to adjacent subdivisions.
 - [2] All external streets which serve the subdivision shall be maintained by the Virginia Department of Transportation within the state system.
- (3) The design of the POD shall provide for a minimum distance of 15 feet between the outer perimeter of each individual recreational vehicle lot and the recreational vehicle to be located thereon, and the POD shall specifically designate the location on each proposed lot where each recreational vehicle may be parked or located;
- (4) Each individual recreational vehicle lot shall have a minimum of 25 feet of frontage on an internal street;
- (5) There shall be open space in the POD in a minimum acreage of 25% of the total acreage of the POD parcel(s) or two acres, whichever is greater. Nothing may be constructed on this open space except for common facilities to be used by owners of the lots or the public such as swimming pools, tennis courts, walking paths, etc. The open space shall not be hereafter further subdivided or transferred;
- (6) Density of the lots on that portion of the POD planned for construction of structures or placement of recreational vehicles shall not exceed five lots or five recreational vehicles per acre; and
- (7) All utilities not accepted for operation by the PSA, all roads not accepted for maintenance by VDOT, all facilities constructed for use by the owners of the lots or the public and the open space shall be owned, maintained and operated by a property owners' association established by the developer of the POD and controlled by the owners of the individual lots in the POD under a written property owners' agreement. The developer shall construct such amenities, including the roads and utilities and maintain them until 75% of the units in the POD have been sold at which time the developer shall establish the property owners' association and then transfer the utilities, roads and open space to such association.

§ 216-30. Family subdivisions.

Family subdivisions, as defined in § 216-4, shall comply with the following requirements:

§ 216-33. Preservation of natural and historical features.

In all subdivisions, due regard shall be given to the preservation of natural features, such as large trees, natural rock outcroppings, and watercourses, and historical and other features, including cemeteries.

§ 216-34. Erosion and sediment control and stormwater management.

- A. The General Assembly has determined that the lands and water comprising the watersheds of the state are great natural resources which are being adversely affected by rapid shift in land use from agricultural or nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control and the Stormwater Management Laws to control erosion and sedimentation from land-disturbing activities. In addition to these requirements, the developer shall comply with the Erosion and Sedimentation Control Ordinance² of Carroll County and approved erosion and sediment drawings and shall comply with the Stormwater Management Ordinance of Carroll County or state law.
- B. Erosion and sedimentation plan required. Where required by the Erosion and Sedimentation Control Ordinance, at the time of filing the final plat, an erosion and sedimentation control plan approved by the Carroll County Plan Approving Authority shall also be filed in accordance with the provisions of the Virginia Erosion and Sedimentation Control Handbook.
- C. Stormwater management plan required. When required by the Stormwater Management Ordinance or applicable state law, at the time of filing the final plat, an approved stormwater management plan shall also be filed in accordance with the provisions of the Virginia Stormwater Management Regulations.

§ 216-35. Installation of improvements.

The subdivider or developer shall, at his expense, install street and utility improvements and other improvements indicated on the plat. The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided the necessary public water is available. Where public water and/or sewer are available, the service shall be extended to all lots within the subdivision at subdivider or developer's expense. The cost of engineering design, checking, drafting and field inspection is to be borne by the subdivider or developer and performed under the control and subject to the approval of the PSA.

§ 216-36. (Reserved)**§ 216-37. Required improvements.**

Improvements shall be provided as follows:

2. Editor's Note: See Ch. 120, Erosion and Sediment Control.

- (2) The performance agreement shall be accompanied by surety in an amount sufficient to provide for the improvements identified in the performance agreement. Surety shall consist of either a certified check or cash escrow in the amount of the estimated costs of construction or a bank or savings and loan association's letter of credit on certain designated funds in the amount of the estimated cost of construction, said letter of credit to be approved by the County Attorney.
- C. Upon completion of the required improvements, they shall be inspected and approved for acceptance. "Acceptance" shall mean the time when the improvements required hereunder have been accepted by the Administrator or other public agency which is responsible for maintaining and operating such improvement or public facility upon acceptance.
- D. In the event the governing body has accepted the dedication of any street for public use and such street due to factors other than its quality of construction, is not acceptable into the state highway system, the subdivider shall furnish to the governing body a maintenance and indemnifying agreement with surety in the form of a bank or savings and loan association's letter of credit or a certified check or cash escrow in an amount sufficient for and conditioned upon the maintenance of each street until such time as it is accepted into the state highway system.
- E. Whenever the improvements required by an approved final subdivision plat and identified in a performance agreement executed under this section have not been completed within the time limits established for such completion, the agent shall move to obtain the funds or property provided as security under such agreement and shall cause such improvements to be completed. If any funds remain after all improvements are completed and accepted with all necessary fees paid, and no defects are found therein which must be repaired, such funds shall be returned to the subdivider. If the funds available from the surety are not sufficient to complete the improvements, the agent shall proceed to secure such funds from the subdivider. In unusual cases where the agent finds that substantial progress has been made towards the completion of the improvements prior to the expiration of the limit and where the agent finds that factors (other than general economic conditions) beyond the control of the subdivider have contributed substantially to delay, and where the agent finds that the improvements could be completed within an additional twelve-month period, the agent may execute a new performance agreement requiring completion of all improvements within a twelve-month period. Such agreement shall comply with all provisions of this section and shall be accompanied by the required surety. The amount of the surety shall be adjusted to take into account the actual cost of the work remaining to be done and shall take into account any inflation in such costs. Once the time limit for completion of improvements has been extended through the execution of a new performance agreement, they shall not thereafter again be extended.

used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, and mausoleums. The plat showing the cemetery boundary and right-of-way shall be submitted to the subdivision agent for review and approval.

- (2) Land divided for the purpose of establishing a separate parcel as a cemetery where the property has been used as a cemetery prior to January 1, 2014, shall not be required to follow the provisions of this chapter; provided, however, that the plat showing the cemetery boundary shall be submitted to the subdivision agent for review and approval.
- B. Land divided for the purpose of the placement of utilities shall not be required to follow the provisions of this chapter. The plat showing the boundary of such property shall be submitted to the subdivision agent for review and approval.
 - C. A division of property by will which devises parcels with an acreage or boundary description shall not be a subdivision as defined herein; provided, however, that all improvements constructed on the parcels created shall comply with the International Building Code at the time of construction of improvements thereon, and all parcels created shall not be further divided without compliance with the provisions of this chapter.
 - D. A division of property for the purpose of removing a portion of the property from the Growth Tier listed in the Carroll County Comprehensive Plan and placing this property into the Agriculture Tier of the Comprehensive Plan for the purpose of establishing a conservation easement, an Agricultural District, or a Forestal District on such property shall not be considered a subdivision as defined herein, provided that a plat of the area to remain in the Growth Tier shall be submitted to the subdivision agent for review and approval, the area to remain in the Growth Tier shall not be less than 200 feet in depth from the road right-of-way, and the portion of the property to be placed into the Agriculture Tier and subsequently placed in a conservation easement, an Agricultural District, or a Forestal District shall be served by a minimum fifty-foot wide right-of-way which shall be shown on the plat. Prior to approval, evidence must be presented that the property to be placed in a conservation easement, Agricultural District or Forestal District qualifies and will be accepted under such easement or district.

§ 216-43. Application for variance.

Any property owner desiring to make application for a variance shall file a written application for a variance with the Administrator. The application and accompanying maps, plans, or other information shall be acted upon by the Administrator within 60 days of date of filing. A notice of the application for a variance shall be published in a newspaper having general circulation in Carroll County, which notice shall state the application requests, why it is requested, and shall give notice of a public hearing concerning said application. The applicant shall pay all costs associated with the request.

§ 216-45. Violations and penalties.

Any person or persons violating the provisions of this chapter shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided or transferred or sold, and each such subdivision and each individual sale in violation of this chapter shall constitute a separate offense. 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 herein provided.

§ 216-46. Amendment of chapter.

This chapter may be amended from time to time by the Board of Supervisors in accordance with § 15.2-2240 et seq. of the Code of Virginia 1950, as now or hereafter in effect.

§ 216-47. Filing of copies of chapter and amendments.

Certified copies of this chapter and all amendments thereof shall be filed in the offices of the Planning Commission, the County Administrator, and the Clerk of the Circuit Court of Carroll County.