

SUBDIVISION OF LAND

Chapter 113

From the

CODE

of

CARROLL COUNTY

(Adopted by the Carroll County Board of Supervisors)
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Chapter 113

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CARROLL COUNTY

COMMONWEALTH OF VIRGINIA

SUBDIVISION OF LAND

Chapter 113

SUBDIVISION OF LAND

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ARTICLE I
General Provisions

113-1. Title; legislative authority; applicability.

- A. This chapter shall hereinafter be known as and may be cited as the “Subdivision Ordinance of Carroll County, Virginia.”
- B. It is adopted pursuant to the authority of Title 15.2, Chapter XXII, Article 6, et seq., of the Code of Virginia of 1950 and amendments thereto.
- C. The provisions of this chapter shall apply to all land within Carroll County, Virginia, which is not within the jurisdiction of incorporated municipalities.

113-2. Purpose.

This chapter is adopted for the following purposes:

- A. To promote the public safety, convenience, comfort, prosperity and general welfare of the citizens of the county.
- B. To promote the orderly layout and use of land.
- C. To provide a guide for the change that occurs when land and acreages become urban in character as a result of development for residential, business or industrial purposes.
- 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.

113-3. 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.

113-4. 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.

AGENT – A representative of the Administrator and the Board of Supervisors designated to serve as the agent of the Administrator and the Board in approving and disapproving subdivision plats.

ALLEY – A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage and access is on a street.

AOSE – Authorized Onsite Soil Evaluator.

BOARD OF SUPERVISORS – The Board of Supervisors of Carroll County, Virginia.

BOUNDARY LINE ADJUSTMENT- a division of a parcel of land solely to change the boundaries of adjoining parcels and not for the purpose of building or the construction of improvements. The resulting parcels so adjusted must be added to and subtracted from existing parcels and may not reduce an existing parcel to create a parcel which does not meet the acreage herein required. Previous lot lines are to be vacated.

BUILDING – Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind and which is permanently affixed to the land and any structure which, pursuant to the Virginia Uniform Building Code, requires a building permit in order to be placed or erected.

COUNTY – Carroll County, Virginia.

CUL-DE-SAC – A local public street having only one (1) end open to traffic and the other end being permanently terminated by an appropriate turnaround for the safe and convenient reversal of traffic movement.

DEVELOPER – An owner of property being subdivided, whether or not represented by an agent.

EASEMENT – A grant by the property owner of the use of land for a specific purpose or purposes.

ENGINEER - An engineer licensed by the Commonwealth of Virginia.

EROSION & SEDIMENT – A control program or state program means the program administered by Virginia Soil and Water Conservation Board pursuant to the Code of Virginia section 10.1-560 including regulations designed to minimize erosion and sedimentation.

FAMILY, IMMEDIATE MEMBER – Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, **aunt, uncle, niece or nephew** of the owner.

FAMILY SUBDIVISIONS- Any person may subdivide for the purpose of transfer to an immediate family member a single division of property of one lot or parcel of land to any immediate family member as the same is defined in this section 113-4, pursuant to Sec. 15.2- 2244 of the Code of Virginia, 1950, as amended. Family Subdivisions shall comply with the requirements and specifications set forth in section 113-30 of this Chapter.

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 (3) or for the division of tracts or parcels of greater than ten (10) acres being subdivided into ten (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 Ordinance.

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 twenty (20) feet. The maximum length of a Flag Pole shall be 1000 feet. The maximum number of contiguous Flag Poles shall be two (2).

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 (2) corner lots.

LOT, CORNER – A lot abutting two (2) 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.

LOT, THROUGH – A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a “through lot” both street lines shall be deemed front line.

LOT, WIDTH OF – The mean horizontal distance between the side lines of a lot measured along the front yard setback line.

NSAP – Network Service Access Point

OWNER – Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be subdivided under the chapter.

PLANNING COMMISSION – The Planning Commission of Carroll County, Virginia.

PLAT – Includes the terms “map,” “plan,” “plot,” “replat” or “replot,” a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, “plat” is synonymous with “subdivide.”

PROPERTY – Any place, tract, lot, parcel of land or several of the same collected together for the purpose of subdividing.

PSA – Carroll County Public Service Authority.

RESUBDIVISION – Any division or transfer of land, laid out on a plat previously filed in the Circuit Court of Carroll County, which proposes to change property lines or public rights of way not in strict accordance with the recorded subdivision.

RIGHT-OF-WAY – A piece or strip of land set aside for use as a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another public use.

ROADWAY – That portion of a street used by vehicular traffic.

SETBACK- That distance from a street right-of-way or boundary of adjacent property upon which a building or other structure may be built

STREET – A public right-of-way which offers a means of vehicular access to properties or provides for through traffic, whether designated as a highway, parkway, turnpike, street, avenue, road, boulevard, throughway, lane place, alley or any other thoroughfare. A “street” shall be deemed the total length and width of the strip of land dedicated for public travel, including such improvements as may be required.

SUBDIVIDER – An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one (1) of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision.

SUBDIVISION- Any division of a lot or parcel of land. The term includes resubdivision and shall relate to the process of subdividing or to the land subdivided. A Boundary Line Adjustment as herein defined shall not be considered a Subdivision; however, the plat of such division shall be reviewed and approved by the Agent before recordation. Subdivisions in 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.

Class A Subdivisions are standard subdivisions and shall comply with all requirements of this Chapter.

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 two and one-half (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.

Class C Subdivisions are non-standard 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 (5) 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 one and one-half (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.

Family Subdivisions are as herein defined.

113-5. Interpretation; prevalence of more-restrictive standards; effect on easements and agreements.

- 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 Carroll County, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. This chapter is not intended to annul any easement, covenant or other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this chapter shall govern.

113-6. Administrative official.

- A. The Carroll County Planning Commission and the Agent are hereby delegated the authority to administer this chapter.

- B. The Planning Commission and the Agent shall perform all duties regarding subdivision and subdividing in accordance with this chapter and applicable state authority.
- C. In the performance of his duties, the Planning Commission and the Agent may call for written opinions or decisions from county officials in considering details of any submitted plat.
- D. Plats to be considered at the next meeting of the Planning Commission shall be submitted in the Agent's office at least 14 business days prior to the Planning Commission meeting.
- E. The Planning Commission meeting shall meet on such days and at such times as the Planning Commission shall, by resolution duly adopted, directs.

ARTICLE II
General Requirements

113-7. Points of emphasis- Suitability of land for development.

- A. The Administrator, in the examination of subdivision plats for approval and in the application of this chapter, shall see that the minimum standards of this chapter are met.
- B. Land which the Administrator determines, after review, to be unsuitable for development because of vulnerability to flooding, poor drainage, or other characteristics likely to be harmful to the public health, safety or welfare or adjacent land, shall not be permitted for development unless adequate methods to correct all such hazards are devised, approved by the Administrator and constructed or bonded for construction prior to approval of the final plat. In determining land not suitable for development, the following guidelines shall be used to identify areas where development or construction shall not be allowed:
 - a) Wetlands, swamps, natural drainage ways, etc.;
 - b) Areas critical to the provisions of water sources; i.e. springs, fragile watersheds, etc.)
 - c) Areas subject to geological hazards; (faults, landslides, etc.)
 - d) 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 thirty (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 percent (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 Section 38 of this Ordinance.

113-8. 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 eighteen (18) months following the recording of the plat for such purposes. If the land is not purchased within said eighteen (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 ten-percent profit on the total of such costs.
- C. The Administrator shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision, so that the subdivider will not be required to reserve an unusable portion of his subdivision.
- D. NSAP 400 square feet of land designated for the purpose of utility access.

113-9. Alteration or vacation of subdivision.

No subdivision nor any lot lines in a subdivision may be changed, altered or vacated except as provided in Title 15.2, Chapter XXII, Article 6, of the Code of Virginia,

113-10. Resubdivision.

A resubdivision of all or any part of a recorded subdivision shall not be made or recorded until submitted and approved as described in this chapter. The procedure for resubdivision shall be the same as that for subdivision.

113-11. Allowable error of closure.

The maximum allowable error of closure shall be as stipulated by the Virginia Department of Professional & Occupational Regulation .

113-12. Advertising standards.

A subdivider, when advertising a subdivided tract of land for sale, shall specify in writing as to the following items:

- A. Whether officially approved water and sewage facilities are available or not.
- B. If any deed restrictions are placed upon the lots in the subdivision, such restrictions shall be advertised or a statement given as to where a copy of the restrictions can be obtained.
- C. The advertisement shall state whose responsibility it is to maintain the streets in the subdivision. A copy of all advertisement to be used or used in the sale of said property shall be furnished to the Administrator with the final plat.

113-13. Recording of plats; submission of property report.

- A. Any owner, proprietor or developer of any tract of land situated within the jurisdiction of this chapter who subdivides such tract shall cause a plat to be made of such subdivision and shall cause said plat to be recorded in the office of the Circuit Court of Carroll County. The plat shall be in accordance with the provisions of this chapter.
- B. No plat of a subdivision shall be recorded until each plat shall have been approved, and such approval evidenced thereon, in accordance with the provisions of this chapter.
- C. No permit shall be issued for the erection or occupancy of any structure or building to be located in any subdivision, a plat whereof is required to be recorded pursuant to the 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 Section 113-38 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 (1) 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 \$15.00 per parcel for the examination and approval or disapproval of every small subdivision plat containing four (4) new parcels or less, for both preliminary and final, reviewed by the Agent. There shall be a charge in the amount of \$150.00 for the examination and approval or disapproval of every other subdivision plat, for both preliminary and final,

plus a charge of \$25.00 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 onsite 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.

ARTICLE III

Plat Review and Approval Procedure

113-14. Application.

Whenever any subdivision of land is proposed, the subdivider or his agent shall apply, in writing, to the Administrator of this chapter for approval of a preliminary plat and submit eleven (11) copies thereof prepared in accordance with Article IV of this chapter, along with the appropriate fee as called for in Section 113-13(G) of this chapter.

Any proposed subdivision creating four (4) or less new lots with all lots located on and to be served by an existing state maintained road (“small subdivision”) may be reviewed and approved by the Agent, without referral to the Administrator. Provided the subdivision and the lots to be created are served by an existing state maintained road, and no new roads are to be created, and either the PSA or the Health Department, as applicable, has approved such plat, the plat of such small subdivision may be approved by the Agent without referral to the Highway Department. All other provisions of this ordinance shall apply to the contents of such small subdivision plat. The Agent may refer such small subdivision plat to the Administrator for approval and appeal of any decision concerning such small subdivision plat shall be taken by the subdivider to the Administrator. This small subdivision provision may not be used to expand existing subdivisions or resubdivide existing subdivisions and plats of such expansions or resubdivisions shall be submitted and reviewed as otherwise provided herein.

Any proposed Class B subdivision creating four (4) or less new lots (small Class B subdivision) may be reviewed and approved by the Agent, without referral to the Administrator, after review and approval by the PSA or the Health Department, as

applicable, and after review by the Highway Department. All other provisions of this ordinance shall apply to the contents of such small Class B subdivision plat. The Agent may refer such small Class B subdivision plat to the Administrator for approval and appeal of any decision concerning such small subdivision plat shall be taken by the subscriber to the Administrator. This small Class B subdivision provision may not be used to expand existing subdivisions or resubdivide existing subdivisions and plats of such expansions or resubdivisions shall be submitted and reviewed as otherwise provided herein.

Class C Subdivision plats may be reviewed and approved by the Agent, without referral to the Administrator, after review and approval by the PSA or the Health Department, as applicable, and after review by the Highway Department. All other provisions of this ordinance shall apply to the contents of Class C Subdivision plats. The Agent may refer such Class C Subdivision plats to the Administrator for approval and appeal of any decision concerning Class C Subdivision plats shall be taken by the subscriber to the Administrator. Plats for Class C Subdivisions which serve to expand existing subdivisions or resubdivide existing subdivisions shall be reviewed and approved by the Administrator.

113-15. Preliminary plat approval or disapproval.

- A. Unless the subdivision is a small subdivision as provided by § 113-14 of this Chapter, the Administrator shall provide initial review of any preliminary plat. In such initial review 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 non-compliance. 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 sixty (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 (1) 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.

113-16. Review and approval of improvements.

After receiving notice of approval of the preliminary plat, the subdivider shall submit to the Administrator four (4) 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 sixty (60) days.

113-17. 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 113-38B.

113-18. Submission of final plat.

The subdivider shall, within eighteen (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 eleven (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.

113-19. Time restrictions for final plat approval.

Unless an application for final approval is made within eighteen (18) months after approval of the preliminary plat, said approval of the preliminary plat shall become null and void. The Administrator shall, within sixty (60) days from the date of submittal of the final plat, approve, modify or disapprove such plat.

113-20. Certificate of approval.

The certificate of approval of a final plat shall be as follows:

This subdivision, known as _____ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

_____ (Signed) _____
Date Highway Engineer

_____ (Signed) _____
Date Health Officer

_____ (Signed) _____
Date PSA Director

_____ (Signed) _____
Date Agent of Governing Body

Note: The foregoing plat is not approved until all signatures have been obtained.

113-21. Recording of final plat.

Unless the subdivider shall have said plat recorded in the office of the Clerk of the Circuit Court of Carroll County within six (6) months after final approval by the Administrator and before any lots are sold in said subdivision, approval of the final plat shall become null and void, however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Administrator, or where the developer has furnished surety to the governing body or the Administrator by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the Administrator, whichever is greater.

**ARTICLE IV
Preliminary Plat Requirements**

113-22. Content.

The subdivider shall submit to the Administrator, along with the appropriate fee established in section 113-13(G), eleven (11) copies of the preliminary plat, at a minimum scale of one hundred (100) feet to the inch, except as herein provided, which shall show thereon:

- 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 eighty (80) feet shown on the plat. All lots shall have an average depth of at least one hundred (100) feet. All buildings built in any subdivision shall not be constructed closer than thirty-five (35) feet from the adjacent edge of any street, or fifteen (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 drainage ways.
- 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.

113-23. 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.

ARTICLE V
Final Plat Requirements

113-24. Format and scale.

The final subdivision plat shall be drawn on linen or other durable transparency of scale-true material with permanent drafting ink, at a minimum scale of one hundred (100) feet to the inch, except as herein provided. The plat shall be drawn on one (1) or more sheets, the dimensions of which shall not exceed twenty- four by eighteen (24X18) inches. Where more than one (1) sheet is necessary to show the entire plat, match lines shall be clearly indicated and cover sheet(s) must be included. When cover sheets are included, cover sheet may be at a scale appropriate to the page size. The sub divider shall submit to the Administrator the original and ten (10) prints for the final plat.

113-25. Preparation; certificates and statements.

The final plat shall be prepared by a land surveyor licensed by the Commonwealth of Virginia. It shall contain the certificates and statements required by section 113-13. A place shall be provided on the plat to receive the signatures of the Highway Engineer, PSA, Health Officer and agent of the governing body.

113-26. Contents.

The final plat shall conform to the preliminary plat as approved and shall show the following:

- A. The name and location of the subdivision.
- B. The name and address of the record owner and sub divider.
- C. The date of the drawing, North point and scale.
- D. The tract boundary lines, right-of-way lines and streets, easements and other rights-of-way, setbacks and property lines of lots. Bearings shall be shown to the nearest ten (10) seconds and distances to the nearest hundredth of a foot. Data for all curves shall be shown in detail at the curve or in a curve table containing the following: radius, delta, tangent, length, chord, and chord bearing.

- E. The locations of monuments and property markers.
- F. The record names of adjoining subdivisions and the names of record owners of adjoining unsubdivided land.
- G. The name and right-of-way width of each street or other right-of-way.
- H. The location, dimensions, and purpose of all easements.
- I. Abutting streets and roads, with names or numbers and right-of-way widths.
- J. Designating numbers or symbols for all lots and blocks.
- K. The setback line.
- L. 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.
- M. The purpose for which sites other than residential lots are dedicated or reserved.
- N. 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.
- O. 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.”
- P. 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 Section 113-29 (lot requirements) subsection D, the location of the required reserve area for such septic facilities.
- Q. 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.

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 xxxx 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

113-27. Street Layout.

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.**

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:

- 1) The minimum street right-of-way shall be forty (40) feet in width and all lots shall be not less than two and one-half (2.5) acres in size;
- 2) The roadway shall be constructed within the street right-of-way and shall be a minimum of eighteen (18) feet in width, exclusive of shoulders and side ditches. Shoulders shall be a minimum of two (2) feet with ditches at least two (2) feet in width and one (1) foot in depth. Drain pipes shall be installed where appropriate to control water run off;
- 3) Roadbed construction shall consist of six (6) inches of stone or base material. If stone is used the stone shall be a minimum of $\frac{3}{4}$ inch crusher run stone. The Roadbed shall be free of all decaying organic material such as stumps, trees, or brush before road construction is to begin. Road grade shall not exceed sixteen (16) percent as calculated pursuant to VDOT standards and all roads constructed above fourteen (14) percent grade shall be paved over the required stone or base material with a minimum of three (3) inches of asphalt, and shall not exceed 200 feet in length before leveling out.
- 4) Developer must, 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;

- 5) 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.

In Class C 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:

- 1) **The minimum street right-of-way shall be twenty-five (25) feet in width and all lots shall be not less than one and one-half (1.5) acres in size;**
- 2) **The roadway shall be constructed within the street right-of-way and shall be a minimum of eighteen (18) feet in width, exclusive of shoulders and side ditches. Drainage ditches and drain pipes shall be installed where needed and in compliance with erosion and sedimentation control and stormwater management regulations;**
- 3) **The roadway shall not serve more than five (5) parcels of real estate and shall terminate at a cul-de-sac and shall not connect to adjoining properties or to other roadways either private or public. The cul-de-sac shall have a minimum right-of-way diameter of fifty (50) feet.**
- 4) **Roadbed construction shall consist of six (6) inches of stone or base material. If stone is used the stone shall be a minimum of ¾ inch crusher run stone. The Roadbed shall be free of all decaying organic material such as stumps, trees, or brush before road construction is to begin. Road grade shall not exceed sixteen (16) percent as calculated pursuant to VDOT standards and all roads constructed above fourteen (14) percent grade shall be paved over the required stone or base material with a minimum of three (3) inches of asphalt, and shall not exceed 200 feet in length before leveling out.**
- 5) **Developer must, 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.

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.

In the layout of streets, the subdivider shall comply with the following:

- A. 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.
- B. The minimum street right-of-way width shall be fifty feet.
- C. All external streets which serve the subdivision shall be maintained by the Virginia Department of Transportation within the state system.

113-28. 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 eighty (80) feet. All lots shall have an average depth of at least one hundred (100) feet. . All buildings built in any subdivision shall not be constructed closer than thirty five (35) feet from the adjacent edge of any street, or fifteen (15) feet from the boundary of the lot or parcel upon which the structure is to be built.
- B. Side lot lines shall be substantially at right angles or radial to the street.
- C. The subdividing of land shall be such as to provide each lot with access to a street.

- D. For subdivisions containing all lots greater than five (5) acres, the subdivider will not be required to show on-site water and sewer and will not be required to show the minimum building setback line on each lot; however, there shall be shown on the plat notes setting forth that these lots have not been evaluated for on-site water and sewer and notes setting forth that the minimum building setback is thirty-five (35) feet from the road right-of-way and fifteen (15) feet from side and back lot lines. Plats for subdivisions containing all lots greater than five (5) acres may show lots at a minimum scale of two hundred (200) feet to the inch, provided all other survey and mapping requirements are met.

113-29. Lot Requirements.

Lot Size: Lot sizes shall be of such size as herein required and as necessary to accommodate all buildings and structures, any well or onsite water system and any onsite sewage disposal system. Additionally, the Administrator may, in accordance with recommendations of the health officer, require that such minimum lot sizes be increased. These recommendations shall be submitted to the Administrator, in writing, either by notations on the plat or by letter. The health officer shall be guided by appropriate tests in determining the area required for the sanitary and safe disposal of septic tank effluent. Wells, septic systems, or other water and waste water disposal systems, are not required to be located on the same lot as the building to be served by such well and septic system; however, easements must be shown on the plat from the water or waste disposal system to the lot being served by such water or waste disposal system. **Property is deemed to be served by public water or public sewer if public water or public sewer is available to the property. All owners of property deemed to be served by public water or public sewer shall comply with the connection requirements of the Carroll County Public Service Authority.**

- A. Public water and public sewer. Residential lots served by both public water and public sewer systems shall be an average of eighty (80) feet or more in width at the setback line and fifteen thousand (15,000) square feet or more in area.
- B. Public water or public sewer. Residential lots served by only one (1) of public water or public sewer systems shall be an average of one hundred (100) feet or more in width at the setback line and seventeen thousand and five hundred (17,500) square feet or more in area.
- C. Neither public water nor public sewer. Residential lots served by neither public water nor public sewer systems shall be an average of one hundred (100) feet or more in width at the setback line and .75 acre or more in area.
- D. If sewage disposal is to be provided by any means other than by public sanitary sewer, the plats submitted under this Chapter shall designate a location for all buildings, residences and accessory structures, and shall designate the location of the water source and waste water disposal facilities for each and every lot. No buildings or other structures may be constructed in

or on the area in each such lot designated for waste water disposal facilities, and each such area shall reserve a fifty percent (50%) reserve area for the construction of a replacement facility, should the first facility fail or prove inadequate.

- E. A tolerance of five percent (5%) on a total number of lots may be permitted by the Administrator.
- F. 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 can not 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 four percent (4%);
 - 3) Sidelines for units constructed in the POD may be waived and common walls permitted;
 - 4) Setbacks may be reduced to fifteen feet (15) and buildings may be staggered;
 - 5) There shall be open space in the POD in a minimum acreage of fifteen percent (15%) of the total acreage of the POD parcel(s) or two (2) 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 (5) 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 homeowner's 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 seventy five percent (75%) of the units in the POD have been sold at which time the developer shall establish the homeowner's association and then transfer the utilities, roads and open space to such association.

G. Recreational Vehicle Developments. The Administrator may approve a subdivision plan which reduces the minimum lot size as herein required in order to cluster individual lots for sale as part of a development designed for the temporary occupancy of recreational vehicles, provided that sufficient open space is preserved. "Recreational Vehicle" shall mean any private self-propelled motor vehicle equipped with facilities for eating and sleeping, with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings. 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 can not be waived or modified:.

- 1) All lots, buildings and recreational vehicles to be located 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 roads, which need not be required to meet VDOT requirements, but shall meet the following requirements:

- a) The minimum street right-of-way shall be forty (40) feet in width;
- b) The roadway shall be constructed within the street right-of-way and shall be a minimum of eighteen (18) feet in width, exclusive of shoulders and side ditches. Shoulders shall be a minimum of two (2) feet with ditches at least two (2) feet in width and one (1) foot in depth. Drain pipes shall be installed where appropriate to control water run off;
- c) Roadbed construction shall consist of six (6) inches of stone or base material. If stone is used the stone shall be a minimum of $\frac{3}{4}$ inch crusher run stone. The roadbed shall be free of all decaying organic material such as stumps, trees, or brush before road construction is to begin. Road grade shall not exceed sixteen (16) percent as calculated pursuant to VDOT standards and all roads constructed above fourteen (14) percent shall be paved over the required stone or base material with a minimum of three (3) inches of asphalt, and shall not exceed 200 feet in length before leveling out;
- d) 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 purchasers to maintain: 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.
- 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:
 - a. 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.
 - b. 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 fifteen (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 twenty-five percent (25%) of the total acreage of the POD parcel(s) or two (2) 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 (5) lots or five (5) 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 owner's 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 seventy five percent (75%) of the units in the POD have been sold at which time the developer shall establish the property owner's association and then transfer the utilities, roads and open space to such association.

113-30. Family Subdivisions.

Family subdivisions, as defined in Section 113-4, shall comply with the following requirements:

A plat of such subdivision shall be made, approved and recorded as herein provided except that the Agent may approve such plat without submitting the same to the Administrator. All streets to serve the parcel herein shall be shown upon the plat and have no less than twenty (20) feet right of way in width but need not be planned or constructed in accordance with Virginia Department of Transportation Standards unless such street is to serve more than three parcels in which event it shall be designed in accordance with Virginia Department of Transportation standards except as to width. Any street within Family subdivisions that are not constructed to the standards of the Virginia Department of Transportation are not eligible to be maintained by the Department of Transportation.

Only one such division shall be allowed per family member as defined herein. Any lot created or transferred to such family member must not be for the purpose of circumventing this Ordinance and must be retained by the family member for a minimum period of two (2) years after conveyance and not be sold or transferred to a non-family member within that period without the express written permission of the Administrator which permission shall only be given after following the same provisions, and applying the same standards, as herein required for the granting of a variance. All other requirements of this Ordinance shall apply to the lot created.

113-31. Monuments.

- A. Permanent reference monuments shall be installed by the sub divider and shall meet these minimum specifications. Upon completion of subdivision streets and other improvements, the sub divider shall make certain that all monuments required by the Administrator are clearly visible for inspection and use.
- B. All corners shall be marked with iron not less than one-half (1/2) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

113-32. Conformity to applicable laws, ordinances, rules and regulations.

In addition to design standards established herein, all subdivision plats shall comply with all applicable laws, ordinances, rules and regulations including the following, as they may be applicable:

- A. The provisions of title 15.2, chapter 22, Article 6 of the Code of Virginia, 1950, as amended.
- B. The Carroll County Code.
- C. Title 32.1 of the Code of Virginia and the rules of the State Health Department.
- D. The rules of the Virginia Department of Transportation relating to the location and construction of roads and the safe access of lots and roads to existing state maintained roads and highways.

113-33. Preservation of natural, historical, etc. 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.

113-34. Relationship to Erosion and Sediment Control and Stormwater Management Laws.

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 Ordinance of Carroll County and approved Erosion and Sediment drawings **and, shall comply with the Stormwater Management Ordinance of Carroll County or state law.**

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.

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.

113-35. Improvements generally.

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.

113-36. Reserved.

113-37. Improvements; inspection.

A. Improvements shall be provided as follows:

- (1) A drainage system shall be provided to ensure adequate drainage of surface and storm water. The system shall be constructed and installed in accordance with plans and specifications approved by the E&S Administrator.
- (2) Where a public sanitary sewage system is reasonably accessible, as determined by the rules and regulations of the Carroll County Public Service Authority, the sub divider shall connect therewith and shall provide a connection for each lot. Construction of such sanitary sewer system shall be in accordance with the rules and regulations of the Carroll County Public Service Authority shall be constructed under the control and supervision of the PSA. The PSA may accept ownership and control of the system upon completion, without charge.
- (3) Fire hydrants shall be installed where public water system is provided.

113-38. Performance guarantees.

The purpose of this section is to insure the appropriate and timely completion of improvements made in connection with a subdivision, to provide resources to complete such improvements when the subdivider fails to provide them, to insure that once accepted, the improvements are not defective, and to provide for the maintenance of roads until they are finally accepted into the State Highway System.

- A. Before any subdivision plat will be finally approved, the subdivider shall construct all required public improvements in accordance with the approved plans and all applicable state and local requirements.
- B. In lieu of construction, a performance agreement or performance agreements shall be executed between the County and all parties to the subdivision. The agreement or agreements shall be on forms supplied by the agent and shall provide that all improvements required and all improvements shown on the final plat of subdivision shall be completed within twenty-four (24) months from the date of approval. This provision includes the construction of roads and, if required by this ordinance, their acceptance into the State Highway System. All performance agreements shall require approval as to form by the County Attorney.

Any performance agreements shall contain release provisions governing the complete and partial release of any escrow or letter of credit or other performance guarantee. The release provisions shall provide for the complete or partial release of the performance guarantee within thirty (30) days after receipt of written notice by the subdivider of completion of part or all of any facility required to be constructed, unless the governing body notifies the subdivider in writing of any specified defects or deficiencies in construction and suggests corrective measures prior to the expiration of the said thirty (30) day period; however, the governing body shall not be required to release any performance guarantee in an amount to exceed ninety percent of the actual cost of construction for which the guarantee was taken until such facilities have been completed and accepted by the governing body or state agency. No periodic release shall occur prior to the completion and acceptance of at least thirty percent of the facility in question, and no more than three such releases shall be made in any twelve-month period.

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 (1) a certified check or cash escrow in the amount of the estimated costs of construction or (2) 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 (12) month period, the agent may execute a new performance agreement requiring completion of all improvements within a twelve (12) 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.

ARTICLE VII

Administration and Enforcement

113-39. Conformance required; applicability. [Amended 11-22-1982]

- A. No person shall subdivide any tract of land that is located within the unincorporated area of Carroll County, Virginia, except in conformity with the provisions of this chapter.
- B. This chapter shall not apply to any subdivision that was fully surveyed by a certified land surveyor and a plat made thereof recorded in the Circuit Court Clerk's Office of Carroll County, Virginia and from which lots were sold or improvements were made pursuant to such survey plat prior to July 1, 2009, provided that any alterations to such a subdivision after July 1, 2009, shall be

subject to the provisions of this chapter. Furthermore, this chapter shall not apply to subdivisions that were fully surveyed and a plat thereof recorded in the Clerk's office of Carroll County prior to July 1, 2009, provided that any alterations thereto after July 1, 2009, shall be subject to the provisions of this chapter. The Administrator shall, upon request, make a determination as to whether or not a subdivision was created prior to July 1, 2009, and to what extent such a subdivision is subject to the terms of this chapter. The Administrator shall issue a written opinion stating the Administrator's conclusions and the reasons therefore. The person requesting such an opinion shall provide all necessary information to the Administrator.

113-40. Transfer or sale of lots restricted.

No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Administrator in accordance with the provisions of this chapter and has been duly recorded in the Circuit Court Clerk's office located in the Carroll County Courthouse. Violations of this section may be punished in accordance with section 113-45 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.

113-41. Transfer of streets to county.

The recordation of the final plat shall operate to transfer to the county, in fee simple, such 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. There shall be no duty on the county to construct, maintain, or improve said streets, alleys, or public access.

113.42. Exceptions.

A. Cemetery

Land set aside for the development of a cemetery shall not be required to follow the provisions of this ordinance provided however that this property shall be served by a thirty (30) feet right-of-way from a State maintained road. A cemetery shall be defined as a single division of property in which the land is used or intended to be 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.

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 the ordinance 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 ordinance. 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 ordinance.

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 two hundred (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 (50) feet 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.

113-43. 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 sixty (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 cost associated with the request.

A. Requirements for Submission of Applications. The applicant shall submit the following:

(1) A copy of all preliminary maps, plans or other information related to the application.

(2) A list of names and addresses of all of those owning property

adjacent to the property for which a variance is being requested.

- (3) Narrative description of the nature of the variance and justification as set forth in this section.
- (4) A filing fee in the amounts provided in section 113-13(G).

B. Criteria for Deciding upon Variance. The following criteria shall be used by the Planning Commission in reaching their decisions regarding requests for variances:

- (1) An unusual situation or when strict adherence to the general regulations would result in substantial injustice or hardship. Hardship is defined in physical terms and not in financial terms; and
- (2) The authorization of the variance will not create a substantial detriment to adjacent or nearby property; and
- (3) The situation is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as amendment(s) to this Ordinance; and
- (4) The hardship is created by the physical character of the property or of the property. Personal, pecuniary (financial), or self-inflicted hardship shall not be considered grounds for the authorization of a variance.

C. Written Reasons for Variance

- (1) Any exception thus authorized shall be stated in writing, with the reasoning on which the variance was justified set forth.

D. Conditions May be Attached

The Planning Commission may attach such conditions and safeguards to the variance as they deem necessary to protect the general public interest.

113-44. Appeals.

Any person, firm or corporation aggrieved by the Administrator's objection to a plat or a failure to approve a final plat may appeal to the Carroll County Board of Supervisors. All such appeals shall be brought before the Board and a decision announced by that body within thirty (30) days following the objection or rejection of the plat by the Administrator. The Board of Supervisors may direct that the final plat be approved if it

finds that the action of the Administrator was arbitrary, unreasonable, or discriminatory. If the decision of the Board is in agreement with the Administrator's disapproval of the plat and the subdivider further contends that such disapproval was not properly based on the ordinance applicable thereto or was arbitrary or capricious, he may then appeal to the Circuit Court having jurisdiction of such land, and the Court shall hear and determine the case.

113-45. Violations and penalties.

Any person or persons violating the provisions of this chapter shall be subject to a fine of not more than five hundred dollars (\$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 his ordinance 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.

113-46. Amendment of chapter.

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

113-47. 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.

I, Gary Larrowe, Clerk to the Carroll County Board of Supervisors, certify this to be a true and exact copy of the Subdivision Ordinance of Carroll County, Virginia as amended by the Carroll County Board of Supervisors on April 14, 2014.

Gary Larrowe, Clerk