

**Subdivision Ordinance
for
Surry County, Virginia**

TABLE OF CONTENTS

ARTICLE I AUTHORITY AND TITLE	4
ARTICLE II AUTHORITY	5
Section 2.1. Short Title	5
Section 2.2. Purpose	5
Section 2.3. Intent and Application	5
ARTICLE III DEFINITIONS	6
Section 3.1. General Rules of Construction	6
Section 3.2. Definitions of Words and Phrases	7
ARTICLE IV APPLICATION OF THE REGULATIONS	17
Section 4.1. Subdividing Land	17
Section 4.2. Recording a Plat	17
Section 4.3. Use of a Plat	17
Section 4.4. Erection of Buildings	17
Section 4.5. Dedication of Land and Facilities	17
ARTICLE V PLATS AND PLATTING	18
DIVISION 5.1. GENERAL PROCESS	18
Section 5.1.1. Subdivision Approval Required	18
Section 5.1.2. Procedure for subdivision approval	18
DIVISION 5.2. THE PRELIMINARY PLAT	19
Section 5.2.1 Purpose of Preliminary Plat	19
Section 5.2.2 Preliminary Plat	19
DIVISION 5.3. CONSTRUCTION PLANS	22
Section 5.3.1. Purpose of Construction Plans	22
Section 5.3.2. Construction Plans	22
DIVISION 5.4 THE FINAL PLAT	24
Section 5.4.1. Purpose of the Final Plat	24

Section 5.4.2. The Final Plat24

ARTICLE VI GENERAL ADMINISTRATION28

Section 6.1. Responsibility of Administration and Enforcement:.....28

Section 6.2. Exceptions to Review by Commission.....28

Section 6.3. Duty of the Agent When Reviewing Plats with the Commission.....31

Section 6.4. Reserved for future use.....32

Section 6.5. Reserved for future use.....32

Section 6.6. Fees.....32

Section 6.7. Plat Review – Time Limit.....32

Section 6.8. Preliminary Plat Approval – Limitations.....33

Section 6.9. When Plat May be Disapproved.....33

Section 6.10. Notice of Approval or Disapproval.....33

Section 6.11. Appeals.....33

Section 6.12. Reserved for future use.....34

Section 6.13. Permits Required: Sale of Lots Prohibited.....34

Section 6.14. Maintenance of Private Streets, Easements, Facilities, or Other Improvements.....34

Section 6.15. Forms and Instructions.....35

Section 6.16. Penalties.....35

Section 6.17. Amendments.....36

ARTICLE VII LEGAL STATUS PROVISIONS37

Section 7.1. Conflicts37

Section 7.2. Severability.....37

Section 7.3. Effective Date.....38

ARTICLE VIII General Requirements, minimum standards of design, & Improvements39

Division 8.1. General Requirements39

Section 8.1.1. Conformity to applicable requirements39

Section 8.1.2. Mutual responsibility and Suitability of Land.....39

Section 8.1.3. Differences In Ordinances40

Section 8.1.4. Conformance40

Section 8.1.5. Compliance with the Chesapeake Bay Preservation Act.....40

Section 8.1.6. Homeowner Association Requirements41

Division 8.2. DESIGN STANDARDS42

Section 8.2.1. General.....42

Section 8.2.2. Improvements – General Requirements42

Section 8.2.3. Streams, Drainage, and Erosion Control.44

Section 8.2.4. Central Water and Sewer Systems.....45

Section 8.2.5. Water Facilities.....45

Section 8.2.6. Individual Wells45

Section 8.2.7. Sewer Facilities.....45

Section 8.2.8. Individual Sewer Systems46

Section 8.2.9. Fire Protection.46

Section 8.2.10. Streets46

Section 8.2.11. Lots.....50

Section 8.2.12. Blocks51

Section 8.2.13. Dimension Standards.....51

DRAFT

ARTICLE II **AUTHORITY**

The preparation of a subdivision ordinance is the legal responsibility of the County Board of Supervisors under Section 15. – 2240 et seq. of the Code of Virginia, to assure the orderly subdivision of land and its development

Section 2.1. Short Title

This Ordinance shall be known, cited and referred to as the Subdivision Ordinance of Surry County, Virginia, “or simply as the “Subdivision Ordinance.”

Section 2.2. Purpose

The regulations set forth in this Ordinance are intended to serve the following purposes.

- A. To establish standards and procedures for land subdivision and development in Surry County, Virginia, as authorized under Title 15.1, Chapter 11, Article 7 of the Code of Virginia.
- B. To protect and promote the health, safety and general welfare.
- C. To provide a system for the subdividing of lands and the accurate recording of land titles.
- D. To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan, Zoning Ordinance and other local policies and objectives.
- E. To assure the provision of needed open spaces and public facility sites in new land subdivisions through the dedication or reservation of land for public purposes.
- F. To assure equitable review and approval of all subdivisions by providing uniform procedures and standards for the subdivider.
- G. To protect and improve the water quality of the Chesapeake Bay as intended by the Chesapeake Bay Preservation Act.
- H. To promote the efficient use and development of land.
 - I. To provide adequate roadway, water supplies, sewer services, and other public facilities.
 - J. To maintain the integrity and character of Surry County.

Section 2.3. Intent and Application

It is the intent of this Ordinance that it will apply to and provide guidance for the subdivision of lands within the unincorporated limits of Surry County, Virginia. Any land development activity must first comply with this Ordinance.

ARTICLE III DEFINITIONS

Section 3.1. General Rules of Construction

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. **Tense and Form.**
Words used or defined in one tense or form shall include other tenses or derivative forms.
- B. **Number.**
Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. **Gender.**
The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
- D. **Person.**
The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
- E. **Building.**
The word "Building" includes the word "Structure" and shall be construed as if followed by the words "or a part thereof".
- F. **Lot.**
The word "Lot" includes the words "plot", "Tract", and "Parcel".
- G. **Watercourse.**
The word "Watercourse" includes the words "drain," "ditch" and "Stream".
- H. **Shall and May.**
The words "shall," "must" and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.
- I. **Time.**
The time, within which any act required by this Ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Commonwealth of Virginia, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.
- J. **Undefined Terms.**
Any words not defined in this Section but defined in the County Zoning Ordinance shall be interpreted in accordance with the Zoning Ordinance Definition. Any word not defined in this Ordinance or the County Zoning Ordinance shall be interpreted in accordance with their normal dictionary meaning and customary usage.

K. Illustrations and Tables.

In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Ordinance.

Section 3.2. Definitions of Words and Phrases

For the purposes of this Ordinance, the following terms shall have the following meanings:

Abutting. Having a common border with, or being separated from such common border by a Right-of-Way, Alley or Easement.

Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and exit property.

Accessory. Additional, something extra or complementary.

Access Drive. A public or private drive providing vehicular access to and between parking areas for more than two (2) parking spaces within a Land Development; or any drive servicing two (2) or more units of occupancy on a single Lot.

Adjacent: Property having a common boundary, property located across a street, or property separated by open space.

Adjoining Lot. A Lot that shares all or part of a common point or line with another Lot.

Agent. The Planning and Zoning Director of Surry County

Agricultural Division. The division of agricultural land into lots or parcels of five (5) acres or more in area whose principal use is outline in the definition of agricultural land as that use is defined in the Surry County Subdivision Ordinance and provided that:

1. No dedication of any streets shall be required to serve any such lots or parcels of agricultural land so created.
2. The agricultural lots or parcels so created shall not thereafter be further divided into parcels of less than five acres without being subdivided in accordance with the Subdivision Regulations of Surry County.
3. No dwellings shall be permitted unless all subdivision, zoning and health requirements of the County are met.

These divisions can be approved administratively provided it meets certain criteria as outlined in the subdivision ordinance.

Agricultural Land. Land used for any of the following activities conducted for the purpose of producing an income or livelihood: Crop or forage production; Keeping livestock; Beekeeping, Nursery, Sod, or Christmas tree production; Floriculture; Aquaculture; Fur farming; Forest management; Timber Harvesting; Enrolling land in a federal agricultural

commodity payment program or a federal or state agricultural land conservation payment program; or Any other use that Surry County, by rule, identifies as an agricultural use.

Alley. A permanent service way providing a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

Amended plat: An alteration of a recorded plat or portion thereof which does not involve a change in property lines. Amendments may include, but are not limited to, name changes and typographical corrections relating to text, metes and bounds descriptions, coordinate points, floodplain limits, wetland limits, RPA lines, setback lines, drainage easements, buffers, incorrectly numbered lots or parcels.

Applicant. A Landowner and/or Developer, as hereinafter defined, including his heirs, successors and assigns, who filed an application for Subdivision and/or Land Development.

Application for Development. Every application, whether Preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a Building permit, for the approval of a Subdivision Plat or Plan, or for the approval of a Development Plan.

Approve: To judge and find acceptable.

Arterial Thoroughfare. A street designated as an Interstate, major arterial or minor arterial thoroughfare on the adopted Thoroughfares Plan of the County.

Average Daily Traffic (ADT). Computed by application of a day of the week by month factor to an average twenty-four (24) hour traffic count. Such information is available in the latest volume of the Virginia Department of Transportation Traffic Data Collection and Factor Development Report.

Block. Land surrounded on all sides by Streets (measured at the Right-of-Way) or other transportation or utility Rights-of-Way, or by physical barriers such as bodies of water or public open spaces.

Best Management Practices (BMPs). A practice, or combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Boundary Adjustment: The adjustment of boundary lines of any two lots or parcels that are not within a division previously approved by the Planning Commission, are proposed to be relocated or altered without the creation of any additional lots or parcels, and where all resulting lots meet all applicable requirements of the zoning and subdivision ordinances; or where the original lots are nonconforming, but are not made more nonconforming by the adjustment. This division can be approved administratively provided it meets certain criteria as outlined in the subdivision ordinance.

Buffer. A strip of land with Landscaping, fences and/or walls located between two (2) uses, or between one (1) use and a public Right-of-Way, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or on the public Right-of-Way.

Buffer Area. A strip of land within a public Right-of-Way which may include Signage, Street trees, and curbs, gutters, or swales.

Building. Any enclosed or open Structure, other than a boundary wall or fence, occupying more than four (4) square feet of area and/or having a roof supported by columns, piers or walls.

Building, Accessory. A detached, subordinate Building, the use of which is customarily incidental and subordinate to that of the Principal Building, which is located on the same Lot as that occupied by the Principal Building. Farm Buildings not intended for habitation are considered to be Accessory Buildings.

Building, Principal. A Building that is enclosed within exterior walls or firewalls, and is built, erected and framed of component structural parts. The Principal Building is also designed for housing, shelter, enclosure and support of individuals, animals or property of any kind, and is a main Structure on a given Lot.

Building Line. A line within a lot, so designated on a plat of subdivision, between which line and the street line of any abutting street, no building or structure may be erected.

Building Setback Line. A line within a Lot, designated on a Plan as the minimum required distance between any Structure and the adjacent Street centerline, or Right-of-Way line as specified by any applicable zoning ordinance.

Capacity. The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

Chesapeake Bay Preservation Area (CBPA). Any land designated by Surry County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1- 2107 of the Code of Virginia. A Chesapeake Bay Preservation Area (CBPA) shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).

Clerk. The Clerk of the Circuit Court of Surry County

Collector Street. A street designated as a collector on the adopted Thoroughfares Plan of the County or a street in a proposed subdivision which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to arterial thoroughfares, in addition to providing access to properties abutting thereon.

Commission. The Surry County Planning Commission.

Common Area. For residential developments, ownership and maintenance responsibility for such areas will be held by a homeowners association. Common area is not a buildable lot and a buildable lot cannot be located within a Common area.

Commonwealth. The Commonwealth of Virginia.

Complete application. A subdivision application providing the entire form and plan or plat, containing all required application information, including applicable fees.

Comprehensive plan. An overall guide to manage Surry County's physical growth adopted pursuant to the Code of Virginia, § 15.2-2223 et seq.

Construction plans. A set of drawings and related specifications for the construction of facilities within or serving a subdivision including, but not limited to, streets, water and wastewater systems, stormwater improvements.

County. Surry County, Virginia.

Crosswalkway. A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

Cul-de-Sac. A street with no exit or continuation which has an appropriate turnaround for safe and convenient traffic movement.

Day. Calendar day, unless otherwise specified in this chapter.

Developer. Any Landowner, agent of such Landowner, or tenant with the permission of such Landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, for whom Subdivision or Land Development Plans are being or have been made.

Driveway, Shared: A collectively owned and maintained driveway within an unobstructed access easement or right-of-way of not less than 20 feet in width and constructed of a compacted surface a minimum depth of three inches and minimum width of twelve feet. The right-of-way and driveway shall be maintained by adjacent property owners and guaranteed in writing with a shared driveway maintenance agreement. This agreement shall be revised upon any change in ownership and prior to any additional subdivision approval on lots served by the shared driveway. An erosion and sediment control plan may be required depending on square footage of the driveway. No shared driveway may serve more than four lots unless otherwise approved by the Agent.

Easement. A grant by a property owner of the use of land for a specific purpose.

Engineer. A professional Engineer licensed as such in the Commonwealth of Virginia.

Environmental features: Wetlands, waters of the United States, resource protection areas, flood plains, riparian corridor management areas, and SWM/BMPs.

Family Burial Plot. A burial place for up to 15 persons related by blood or marriage. This definition does not include cemeteries associated with a place of worship or cemeteries owned and operated as a business.

Family subdivision. A single division of land to create lots or parcels for the purpose of a sale or gift to a member of the immediate family including their spouse for joint title of the property owner, including a partition of property owned by immediate family members. An immediate family member is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner.

Farmland. All land under common ownership that is primarily devoted to agricultural use.

Health Officer. The health officer or sanitarian of Surry County, Virginia.

Home Owners Association (HOA). An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, be it a lot parcel site, unit plot, condominium, or any other interest, is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Intersection. The area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at an angle whether or not one such street crosses the other.

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

Lot. A designated Parcel, Tract or area of land established by a Plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, Corner. A Lot situated at the intersection of two (2) or more Streets with Frontage on two (2) or more adjacent sides.

Lot, Depth. The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage. An Interior Lot with front and rear Street Frontage, where vehicular access occurs on either Street

Lot, Flag. A Parcel of land created by a Subdivision or partition which includes a narrow projection or "Flagpole" to the public Right-of-Way.

Lot, Interior. A Lot whose side Lot Lines do not abut upon any Street.

Lot, Reverse Frontage. An Interior Lot with front and rear Street Frontage, where vehicular access occurs on only the Street of lesser intensity

Lot Frontage. That portion of a Lot Abutting on the Street Right-of-Way and regarded as the front of the Lot.

Lot Line. A property boundary line of any Lot held in single or separate ownership, except that where any portion of the Lot extends into the Abutting Street or Alley, the Lot Line shall be deemed the Street or Alley line.

Lot of Record. Any lot within a subdivision, a plat of which has been recorded in the Office of the Clerk of the Circuit Court for Nelson County.

Lot Width. The horizontal distance between the side lot lines measured at the front building setback line.

Minor Street. A street other than an arterial thoroughfare or collector street and intended primarily for providing low volume traffic access to abutting properties of limited number.

Open Space. Land to be provided or preserved for park or recreational purposes, conservation of land or other natural resources.

Owner. Any person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to the land that is seeking to subdivide land under this chapter.

Parcel. Land not part of a lot-subdivision.

Parcel Split. A division of one parcel or lot of land into two parcels or lots provided that each lot shall have a right-of-way for ingress and egress of at least 20 feet.

Parent Parcel. The residual or remainder property of an original parcel from which land is divided.

Peculiarly-shaped. Elongated or unusual shapes added to a proposed lot or parcel, other than for access which would be unusable for normal purposes and is added solely to provide necessary square footage of area.

Performance Bond/Guarantee. A bond, escrow, letter of credit, cash deposit, or other performance guarantee approved by the Agent or Planning Commission, in the amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period of time.

Phase, subdivision. A numerically identified division of a preliminary plat that outlines a portion of the geographical boundaries of a proposed residential development.

Plans review team. Authorized staff representing various departments of the County which review applications submitted under this chapter, including but not limited to, the departments of environmental engineering, fire, planning, transportation and utilities, and the state departments of transportation and health.

Planning Commission. The Surry County Planning Commission.

Plat. The map or Plan of a Subdivision or Land Development, whether preliminary or final.

Plat, Final. A diagram or map of a subdivision (drawn to scale and showing all tracts, parcels, and lots together with all data essential to the description of the elements shown thereon) which can be legally recorded in the Clerk's Office.

Preliminary plat. A plan indicating the proposed layout of a development together with related information that is submitted to the county for preliminary approval.

Primary Highway. A highway designated as a Virginia Primary Highway or U.S. Highway by the Virginia Department of Transportation.

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

Property Owner Association. Please refer to definition of Home Owner Association.

Public Hearing. A formal meeting held pursuant to Public Notice, intended to inform and obtain public comment, prior to taking action.

Public Notice. When a required by right use application is submitted a notice published in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

Redevelopment. Public and/or private investment made to re-create the fabric of an area by renovating previously developed land. Replacing, remodeling, or reusing existing Buildings and Structures to accommodate New Development.

Residential. Referring to a place of living or abode whether for single family or multi-family accommodation.

Resource Management Area. The component of the Chesapeake Bay preservation area not classified as a resource protection area. The resource management area includes floodplains, highly erodible soils, including steep slopes, highly permeable soils, non-tidal wetlands and hydric soils not included in the resource protection area, and other areas and lands deemed necessary to protect the quality of state waters.

Resource Protection Area. The component of the Chesapeake Bay preservation area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes that they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. The resource protection area includes tidal wetlands, non-tidal wetlands connected by surface flows and contiguous to tidal wetlands or tributary streams, tidal shores, and other areas and lands deemed necessary to protect the quality of state waters.

Right-of-Way. The total width of any land reserved or dedicated as a Street, Alley or Pedestrian Way, or for any other public or private purpose.

Roadway. The portion of a street or highway available for and intended for use by motor vehicle traffic; generally the paved portion of the street.

Runoff. The surface water discharge and rate of discharge of a given Watershed after a full rain or snow that does not enter the soil but runs off the surface of the land.

Secondary Highway. A highway designated as a Virginia Secondary Highway by the Virginia Department of Transportation.

Service Drive. A minor street which is parallel to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Stream. A body of running water flowing in a channel on the surface of the ground, and not wholly dependent on surface water in its own immediate vicinity.

Street. An existing or platted right-of-way dedicated for the use of the general public, or portions thereof, and built for acceptance into the Virginia Department of Transportation Highway System. A Street shall provide vehicular and pedestrian access to property for all purposes of travel, transportation and/or parking to which it is adopted, devoted, or dedicated. The term is synonymous with road, lane, drive, avenue, highway, roadway, thoroughfare, or any other term of like or common meaning.

Street, Private. Any road, street, highway, or other route of vehicular access (not maintained by the Virginia Department of Transportation or any other public agency) to any parcel of land, regardless of ownership.

Street, Public. A dedicated right-of-way, the principal means of access to abutting properties, which is incorporated within the Virginia Department of Transportation highway system, or is a proposed addition to such system, plans for which have been approved and bonds for the improvement of which have been posted in accordance with provisions elsewhere in this ordinance.

Street Width. The horizontal distance between street lines measured perpendicular to the street center line.

Setback. The minimum distance by which any structure must be separated from the right of way line or other designated line.

Storm Water. Water that surfaces, flows, or collects during and subsequent to rain or snowfall.

Stormwater management (SWM). Measures taken to mitigate the impact of stormwater on the hydrologic cycle resulting from changes to the landscape which occur when land is developed.

Subdivide. To divide a parcel of land into smaller parcels or lots for the purpose, either immediate or future, for transfer of ownership or building development.

Subdivider. Any person or entity who subdivides land.

Subdivision. Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for transfer of ownership for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. "Subdivision" includes the division or development land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

Subdivision application. Any application pursuant to Article V of this chapter. This shall include, but not be limited to, the following application types: preliminary plat, construction plan, and final plat.

Subdivision, Major. Division of a parent tract of land into more than five (5) lots.

Subdivision, Minor. Division of a parent tract of land into five (5) lots or less.

Tidal shore. Land contiguous to a tidal body of water lying between the mean low water level and the mean high water level.

Transportation, department of. The Virginia Department of Transportation (VDOT).

Yard. An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward.

Yard, Front. An open space on the same lot as a structure, between the extreme front wall line of the structure (excluding steps) and the front lot or street line and extending the full width of the lot.

Yard, Side. An open space on the same lot as a structure, between the extreme side wall line of the structure (excluding steps) and the side line of the lot, extending from the front yard line to the rear lot line. This applies to both sides of the structure.

Zoning Ordinance. The Zoning Ordinance of Surry County, Virginia including all amendments thereto.

DRAFT

ARTICLE IV **APPLICATION OF THE REGULATIONS**

Section 4.1. Subdividing Land

After the adoption of this Ordinance, no tract of land within the unincorporated limits of Surry County shall be subdivided without prior approval from the County in accordance with this Ordinance.

Section 4.2. Recording a Plat

No plat of a Subdivision shall be recorded by the Surry County Clerk of Circuit Court unless it has first been approved in compliance with the regulations of this Ordinance.

Section 4.3. Use of a Plat

The transfer of title or sale of land by reference to a plat of a subdivision that has not been approved by Surry County and properly recorded in compliance with the regulations set forth in this Ordinance is prohibited and shall not be recognized or qualified as a Subdivision under this Ordinance.

Section 4.4. Erection of Buildings

No building permit shall be issued and no building shall be erected on any subdivided lot within Surry County unless that lot legally existed prior to the enactment of these Regulations, or unless that lot shall first have been created in accordance with the regulations set forth in this Ordinance.

Section 4.5. Dedication of Land and Facilities

No land or facilities shall be dedicated to Surry County for public ownership or use unless that dedication is made in accordance with the regulations set forth in this Ordinance.

ARTICLE V PLATS AND PLATTING

DIVISION 5.1. GENERAL PROCESS

Section 5.1.1. Subdivision Approval Required

Except as provided in Article VI, section 6.2, any developer/subdivider desiring to subdivide a tract of land situated within Surry County shall cause a preliminary plat of the proposed subdivision to be made and shall submit the same for approval pursuant to the terms of this Ordinance. The preliminary plat must be submitted to the Agent's office at least forty-five (45) days prior to the public hearing. After approval of the preliminary plat the developer/subdivider shall cause a final plat of the proposed subdivision to be made in accordance with the requirements of this Ordinance and shall submit the same for review forty-five (45) days prior to the public hearing.

Section 5.1.2. Procedure for subdivision approval

A. Following is a summary of the approval procedure for subdivisions:

1. **Preliminary Sketch.** Before the preparation of any preliminary plat, the developer/subdivider may, if he so chooses, submit to the Agent a preliminary sketch. The purpose of the preliminary sketch is to permit the Agent to advise the developer/subdivider in general whether his plans are in accordance with the requirements of this Ordinance, and to assure that the applicant is made aware of applicable requirements of existing ordinances and applicable amendments which are pending.
2. **Preliminary Plat.** All proposed lot subdivisions, except minor subdivisions, must submit a preliminary plat for approval. An overall conceptual plan shall be submitted in conjunction with the preliminary plat, if required by this chapter.
3. **Construction Plan.** Construction plans, where required, shall be the first step in the final plat process. For residential lot subdivisions, construction plans may be submitted after a preliminary plat is approved. For a minor subdivision, construction plans may be submitted in conjunction with the initial final plat review.
4. **Final Plat.** Final plats are required for all previously unrecorded lot subdivision plats, parcel plats, amended or line modification plats, and minor subdivision plats.
5. **Recordation.** After the Agent has approved the final plat, the subdivider shall file the plat for recordation in the Clerk's Office for the Circuit Court of Surry County within sixty days after approval, otherwise the approval shall become null and void unless an extension of time is applied for and granted by the Agent. Once the final plat has been recorded, lots or parcels in the subdivision may be sold.

6. **Changes.** No change or erasure or revision shall be made on any preliminary or final plat, nor on any accompanying data sheets unless authorization for such change has been granted in writing by the Agent.

DIVISION 5.2. THE PRELIMINARY PLAT

Section 5.2.1 Purpose of Preliminary Plat

The purpose of a Preliminary Plat is to show the graphical facts needed for the Planning and Zoning Director or the Planning Commission and state agencies to determine whether the proposed subdivision layout is in compliance with applicable regulations, state law, the Code, and conditions of zoning or schematic approval. Preliminary Plat approval does not constitute a guarantee of approval of Construction Plans or the Final Plat.

Section 5.2.2 Preliminary Plat

- A. *General Requirements.* Three (3) copies of the preliminary plat shall be prepared by a person qualified to do such work, including but not limited to land planners, urban planners, professional engineers, and surveyors, and shall be filed with the Agent. The Preliminary Plat for a subdivision shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The sheet size shall not exceed 36 inches by 48 inches, provided, however, a scale of 200 feet to one inch may be used to avoid sheets in excess of 36 inches by 48 inches. The minimum sheet size shall be 17 inches by 22 inches.
- B. *Preliminary Plat Specifications.* The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:
 - 1) Proposed Name of Subdivision;
 - 2) Name, Address and Telephone Numbers of the Owner/Developer of the Property;
 - 3) Name, Address of adjoining property owners.
 - 4) Name, Address and Telephone Number of the Professional Engineer, Architect, or Planner who prepared the plans;
 - 5) Name, Address and Telephone Number of the designated 24-hour contact person for the project;
 - 6) North Arrow, Date, and Graphic Scale on all appropriate sheets.
 - 7) Name and Address of adjoining or adjacent property owners.
 - 8) Name of adjoining or adjacent subdivisions that border the tract to be subdivided.
 - 9) Location of the project by an insert vicinity map at a scale of not less than one inch equals two thousand feet, indicating the scale, the north arrow, and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, schools, parks and playgrounds, subdivisions, towns, and other landmarks sufficient to clearly identify the location of the property.
 - 10) Existing zoning and zoning district boundaries and proposed changes in zoning if any.
 - 11) The boundaries of the property involved, county or municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings, or waterways, and other existing physical features in or adjoining the project.

- 12) Topography of the project area with contour intervals of two feet or less, unless waived by the Administrator as clearly unnecessary to review of the project or proposal.
- 13) The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.
- 14) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
- 15) The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
- 16) General location, character, size, and orientation of proposed signs.
- 17) If located in a Chesapeake Bay Preservation Area, the delineation of an Resource Management Area (RMA), Resource Protection Area (RPA) and RPA buffer area; the delineation of a primary and reserve sewage disposal site, if applicable; as well as the information specified in section 3-1404, B. of the Surry County Zoning Ordinance. In addition, plats shall include notations of the following specific state requirements:
 - a. To retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of 9VAC25-830-140;
 - b. The permissibility of only water dependent facilities or redevelopment in resource protection areas, including the 100-foot wide buffer area;
- 18) If located in a Chesapeake Bay Preservation Area, and the use of onsite sewage treatment systems are planned, a notation shall be placed on the face of the plat stating that any onsite sewage treatment system installed on any lot is required to be pumped out every 5 years or to otherwise meet the maintenance requirements of the Chesapeake Bay Preservation Act.
- 19) If located in a Chesapeake Bay Preservation Area, the delineation of the buildable areas that are allowed on each lot, based on the performance criteria specified in Part IV, 9VAC25-830-120 et seq.

C. *Preliminary Plat Certifications.* The following certificates shall appear in the Final Plat Package:

1) Preliminary Plat, Owner's Certification:

I hereby submit this Preliminary Plat as the owner, or his authorized agent, of all property shown thereon.

Signature of Owner or Authorized Agent

Date

Name of Owner or Authorized Agent

Title

2) Preliminary Plat, Designer's Certification:

I hereby certify that the plans for the proposed subdivision shown on this Preliminary Plat were prepared by me or under my direct supervision:

Signature Date

Registered Landscape Architect No. _____
Or Registered Land Surveyor No. _____
Or Registered Civil Engineer No. _____

(Seal)

3) Preliminary Plat, Conformance

I hereby certify that this proposed Preliminary Plat conforms to the requirements of the Surry County Zoning Ordinance and other applicable development codes and ordinances:

Surry County Director of Planning Date

4) Preliminary Plat Approval

All requirements of the County relative to the preparation and submission of this Preliminary Plat have been fulfilled and approval of this Plat is hereby granted. This approval expires in 365 days from this date if the owner/developer fails to secure Final Plat approval by that time.

Surry County Director of Planning Date

Acknowledged by:

Owner/Developer Date

DIVISION 5.3. CONSTRUCTION PLANS

Section 5.3.1. Purpose of Construction Plans

The purpose of the Construction Plans is to provide the detailed engineering information necessary to actually build the proposed subdivision in accordance with the approved Preliminary Plat and other development codes and ordinances of the County. It shall be the responsibility of the Agent to approve the format and content of the plans and specifications, and to determine what supplemental information shall be required to assure proper construction of the project.

Section 5.3.2. Construction Plans

- A. *General Requirements.* Following conditional approval of the preliminary plat by the Agent, the subdivider shall submit two blue or black line prints or copies of construction plans for improvements to be installed in accordance with the provisions of this ordinance and prepared by an engineer authorized to do business in the State.
- B. *Construction Plans and Specifications.* The Construction Plans for a subdivision shall be clearly and legibly drawn at a scale of 1 inch equals 10 feet and a horizontal scale of inch equals 100 feet. The sheet size shall not exceed 36 inches by 48 inches, and the minimum sheet size shall be 17 inches by 22 inches. The Construction Plans shall include the following information:
- 1) Proposed Name of Subdivision.
 - 2) Name, Address and Telephone Numbers of the Owner/Developer of the Property.
 - 3) Name, Address and Telephone Number of the Professional Engineer who prepared the plans.
 - 4) Name, Address and Telephone Number of the designated 24-hour contact person for the project.
 - 5) North Arrow, Date, and Graphic Scale on all appropriate sheets.
 - 6) Location Map at a scale of 2000 feet to the inch;
 - 7) An accurate list of all conditions relative to the zoning or development of the property as a Subdivision and the approval of the Preliminary Plat.
 - 8) Pertinent Site Development Data.
 - 9) A copy of each permit or approval that shall be required from any federal, state or local regulatory agency for or in connection with the proposed subdivision, or any portion thereof, or a copy of a pending application for any such permit or approval.
 - 10) Detailed Limits of Clearing, Tree-Saving, Tree Planting Plan.
 - 11) Detailed Limits of all undisturbed buffers and open space;
 - 12) Detailed Stormwater Management and Erosion and Sediment Control Plan.
 - 13) Detailed Electric and Natural Gas Utility Plan.
 - 14) Detailed Roadway Plan that shows the proposed street lighting system, & the proposed street signs.
 - 15) Detailed Grading Plan.
 - 16) Detailed Water Supply/Utility Plan.
 - 17) Detailed Sewage Disposal Plan.
 - 18) Detailed Sanitary Sewer Plan.

C. *Construction Plans Certification.* The following certifications statements shall appear in the approved Construction Plans package:

1) Construction plans, engineer's certification of design

I hereby certify that the design of stormwater and drainage facilities including culverts, drainage structures and detention or retention ponds and appurtenances; the design of roadways and streets; and the design of water system facilities including pipelines, fire hydrants, valves and appurtenances, sanitary sewage facilities including gravity sewer pipelines, force mains, manholes and appurtenances was prepared under my direct supervision and is in strict accordance with all applicable federal, state, and local regulatory permits and approvals, and all applicable local codes, ordinances and regulations.

Signature of Engineer of Record

Date

Name (Printed)

(Seal)

2) Construction Plans Approval

The Construction Plans have been reviewed and found to be in accordance with the approved Preliminary Plat, and any zoning conditions that may have been previously imposed on the property.

Surry County

Date

DIVISION 5.4 THE FINAL PLAT

Section 5.4.1. Purpose of the Final Plat

The purpose of the Final Plat of a subdivision is to present an accurate depiction of the layout of the Subdivision that has been constructed so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the Subdivision.

Section 5.4.2. The Final Plat

- A. *When to File Final Plat.* A plat or other instrument showing the approved division of any land subdivided within Surry County shall be recorded with the Clerk of the Circuit Court of Surry County within six months of final plat approval. Plat approval shall be deemed void if the plat is not recorded within this period, and a new application for final plat approval shall be required prior to recordation. 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 County, or where the developer has furnished surety to the County 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 County, whichever is greater.
- B. *General Requirements.* The subdivision plat submitted for final approval shall be clearly and legibly drawn at a scale of one hundred(100) feet to the inch. Where conditions warrant, an alternate scale may be approved by the Agent.

The plat shall be prepared by a certified professional engineer or a Virginia licensed land surveyor and shall meet all platting requirements set forth by the Virginia Board governing land surveyors. The plat preparer shall affix upon the plat a certificate signed by him, stating 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 said plat, and all the title sources stated.

Three (3) copies and the original plat shall be submitted to the Agent.

- C. *Final Plat Specifications.* The final site plan shall show the following:
- 1) All of the features required on the preliminary plat with sufficiently accurate dimensions and construction specifications.
 - 2) All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the County or other utility system.
 - 3) Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the County indicating the location sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system. Provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

- 4) Existing topography with two-foot contour interval or such intervals as approved by the Agent. Where existing ground is on a slope of less than two percent, either one foot contours or spot elevations where necessary but not more than fifty feet apart in both directions.
- 5) Proposed finished grading by contours supplemented where necessary by spot elevations.
- 6) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to the nearest one hundredth of a foot; and all bearings in degrees, minutes, and seconds to the nearest ten seconds.
- 7) The delineation of an RMA, RPA and RPA buffer area as well as a primary and reserve sewage disposal site, if applicable. In addition, plats shall include notations of the following specific state requirements:
 - a. To retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of 9VAC25-830-140;
 - b. The permissibility of only water dependent facilities or redevelopment in resource protection areas, including the 100-foot wide buffer area;
- 8) If located in a Chesapeake Bay Preservation Area, and the use of onsite sewage treatment systems are planned, a notation shall be placed on the face of the plat stating that any onsite sewage treatment system installed on any lot is required to be pumped out every 5 years or to otherwise meet the maintenance requirements of the Chesapeake Bay Preservation Act.
- 9) If located in a Chesapeake Bay Preservation Area, the delineation of the buildable areas that are allowed on each lot, based on the performance criteria specified in Part IV, 9VAC25-830-120 et seq.

D. *Final Plat Certifications.* The following certificates shall appear in the Final Plat Package:

1) Final Plat Surveyor's Certification:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as future and their location, size, type, and material are correctly shown: By:

Signature of Registered Surveyor

Date

Name (Printed)

No.
(Seal)

2) Engineer's Certification:

I hereby certify that this subdivision was constructed in accordance with the construction plans and specifications which were approved by the Surry County Planning Commission, as well as any approved revisions thereto, and that all applicable engineering requirements of the applicable development and zoning ordinances have

Circuit Court for Surry County until it has been submitted to and been approved by the Agent or the Planning Commission.

DRAFT

ARTICLE VI GENERAL ADMINISTRATION

Section 6.1. Responsibility of Administration and Enforcement:

- A. The Planning and Zoning Director is hereby designated as the Agent of the Board of Supervisors for the purposes of administering and enforcing this ordinance. The Agent shall have the powers and duties:
- 1) To administrator and enforce this ordinance and, in so doing, to make all determinations and findings and impose all requirements; except that the Agent shall have no authority to modify, vary or waive, nor accept substitution for, any requirement of this ordinance unless expressly provided.
 - 2) To approve all plats, unless the plat is referred to the Planning Commission's Clerk.
 - 3) To interpret this Ordinance, and to request opinions or decisions, either verbal or written, from the Planning Commission, or Departments of the County, from other officials and departments of the Commonwealth of Virginia, and from other qualified persons as may from time to time be retained.
 - 4) To consult with and advise the Planning Commission on matters contained in this Ordinance.
 - 5) To establish procedures to govern the administration of this Ordinance which are deemed by the Agent to be necessary for its proper administration including, but not limited to, delegating one or more duties set forth in this Ordinance. The procedures shall be consistent with this Ordinance and Article 5, Chapter 22 of Title 15.2 of the Code of Virginia.

To enforce the provisions of this Ordinance by injunction or other legal process.

Section 6.2. Exceptions to Review by Commission.

- A. The following divisions of land shall be exempted from the requirements of article V of this ordinance unless indicated otherwise. Additionally, if building development is not the intended purpose of any of the parcel or lots in the following divisions' soil testing requirements are also exempt. These divisions may be approved or disapproved by the agent without planning commission approval if (i) no new streets or roads are required, (ii) all parcels or lots front on and have direct access to an existing state maintained street, and (iii) the proposed subdivision is not proposed with the intent of circumventing this ordinance. The Agent is authorized to approve or disapprove the preliminary plat and final plat for the following types of subdivisions (provided such subdivisions are not in conflict with the general meaning, purpose, and provisions of this Ordinance, and are in compliance with the Surry County Zoning Ordinance, Surry County Comprehensive Plan, and the Code of Virginia):

- 1) Minor Subdivisions - A subdivision of land into no more than five (5) lots, are exempt provided that:
 - A. Each newly created lot or parcel fronts on and has direct access to a perpetual nonexclusive right-of-way for ingress and egress of at least 50 feet in width, or fronts on and has direct access to an existing state maintained street.
 - B. For lots not served by a state maintained street, this lack of service shall be noted on the deed and plat in accordance with section 6.14.
 - C. Where public sanitary sewer or an approved community sewer system is not available, each lot of the proposed division shall contain approval by the local health official for the location of an on-site septic system. Written approval from the local health official stating that the areas shown on the plat of the proposed division are satisfactory under the department of health regulations in effect at the time of the division for the installation of each on-site septic system and the signature of the local health official shall appear on the face of the plat. Location of the approved drain field or septic location for each lot and any easements pertaining to the septic system shall appear on the plat. An exemption to the on-site requirement may be granted by the planning commission, in conjunction with the health official, in extreme circumstances where just cause is shown that an on-site system is not possible.
- 2) Boundary Adjustment - A change in the boundary line between adjoining landowners for the purpose of transfer, boundary line adjustment, or exchange of land between said adjoining landowners. A boundary line change shall not create additional parcels for sale or development nor leave a remainder which does not conform to the provisions of the Zoning Ordinance for Surry County. The plat shall contain a note that this division was made pursuant to this subsection.
- 3) Parcel splits -A division of one parcel of land into two that does not otherwise fall within the definitions herein, provided that each lot shall have a right-of-way for ingress and egress of at least 20 feet. All such divisions of land shall comply with the lot size requirements as set forth in the Surry County Zoning Ordinance, and for lots not served by a state maintained street, this lack of service shall be noted on the deed and plat in accordance with section 6.14. The plat shall contain a note that this division was made pursuant to this subsection.
- 4) Agricultural Division -A bona fide division or portion of agricultural land for agricultural purposes, if the parcels so created are ten acres or more, which shall exclude rights-of-way for ingress and egress. It shall be certified by the owner to the agent in writing at the time of application and shall be certified by the owner in the owner's statement on the face of the plat that the division is for agricultural purposes only. A right-of-way of at least 20 feet providing ingress and egress to a public street must be provided by the applicant for such parcels not already fronting on and having direct access to an existing state maintained

street. For lots not served by a state maintained street, this lack of service shall be noted on the deed and plat in accordance with section 6.14. An agricultural division must also meet the requirements of section 8.1.2. The plat shall contain a note that this division was made pursuant to this subsection.

- 5) Family Subdivisions -A single division of a tract or parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner if the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of five (5) years. Any parcel thus created having less than five (5) acres shall have a right-of-way of not less than ten (10) feet or more than twenty (20) feet wide providing ingress and egress to and from a dedicated recorded public street. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this ordinance. For the purpose of this subsection, a member of the property owner's immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. It shall be noted on the plat and in the deed that this is a family division of property pursuant to this subsection.

Prior to the issuance of a building permit on a family subdivision lot not having frontage on a state road, the property owner shall sign and record in the land records an agreement, which shall be reflected in the chain of title for that lot, stating that the property owner understands that:

- a) The easement of right-of-way serving the lot is private and the road or drive within it shall be maintained by the developer and/or property owner(s);
- b) The streets or roads in this division do not meet state highway standards and are not intended for inclusion in the system of state highways unless the requirements outlined in (d) are met.
- c) The streets or roads in this division will not be maintained by the Virginia Department of Transportation or Surry County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.
- d) The streets or roads are ineligible for admission into the state secondary road system for maintenance unless it is brought into conformance with the requirements of this subdivision ordinance at no cost to the county or state;
- e) The developer and/or property owners will be responsible to provide the full cost of building the road to the standard required for acceptance into the state secondary system.
- f) Until the road is accepted into the secondary road system, state maintenance will not be provided, and mail service and school bus service may not be available to the property.

- 6) Transfer of a lot or parcel of land by will in testament, succession, or court ordered.

Plat requirements. A certificate shall be included on the plat, signed by the agent, and recorded in the county circuit court, stating that it meets the conditions applicable to such division as found in

this; and shall have sufficient detail and information to show compliance with all requirements of this section. Plats shall contain at a minimum: location, lot size and dimensions at an appropriate scale, owners name, location of existing and proposed rights-of-way and easements, location of waterways and flood information, and a signature line for the agent.

- 1) Deeds and plats of any property served by a private road or private street shall contain the following: "The streets or roads in this division do not meet state highway standards and are not intended for inclusion in the system of state highways. Roads or streets will not be maintained by the Virginia Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The developer and/or property owners will be responsible to provide the full cost of building the road to the standard required for acceptance into the state secondary system. It shall be the responsibility of the developer and/or property owners to maintain the private road(s) or street(s) shown on this plat." Grantors of any lots to which such statement applies must hereafter include the statement on each plat and deed of conveyance thereof. The board of supervisors shall approve the names of private roads and the county shall assign house numbers for emergency purposes.

Section 6.3. Duty of the Agent When Reviewing Plats with the Commission.

- A. An application for preliminary or final subdivision plat approval shall be submitted to the Agent. The Agent shall review the application and plat.
- B. Any preliminary or final subdivision plat which lacks any information required by this ordinance shall be deemed to be an incomplete submission and the applicant shall be notified by mail of deficiencies within ten (10) calendar days of the submittal and the plats shall be returned.
- C. The resubmission of a corrected preliminary or final subdivision plat which has been previously determined to be incomplete shall be considered a new submission.
- D. Once a preliminary or final subdivision plat has been determined to be completed, it shall be considered to be a "complete submission" and shall be transmitted to the Site Plan Review Team.
- E. The Site Plan Review Team shall consist of, but is not limited to, representatives from Federal, State, and local governments, utility companies, and other agencies and departments as necessary to review the subdivision plat.
- F. Pursuant to the Agent's and/or Site Plan Review Team's determination that the preliminary or final subdivision plat is in full compliance with the submission requirements of this ordinance, the Zoning Ordinance, and the County's Erosion and Sediment Control Standards, it shall be considered to have had a "complete administrative review" and be an "official submission."

- G. The Agent shall prepare a report for distribution to the Planning Commission, applicant, and other interested parties.
- H. Submission of the preliminary or final plat for review: All preliminary or final plats must be filed with the Agent.

Section 6.4. Reserved for future use.

Section 6.5. Reserved for future use.

Section 6.6. Fees.

The developer/subdivider shall pay a fee for the examination and review of all preliminary and final plats. At the time of filing a preliminary or final plat the developer/subdivider shall deposit with the Agent a check payable to the Treasurer of Surry County, in an amount to be determined by the adopted fee schedule.

Section 6.7. Plat Review – Time Limit.

- A. *Preliminary Plat.* A preliminary subdivision plat shall be acted on by the Agent, when acting alone, within sixty (60) days after it has been officially determined to be “complete” by either approving or disapproving the proposed plat.

The Commission shall act on a preliminary subdivision plat determined to have had a “complete administrative review” and be an “official submission” within sixty (60) days by either approving or disapproving the proposed plat. The sixty (60) day time period for action shall not apply to preliminary plats under the following circumstances:

- 1) If a preliminary or final plat has a feature or features requiring approval by a state or federal agency, the acting authority shall approve or disapprove such preliminary plat within thirty-five (35) days upon receipt of the approvals from all state or federal agencies.
- B. *Final Plat.* The final plat shall be acted on by the Commission within sixty (60) days after it has had a “complete administrative review” and is determined to be an “official submission” by either approving or disapproving the final plat. The Agent, when acting alone, shall comply with the time period set forth herein.
 - C. Nothing contained in paragraphs A. and B. shall require approval of a final plat in less than sixty (60) days.

Section 6.8. Preliminary Plat Approval – Limitations.

The approval of the preliminary plat by the Commission or Agent does not guarantee the approval of the final plat, and does not constitute approval or acceptance of the subdivision nor authorization to proceed with construction or improvements within the subdivision.

Section 6.9. When Plat May be Disapproved.

If at any stage of the approval process it is determined that a proposed subdivision would constitute a nuisance, a danger to public health, safety or general welfare, approval may be denied.

Section 6.10. Notice of Approval or Disapproval.

The developer/subdivider shall be notified of the approval or disapproval of the plat. The specific reasons for disapproval and suggestions for modifications or corrections as will permit approval shall be given. The notification of approval or disapproval may be written on the face of the plat or contained in a separate document.

Section 6.11. Appeals.

- A. Any person aggrieved by any decision of the Agent may, within thirty (30) calendar days of such decision, appeal to and have a determination made by the Planning Commission.
- B. The Planning Commission may approve, deny or modify the appeal upon review of the facts and findings at a regularly scheduled meeting within sixty (60) calendar days from the date of such appeal.
- C. Disapproval – If the Planning Commission disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the Board of Supervisors within 60 days of the written disapproval by the Planning Commission.
- D. Disapproval – If the Board of Supervisors disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the Surry County Circuit Court and the court shall hear and determine the case as soon as may be, provided that the appeal is filed with the Circuit Court within 60 days of the written disapproval by the Board of Supervisors or other Agent.
- E. Failure to Act – If the Agent or the Board of Supervisors fails to act on a plat within sixty(60) days after it is officially submitted for approval, or within forty-five (45) days after it has been officially submitted for approval after a previous disapproval or within thirty-five (35) days of receipt of any agency response pursuant to Section 15.2-2259 B of

the Code of Virginia, the developer/subdivider, after ten (10) days written notice to the Board of Supervisors or Agent may petition the Circuit Court of Surry County to decide whether the plat should or should not be approved.

Section 6.12. Reserved for future use.

Section 6.13. Permits Required: Sale of Lots Prohibited.

Permits or other licenses required for the construction of any building, structure or other improvement shall not be issued prior to approval of the final plat and until the requirements of this ordinance have been complied with.

No lot within the subdivision shall be sold and transferred prior to approval of the final plat and recordation of the same pursuant to the terms of this ordinance.

Section 6.14. Maintenance of Private Streets, Easements, Facilities, or Other Improvements.

In the event streets in a subdivision are not constructed to meet the standards for inclusion in the secondary system of state highways, the subdivision plat and deed of dedication to which such plat is attached, shall in addition to the engineer's or surveyor's certificate include a statement. "The streets or roads in this division do not meet state highway standards and are not intended for inclusion in the system of state highways. Roads or streets will not be maintained by the department of transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The developer and/or property owners will be responsible to provide the full cost of building the road to the standard required for acceptance into the state secondary system. It shall be the responsibility of the developer and/or property owners to maintain the private road(s) or street(s) shown on this plat." Grantors of any lots to which such statement applies must hereafter include the statement on each plat and deed of conveyance thereof. The board of supervisors shall approve the names of private roads and the county shall assign house numbers for emergency purposes.

The plat shall be signed by the owners, proprietors, and trustee, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds and in addition the following shall apply:

- a. **Restrictive Covenant.** The deed to each tract in a private road subdivision shall carry a restrictive covenant to the effect that the roads in the subdivision are private in nature shall not be maintained by the Virginia Department of Transportation or other public road agency and that the maintenance and improvement thereof shall be the mutual obligation of the landowners in the subdivision abutting landowners shall not be taken into the State Secondary System unless and until the abutting landowners shall have constructed and dedicated the private roads in accordance with the latest Virginia Department of Transportation road and bridge specifications, and thereafter the Board of Supervisors of Surry county shall have recommended that said road be taken into the State Secondary System of Highways.

- b. **Affidavit of Buyer.** No deed to a tract of land in a private road subdivision shall be recorded unless the same carries an affidavit duly signed and acknowledged by the grantee in said deed to the effect that he acknowledges that the roads in said subdivision are private roads and shall not be maintained or improved by the Virginia Department of Transportation or other public road agency, and that it is the mutual duty and obligation of the abutting landowners to maintain and improve the roads in said subdivision.

In the event private streets in the subdivision are constructed to standards for inclusion in the secondary system of state highways but are not dedicated for public use, but are to be maintained privately, then the developer/subdivider shall record in the land records a declaration, which shall be referred to in the chain of title of each lot, addressing legally binding responsibilities for the parties who are responsible for construction, repair and maintenance, including snow removal, and all pertinent details, for such private streets.

All privately owned water, sewer systems and other facilities or improvements within a subdivision must be approved by the Board of Supervisors. Additionally, the Board may impose reasonable conditions to ensure the long-term operation, maintenance and solvency of the operator. These conditions may be in addition to any other conditions imposed by the state regulating authority. All public sewer and water utility services shall be publicly owned and operated by a government agency unless otherwise approved by the Board of Supervisors.

Section 6.15. Forms and Instructions

Application forms and instructions for preparing and processing plats and plans in accordance with these Regulations are periodically updated. Current copies of these forms and instructions are available upon request from the County's Planning and Zoning Department .

Section 6.16. Penalties

The Planning and Zoning Director may invoke any lawful process, such as injunction or abatement, as may be necessary to prevent, restrain, correct or abate any violation of this chapter or applicable conditions. In addition, any person violating the following provisions of this chapter shall be subject to a judicially imposed fine in the appropriate court of a fee for each lot or parcel of land so subdivided or transferred or sold:

- a. Subdividing land without making and recording a plat of the subdivision or without fully complying with the provisions of the subdivision ordinance and all applicable conditions;
- b. Recording a subdivision that has not been submitted to or approved by the local planning commission, the governing body or its duly authorized agent; or
- c. Selling or transferring any land of a subdivision before a plat has been duly approved and recorded as provided in this chapter unless the subdivision was lawfully created prior to the adoption of the subdivision ordinance.

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.

Section 6.17. Amendments

This ordinance may be amended in whole or in part by the Governing Body provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the Planning Commission and secondly the Governing Body. Notice of the time and place of the public hearings shall be in accordance with the provisions of Section 15.1-431 of the Virginia Code.

DRAFT

enforcement of any other parts or provisions of this Ordinance or the application of them to other persons or circumstances. It is hereby declared as the intent of the Governing Body of Surry County, Virginia, that this Ordinance would have been adopted if such provision has not been included herein.

Section 7.3. Effective Date

These regulations shall be in full force and effective on _____, 20__ Following its adoption and shall apply to any tract of land which is proposed to be subdivided as of and after the effective date of these Regulations and for any tract for which a Preliminary Plat has not already been approved, for so long as the Ordinance remains in effect.

ENACTED AND ADOPTED this _____ day of _____, 20__.

DRAFT

ARTICLE VIII **General Requirements, minimum standards of design, & Improvements**

Division 8.1. General Requirements

Section 8.1.1. Conformity to applicable requirements

All subdivision plats and plans shall be in full compliance with the provision of this chapter and the following, as applicable:

1. The provisions of the Code of Virginia 15.2-2240 – 15.2-2279
2. The Code of Virginia, title 32.1 (Health), Chapter 12 of the Code and the requirements of the state health department relating to any subdivision that is not served by or not proposed to be served by a public water or public wastewater system.
3. The requirements of VDOT, including, but not limited to, access control, rights of way dedication, and construction of mitigating street improvements.
4. Surry County's Zoning Ordinance, Article 3, Section 3, Chesapeake Bay Preservation Area.
5. Other applicable laws, ordinances, polices, and requirements.

Section 8.1.2. Mutual responsibility and Suitability of Land

There is a mutual responsibility between the subdivider and Surry County to divide the land in such a way as to insure the best general use pattern of the land being subdivided, and to avoid adverse impact on other properties. The agent and board of supervisors shall not approve the subdivision of land if, from adequate investigations conducted by all necessary public agencies concerned, it has been recommended that such land is not suitable for the purpose intended. Land subject to flooding, improper or inadequate drainage or erosion, if developed as proposed, and any land deemed unsuitable for development due to steep slopes, unsuitable soils, subsurface conditions or other undesirable properties, shall not be subjected to development as a lot within a Subdivision for any uses that shall or may create or continue such conditions or increase danger to health, safety, life, or property. In particular, no land identified as unbuildable area or land within any delineated floodways shall be included within the Buildable Area of any Subdivision or included within any Lot of a Subdivision. In addition, no undisturbed buffer that is required by any of the local development codes and ordinances in order to protect the health, safety and welfare of the community shall be included or within any Lot proposed for a Subdivision for any development.

Furthermore, a subdivision shall not be approved if it contains building lots which are not suitable for development for one or more of the following reasons as such subdivision may endanger the health, safety, property, and welfare of the persons building and utilizing the lot or other properties or adversely impact the water quality of the Chesapeake Bay.

1. Wetlands as defined in the Virginia Wetlands Act or any land subject to periodic flooding shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve danger to health, life, or property, or aggravate the flood hazard, and any such land within the proposed subdivision whether it be within a lot or reserved for common use of subdivision occupants shall be restricted against buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation. To insure sufficient buildable land which is flood free, the Agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be free of the danger of flood waters.
2. A plat for the subdivision of land with poor drainage, excessive slope or other adverse physical conditions will be considered for approval only if the subdivider agrees in writing to make whatever improvements are necessary, in the judgement of the Agent, to render the land acceptable for development.
3. Where onsite sewage disposal systems are proposed, a soils report stating the suitability of the land for such systems shall accompany an application for preliminary approval.

Section 8.1.3. Differences In Ordinances

Whenever there is a difference between minimum standards or requirements under the regulations set forth in this Ordinance and those contained in any applicable zoning regulations, development regulations, building codes or other ordinances or regulations, the most restrictive shall apply.

Section 8.1.4. Conformance

In addition to the regulations found in this Ordinance, all land development activity within the County shall comply with the County's Comprehensive Plan, the County's Zoning Ordinance, the County's Erosion and Sediment Control Ordinance, and all other applicable local, Commonwealth, or federal ordinances and regulations.

Section 8.1.5. Compliance with the Chesapeake Bay Preservation Act

Subdivisions proposed for sites within a Chesapeake Bay Preservation Area shall comply with applicable requirements of the Zoning Ordinance for Surry County, Article 3, Section 3, Chesapeake Bay Preservation District. A proposed subdivision of land shall not be approved if the Agent has determined that the subdivision is intended to or would result in the circumvention of the requirements of the Chesapeake Bay Preservation Act. Lots or parcels of record, as the date of adoption of this Ordinance, which are located within a Chesapeake Bay Preservation area, are not exempted from the requirements of Article 3, section 3 of the Zoning Ordinance for Surry County.

Section 8.1.6. Homeowner Association Requirements

1. All subdivisions with more than three lots or units that contain private streets, drainage facilities not in public streets, common walls, open space or any other common area or facility shall provide for a Homeowners Association,
2. All subdivisions required to have Homeowners Associations shall convey ownership of all private streets, drainage facilities not in public streets, drainage easements, common walls, open space or any other common area or facility to the Homeowners Association.
3. The Homeowners Associations may not subsequently subdivide any open space area unless a final plat is approved by Surry County Board of Supervisors and the plat recorded in with the Surry County Clerk of Circuit Court.
4. Homeowners Associations must be organized and incorporated under the provisions of code of Virginia Property Owners Association Act § 55-508-516.2 ,
5. The Homeowners Association documents shall be recorded within 10 days of recording the initial Final Plat and in legal existence prior to conveyance of a lot or unit in the development.
6. A copy of the recorded Homeowners Association documents shall be submitted to the Director within 10 days of recording to be placed in the Record File of the subdivision.
7. The Homeowners Association documents shall require the following:
 - a. Membership shall be mandatory for each original purchaser and each successive purchaser of a lot or unit in the subdivision.
 - b. The Homeowners Association shall have the authority to levy assessments against its members or any lot or unit owners in the development for the cost of operation and maintenance, improvement and repair of all common areas or areas and facilities owned by the association which benefits its members.
 - c. Assessments levied by the Homeowners Association and not paid shall constitute a lien on the lot of the owner.
 - d. The Homeowners Association shall be responsible for the maintenance of all private streets, drainage facilities not in public streets, common walls, open space or any other common or private area or facility in the subdivision.
 - e. The Homeowners Association shall be responsible for the maintenance and payment of premiums for liability insurance for the Association.
 - f. The Homeowners Association shall be responsible for the payment of any ad valorem taxes levied on property or facilities titled to the Association.
 - g. The Homeowners Association shall be responsible for the payment of any public or private improvements made to or for the benefit of the common areas or facilities for which the association owns or has maintenance responsibility.

Division 8.2. DESIGN STANDARDS

Section 8.2.1. General

- A. *Substandard Subdivisions.* An existing subdivision which is not in conformity with this ordinance may be resubdivided and redeveloped (in whole or in part) by the owner of any group of contiguous lots. Every such resubdivision shall conform to the provisions of this Ordinance and any other applicable local ordinances. If, in the opinion of the Planning Commission total compliance is impractical, the Planning Commission may approve a resubdivision which is not in compliance with the provisions of this Ordinance if such resubdivision will conform more closely to the existing local ordinances than does the substandard subdivision. Any exception so authorized shall be set forth in a written statement by the Planning Commission detailing the reason for the exception and filed as an addendum with the final plat.
- B. *Grandfathered Subdivisions.* Existing subdivisions which have been approved by the Governing Body shall be considered to conform with this subdivision ordinance unless and until such existing subdivision shall be resubdivided or redeveloped in such a manner as would subject such subdivision to this ordinance.
- C. *Easements.* The Agent shall require easements of twenty (20) feet minimum in width on each side of the center line of the easement be provided for water, sewer, power, telephone, and other utilities, as well as cable television service lines in the subdivision unless specifically exempted by the agent. Such easements shall be laid out so as to ensure continuity for utilities from block to block and to adjacent properties. Such utility easement shall be kept free of permanent structures and whenever possible shall be located adjacent to property lines. Nothing in this section is intended to prohibit the placement of public utilities within dedicated right-of-ways. The Agent may require that easements for drainage through adjoining property be provided by the subdivider.

Section 8.2.2. Improvements – General Requirements.

- A. *Installation costs.* Generally, all required improvements shall be installed at the expense of the developer/subdivider. Construction of such improvements shall be subject to review and acceptance by the Governing Body.
- B. *Bonding requirements.* The Agent shall require the bonding of all private streets and all improvements to be dedicated to public use. The developer/subdivider shall, prior to recordation of the final plat, comply with any bonding requirement by one of the following procedures:
 - (1) Provide certification, supported by documentation, to the Agent that the construction costs of improvements have been paid to the person constructing such improvements.

- (2) Furnish to the Agent a certified check in the amount of the estimated cost of construction; or a bond, with surety satisfactory to the Agent, in an amount sufficient for and conditioned upon the construction of such improvements; or a contract for the construction of such improvements with the contractor's bond, with surety.
- (3) Furnish to the Agent a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Agent as to the bank or savings and loan association, the amount of credit and the form thereof.

The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

C. *Completion Dates for Bonded Improvements.* The developer/subdivider shall set a date, subject to the approval of the Agent, for the completion of the improvements bonded herein. If the improvements are not completed by this completion date, and no new completion date has been approved by the Planning Commission, the Agent may proceed with the completion of the improvements by calling the bond due.

D. *Partial Release of Bond.* After the completion of at least thirty percent (30%) of the improvements required to be constructed under a bond or other performance guarantee described in section 8.2.2 B., the developer/subdivider may give written notice of partial completion to the Agent and request a partial release of such bond or performance guarantee. A partial release shall be granted within thirty (30) days after receipt of such notice unless prior to the expiration of the thirty (30) day period the Agent has notified the developer/subdivider in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by an applicable state agency. The Agent shall not be required to execute

more than three (3) periodic partial releases in any twelve (12) month period nor be required to make periodic partial releases which in a cumulative amount equal more than eighty percent (80%) of the original amount for which the bond performance guarantee was taken.

E. *Final Complete Release of Bond.* After the completion of all improvements required by this Ordinance to be constructed under a bond or other performance guarantee described in section 8.2.2 B., the developer/subdivider shall give written notice of completion to the Agent and request the final complete release of any bond or other performance guarantee. The Agent shall within thirty (30) days after receipt of such documentation accept the improvements or notify the developer/subdivider, in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by applicable state agency. If no action is taken by the Agent within thirty (30) days the request shall be deemed approved and accepted, and final complete release of the bond or other performance

guarantee granted to the developer /subdivider.

F. *Completion and Acceptance of Bonded Improvements.*

- (1) For the purposes of sections 8.2.2 D. and 8.2.2 E., a certificate of partial or final completion of such improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to Title 54.1 of the Virginia Code, or from a department or agency designated by the Agent may be accepted by the Agent without further inspection of such improvements.
- (2) For the purpose of final release the term “acceptance” is deemed to mean: when said improvement is accepted by the County or accepted by and taken over for operation and maintenance by a state agency, local government department or agency, or other public authority which is responsible for the operation and maintenance of such improvement upon acceptance.

Section 8.2.3. Streams, Drainage, and Erosion Control.

- A. *Streams.* When any stream is located within the boundaries of a property being subdivided, the developer/subdivider shall reserve a fifty (50) foot wide buffer zone (measured from the bank of the stream) on each side of the stream.

If a stream lies outside the subdivision boundary and the property being subdivided is located less than fifty (50) feet from the bank of the stream, the developer/subdivider shall reserve as a buffer zone whatever portion of the subdivided property lies within fifty (50) feet of the stream measured from the stream bank.

No residential structure or associated outbuilding shall be permitted within this buffer zone and such buffer zone shall not be considered part of any required street width.

- B. *Drainage.* All subdivision plans shall include adequate provisions for surface drainage. The drainage plan should include storm drains, culverts, drianageways, or other works necessary to collect and dispose of surface and storm water originating on or flowing across the subdivision, in order to prevent inundation and damage to streets, lots, and buildings. For drainage purposes, adequate easements no less than ten (10) feet wide, shall be reserved over each man made drainage course.
- C. *Erosion and Sediment Control Plan and Stormwater Management Improvements.* All subdivision plans shall include adequate provision for control of temporary flooding, erosion and sediment control, and stormwater management, both during construction and after completion of construction in accordance with applicable laws and ordinances. An erosion and sedimentation control plan must be submitted and approved before start of construction.

Section 8.2.4. Central Water and Sewer Systems

Central water and sewer systems shall meet all the requirements of the Virginia Code and the regulations promulgated by the Virginia Department of Environmental Quality and the Virginia Department of Health. When a subdivision contains any lot less than one acre in size and the land does not have access to public water and sewer, then the developer shall construct both a central water system and a central sewer system. When a subdivision contains any lot at least one acre, but less than two (2) acres in size, the developer/subdivider shall construct either a central water system or a central sewer system.

Section 8.2.5. Water Facilities

Where a public water system exists within 2,000 feet of a proposed subdivision for which a central water system is required by Section 8.2.4, those services shall be extended to all lots within the subdivision, including fire hydrants installed by the subdivider in accordance with the design standards and specifications for water, construction, and improvements in Surry County and meeting the requirements of the Virginia Code and the regulations promulgated by the Virginia Department of Environmental Quality and the Virginia Department of Health, and the approval of the agent. Every subdivision for which a central water system is required by Section 8.2.4, shall be supplied by the subdivider with a complete water supply and distribution system equal or superior to the public water system. The distance specified herein shall be measured in a straight line from the nearest boundary of the proposed subdivision to the nearest available line. Actual construction may have to be along a more indirect route.

Section 8.2.6. Individual Wells

Where a central water system is not required, lots may be served by individual water wells provided they meet the current Virginia Department of Health standards. Where the lot density of the area is such that shallow (surface water) wells may be more than the surface water supply, deep (drilled) wells may be required.

Section 8.2.7. Sewer Facilities

All subdivided lots shall have sewer facilities as follows:

- A. All subdivisions for which a central sewer system is required by Section 8.2.4, within 2,000 feet of public sewer facility must be served by that facility or by a central waste treatment system; individual septic tanks will not be permitted.
- B. Any lot for which an individual septic system is allowed must contain an 100% approved reserve area for the system's drainfield.
- C. All sewer facilities allowed must meet current Health Department regulations and design criteria.

Section 8.2.8. Individual Sewer Systems

No subdivision plat shall be approved where central sewers are not provided, unless the Health Officer approves each platted lot thereon for the installation of individual septic tanks and drainfields, or some other approved on-site sewage disposal system, which will not create hazards to the public health. On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall also contain a reserve sewage disposal site equal in size to the initial disposal site. Any lots created which do not contain the Health Department approved area for both the initial and reserve disposal sites, other than lots approved for onsite treatment with a VPDES permit, shall be marked "**Not a buildable lot**" or other similar wording on the face of the plat. Additionally, all individual sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit, the owner shall cause a maintenance pump-out of the septic tank of each such system to be performed by a septic tank cleaner licensed by the County's Health Department at least once every 5 years and shall provide documentation of the subject maintenance at the request of the County. Licensed septic tank cleaners shall report all pump-outs in a manner acceptable to the County's Health Department on a biweekly basis and shall provide the homeowner with a copy of the information reported. Notwithstanding the foregoing, for Alternative Onsite Sewage Systems (AOSSs), in lieu of the required 5-year pump-out, the owner may submit documentation, certified by an individual who is licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, monitor, and maintain an AOSS, that the system has been inspected, is functioning properly, and the tank does not need to be pumped out.

Section 8.2.9. Fire Protection.

- A. *Fire Hydrants.* Where public water is available, the developer/subdivider shall install fire hydrants. The location and number of fire hydrants shall comply with County regulations.

Section 8.2.10. Streets

Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of State highways will be privately maintained and will not be eligible for acceptance into the system of State highways unless improved to current Virginia Department of Transportation standards, with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

- A. *General Standards.* The following general standards of design shall apply to both private streets and streets which the developer/subdivider plans to petition the Virginia Department of Transportation to accept into the State's secondary road system, for maintenance.
 - (1) *Street Alignment.* Where practical, proposed streets shall align with platted or existing streets.

(2) *Street Angle.* The angle of intersection between streets shall be as close to a right angle (90 degrees) as possible, and in no case less than seventy-five (75) degrees,

unless approved by the Commission or Agent for specific reasons of contour, terrain, or matching of existing patterns.

(3) *Street Layout.* The street layout shall be designed to create desirable building sites while respecting existing topography and shorelines, avoiding impact on wetlands, minimizing street grades, avoiding excessive cuts and fills, and preserving trees, all to the maximum extent feasible for a reasonable economic use of the land.

B. *Street Names.* All streets within a proposed subdivision shall be named. Streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall a street name be used more than once within Surry County, nor duplicate the name of an existing street (irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court). Street names must be approved by the Agent. Names of existing streets shall not be changed except by approval of the Agent.

C. *Street Signs.* All street signs shall be both located and made of a material clearly visible by day and by night. The subdivider shall fund the fabrication and installation of street signs showing the names of streets at intersections in the subdivision. All street signs shall conform to the design specifications approved by the Agent at the time of the construction plan approval.

D. *Streetlighting.* Streetlighting shall be provided and installed in residential developments and approved through the construction plan/final plat review process. All installation costs shall be the responsibility of the subdivider. The subdivider shall provide full payment to the county of all installation charges estimated by the utility company as well as administrative and ancillary charges included and enumerated.

E. *Construction Standards for Private Streets.* Each private street shall have a street width of not less than fifty (50) feet. For gravel roads the average grade shall not exceed fifteen percent (15%) and the maximum grade permitted on any section of an unpaved (not surface treated) private street shall be twenty percent (20%). Drainage shall be accomplished in accordance with an approved plan submitted to the County and which follows the County's Erosion and Sedimentation Control Standards. All culverts shall be constructed to VDOT standards. All bridges shall be designed by an engineer and meet the standards and specifications for their intended use.

Class 1. Private streets serving three through fifteen (3-15) lots shall consist of a minimum width of sixteen (16) feet of surfaced roadway with shoulders constructed. The road surface shall consist of a minimum of six (6) inches of compacted crushed aggregate.

Class 2. Private streets serving sixteen (16) or more lots, any of which is five (5) acres or less, shall be built to VDOT's Standard Category I cross-section, and shall consist of a minimum width of eighteen (18) feet of surfaced roadway with shoulders constructed to VDOT standards on both sides of the roadway. The road surface shall consist of a minimum of CBR 10 subgrade with six (6) inches of compacted aggregate #21 or #21A with prime and double seal surface treatment

Class 3. Where lot size is greater than five (5) acres, road specifications shall conform to Class 1, above.

- D. *Streets to be Dedicated for Public Use.* All streets that are to be dedicated to public use shall be constructed in accordance with the standards of the Virginia Department of Transportation.
- F. *Sidewalks, Curbs, and Gutters.* All planned sidewalks, curbs, and gutters shall be built to the standards of the Virginia Department of Transportation.
- F. *Cul-de-sacs.* Cul-de-sacs shall be constructed according to the Virginia Department of Transportation standards.
- G. *Alleys.* An alley with a right-of-way of not less than twenty (20) feet may be provided in the rear of commercial and industrial properties. No dead-end alleys of any kind shall be allowed.
- H. *Reserved Strips.* Reserved or spite strips restricting access to streets or alleys shall not be permitted, provided that nothing herein shall prohibit areas of scenic planting and landscaping where adequate access is otherwise available.
- I. *Reserved.*
- J. *Access Management*
- 1) *Entrance to Public Road.* Any entrance from a subdivision street onto a public street or onto a street which the developer/subdivider plans to dedicate for public use, shall be constructed in accordance with VDOT standards.
 - 2) *Residential Entrance to Public Road.* Whenever a proposed subdivision has three or more lots adjacent to a public road, except for a multi-lane divided highway, the approving agent and/or Planning Commission may require a shared driveway between the lots instead of each lot having its own separate entrance.
 - 3) *Service Drives.* Whenever a proposed subdivision contains or is adjacent to a multi-laned divided highway, provisions shall be made for a service drive approximately parallel to such highway to serve the lots adjacent thereto. The area between the service drive and the divided highway right-of-way shall be sufficient

to provide for scenic planting and screening, except where impractical by reason of topography.

Where the subdivision abuts or contains an arterial primary road or a collector road as designated on approved plans of the Land Development Plan of Surry County and the regulations of the Subdivision Ordinance of Surry County, the Agent shall require that measures be taken to reduce the impact of private driveways, local roads and streets on the safety and ability to not impede public emergency vehicles and to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such thoroughfare and to afford separation of through and local traffic, through one of the following means:

- 1) By providing vehicular access to such lots by means of a service drive separated from the arterial primary road and the collector road by a planting' strip at least 30 feet in width and connecting therewith at infrequent intervals of a minimum of 500 feet. All existing lots that do not meet this requirement are exempt.
- 2) By designing reverse frontage lots having access only from a parallel local street or from a cul-de-sac street or loop street, and with vehicular access to such lots from the arterial primary road and the collector road prohibited.

K. *Requirements for Shared or Common Driveways.* In order to minimize adverse environmental impacts of development, reduce the need for new driveway cuts, and provide access to developable land which is otherwise inaccessible due to topographic conditions, the Commission may allow or may require the construction of common or shared driveways designed to serve two (2) but no more than five (4) building lots unless otherwise approved by Agent. The following requirements shall apply to all shared driveways:

- 1) All units which share a common driveway shall provide a minimum of two (2) on-site parking spaces per dwelling.
- 2) Shared or common driveways shall be clearly labeled "No Parking Along Driveway" on all plats and plans submitted.
- 3) Adequate and recorded ingress and egress easements shall be provided when more than one (1) lot uses a shared or common driveway. All access easements regardless of number of units served or easement width shall provide for slope maintenance where necessary due to steepness in terrain.
 - a) Easements shall note which lots have the right to use these common driveway and maintenance responsibilities.
 - b) Access easements are to include rights-of-access for publicly owned and emergency vehicles.
- 4) The design for all shared driveways shall be on the grading plan of the construction plans, together with turnaround and required utilities, and shall be included in the completion bond for the project.

- 5) Shared or common driveways shall be constructed in accordance with the standards as set forth in this Manual and materials shall conform to Virginia Department of Transportation's specifications.
 - a) The maximum grade for all shared or common driveways shall be 12%.
 - b) All shared and common driveways shall have an adequate angle of approach and angle of departure.
 - c) The right-of-way of all shared or common driveways shall not be less than 20 feet in width and constructed of a compacted surface with a minimum depth of three inches and minimum width of twelve feet.
 - d) The minimum centerline radius of all shared or common driveways shall be 50 feet.
 - e) Provision shall be made for a turnaround on all shared or common driveways serving three or more lots.
 - f) An AASHTO "WB-50" vehicle must be able to back into and exit the shared or common driveway.

- K. *Right-of-way Dedication.* When lots in a subdivision abut one side of any street within the Virginia Department of Transportation's system of secondary streets having less than twenty-five (25) feet of right-of-way, measured from the centerline of the street to the subdivision property line, the developer/subdivider shall dedicate to the Commonwealth of Virginia enough land to extend the right-of-way boundary to twenty-five (25) feet measured from the centerline of the street. The developer/subdivider shall not be responsible for any grading or surface treatment of the dedicated area.

- L. *Permanent Monuments.* Permanent monuments shall be placed by the developer/subdivider in the ground at all corners, angle points and curvatures in the right-of-way lines of all streets; and at all lot corners within the subdivision. If placement of monuments at the above mentioned points is impossible because of the topography, reference monuments may be set where appropriate. Monuments shall be constructed of stable material not less than four (4) inches square or four (4) inches in diameter and at least thirty (30) inches long; or monuments may be iron or steel pipe not less than one-half (1/2) inch nor more than one (1) inch in diameter and at least twenty-four (24) inches long. When rock is encountered a hole may be drilled four (4) inches deep in the rock into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line; or a reference monument may be set at an appropriate point.

Section 8.2.11. Lots.

- A. *Lot Size.* Minimum lot sizes for residential lots shall conform to the Surry County Zoning Ordinance in effect at the time of the filing of the preliminary plat.

- B. *Lot Shape.* The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to the requirements of this Ordinance. No more than fifteen percent (15%) of the total number of lots within a subdivision shall have odd shaped elongations for the purpose of providing the minimum area required by the Surry County Zoning Ordinance, or for the purpose of providing individual lot access to streets.
- C. *Lot Location.* Every subdivision lot shall front on a street.
- D. *Corner Lots.* Corner lots shall have sufficient width for maintenance of any required building setback line on both streets as set forth in the Surry County Zoning Ordinance.
- E. *Lots Fronting on Private Streets.* Any lot fronting on a private street shall enter onto the private street, and shall have no immediate access to any public street.
- F. *Remnants or Outlots.* No subdivision shall have a lot remnant or outlot which is less in size than the minimum permitted under the Surry County Zoning Ordinance unless such lot is reserved as open space as defined herein.

Section 8.2.12. Blocks

- A. *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth fronting on all streets unless prevented by topographical conditions or size of the property in which case the Agent may approve a single tier of lots of minimum depth. Double frontage or reversed frontage lots shall not be permitted except where essential to provide separation of residential development from streets or to overcome disadvantage of topography.
- B. *Orientation.* Where a proposed subdivision will adjoin a major highway, blocks shall be oriented to minimize the number of access points to the major highway.

Section 8.2.13. Dimension Standards

Dimension standards and information on all lots, streets, alleys, easements, and shared driveways. All linear, angular, and curvilinear dimensions of lots, streets, alleys, public easements and private easements and shared driveways shall conform to the requirements set forth in 18 VAC 10-20-370(C). Curvilinear data shall include radius, central angle, arc length, and tangent distances and may be shown either directly on the corresponding boundary or surveyed line or in table form. Easements shown for private streets, alleys and shared driveways shall be labeled as “private street easement”, “alley easement” or “shared driveway easement.” The easement holder(s) shall be identified on the plat. If shared driveways are shown, a note shall be added to the plat stating that maintenance shall be by the owners of the lots affected by the shared driveway easement, not by the Virginia Department of Transportation or the county.