

**SUBDIVISION REGULATIONS
SURRY COUNTY, VIRGINIA**

**ARTICLE 1
TITLE, PURPOSE, APPLICATION AND INTERPRETATION**

Section 1. Title

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

Section 2. Purpose

This Ordinance has been established for the purpose of guiding and accomplishing the coordinated, adjusted and harmonious development of the unincorporated territory of Surry County, Virginia, in order to promote, in accordance with present and probable future needs and resources, the health, safety, order, convenience, prosperity, and general welfare of the citizens of the county. In the accomplishment of this purpose, the regulations as herein established provide for, among other things, efficiency and economy in the process of development; the proper arrangement of streets, in relation to each other and to existing and planned streets and other features of the Land Development Plan of the county; adequate open spaces for recreation, light, and air; convenient distribution of population and traffic; adequate provision for public utilities and other public facilities; the protection and enhancement of the water quality of the Chesapeake Bay as intended by the Chesapeake Bay Preservation Act (December 19, 1991), and other requirements for land subdivision which will tend to create conditions favorable to the health, convenience, and prosperity of the citizens of Surry County, Virginia.

Section 3. Application and Interpretation

This Ordinance shall apply to the unincorporated area of Surry County in the manner prescribed by law. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or imposes additional standards, or requires additional improvements or larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern, but further provided that where there is or appears to be conflict between the provisions of this Ordinance and the Zoning Ordinance of Surry County, the provisions of the Zoning Ordinance shall govern.

ARTICLE 2
GENERAL PROVISIONS

Section 1. Subdivider Must Prepare Preliminary and Final Plat

From and after the effective date of this Ordinance, any owner, developer, agent, or proprietor of any tract of land located within the territory to which these regulations shall apply, who subdivides such land into lots, blocks, streets, alleys, public ways, or public grounds shall prepare a preliminary plat of such subdivision for tentative or conditional approval in accordance with the regulations set forth herein and shall prepare a final plat to be recorded in the office of the Clerk of the Circuit Court of Surry County.

Section 2. Approval of Plat Required

No final plat of subdivision shall be recorded by the Clerk of the Circuit Court unless and until it shall have been submitted to and approved by the Agent as provided herein and until the verification of compliance with these and other applicable regulations has been made by the Agent.

See Appendix A

Section 3. Transfer of Land; Building Permits

No parcel of land in a subdivision as herein defined created after the effective date of this Ordinance shall be transferred, sold, or offered for sale, nor shall a building permit be issued for any structure thereon, nor shall a certificate of occupancy for the use of any land or structure thereon be issued, until a plat of subdivision shall have been recorded with the Clerk of the Circuit Court in accordance with these regulations and the laws of the Commonwealth of Virginia. Any person who violates this provision shall be subject to the penalties contained herein.

Section 4. Requirements for Plat Preparation

In the preparation of a plat of subdivision, the subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivisions as set forth in Article 3 and with the rules and regulations concerning required improvements as set forth in Article 4, and any standards and specifications for improvements adopted by the Board of Supervisors, and in every case the preparation of such plat shall be in accordance with the procedures of Article 5.

Section 5. Proposed Sale of Acreage Homesites
(Amended, June 2, 1988)

Where any parcel of land of three acres or more is proposed to be sold for the site of a home, whether present or future, and where said parcel is part of a subdivision as defined herein, said parcels shall be appropriately tested and approved for suitability of an on-lot sanitary sewage disposal system and/or water well as the case may require. A certificate of soil suitability must accompany all applications for subdivision review. Each such certificate must be issued by a person or agency previously approved by the Surry County Board of Supervisors upon recommendation of the Planning Commission. Such parcel shall also be served by streets and roads which meet the following requirements.

- (a) All subdivisions with two to five lots must have right of ways of at least 50 feet in width. Width of all travelways must be at least 20 feet. The roads and streets must meet the standards for subbase and base design as provided in the Subdivision Street Requirements of the Virginia Department of Transportation. Surface treatment is not required.

The subdivision must be platted and approved by the Planning Director. The Planning Director shall indicate approval upon the face of the subdivision plat prior to the deed or plat of same being recorded.

- (b) All subdivisions with six lots must have right of ways of at least 50 feet in width. Width of all travelways must be at least 20 feet. The roads and streets must meet the standards as provided in the Subdivision Street Requirements of the Virginia Department of Transportation.

The subdivision must be platted and approved by the Planning Director. The Planning Director shall indicate approval upon the face of the subdivision plat prior to the deed or plat of same being record

All subdivisions with six lots or more shall be presented to the Planning Commission for approval.

- (c) Where private roads are permitted, the developer or owner will present a plan for the formation of a nonprofit corporation of lot owners which includes proper agreements and covenants running with the land acceptable to the Surry County Board of Supervisors for maintenance and repair of proposed streets.

Covenants shall provide that charges and cost for maintenance and repairs shall constitute a pro rata lien upon the individual lot to the division, second only to taxes, and bona fide, duly recorded first lien on each lot. Recordation of said plan with final plat is a mandatory condition for approval. Said agreement shall require that the developer shall maintain all roads in such subdivision until such time as sixty (60) percent of the lots or parcels are sold and after such time the homeowners association shall be responsible for said maintenance and repair of proposed roads. (Amended, June 2, 1988).

Section 6. Applications for Approval of Subdivision

Applications for approval of subdivision plats shall be filed with the Agent in accord with the procedures of Article 5. The Agent appointed by the Board of Supervisors is delegated responsibility for administration of this ordinance in accord with the terms thereof and applicable to State law. The Agent is the agent of the Board of Supervisors, and approval or disapproval by the Agent shall constitute approval or disapproval as though it were given by the Board of Supervisors. The Planning Commission of Surry County is hereby appointed the Agent for the administration of the Subdivision Ordinances. The Director of Planning and Development is delegated authority to approve or disapprove subdivisions of less than 6 lots; however, a copy of such plat shall be made available to the Planning Commission for information and/or review. The Director is the administrative officer of the Planning Commission and shall receive and review plats and documents on the Commission's behalf.

Section 7. Appeal to Governing Body Decision of Director

An appeal from a decision of the Director may be filed within 30 days thereof with the Planning Commission by submitting said appeal in writing to the Director for transmittal to the Commission. The Planning Commission shall hear the appeal at its next regular meeting following submittal unless the applicant requests a delay and the commission shall decide the matter within 60 days of the hearing. If an appeal is not approved or disapproved within 60 days by the Planning Commission, jurisdiction shall be transferred to the Board of Supervisors. The Board of Supervisors shall hear said appeal and decide same within 60 days after receipt thereof.

Decision of Planning Commission

In the event a plan for subdivision is disapproved by the Planning Commission the subdivider may appeal to the governing body which may then override the recommendation of the Planning Commission and approve said plat, if, in its opinion, it should be approved under the provisions of this ordinance. An appeal to the Board of Supervisors must be filed in writing within 30 days of the Commission's decision to the Director. The Director shall prepare all papers in the matter and deliver to the Board of Supervisors.

The Board of Supervisors may then override the recommendation of the Planning Commission and approve said plat, if, in its opinion, it should be approved under the provisions of this ordinance.

The Board of Supervisors shall hear and decide all appeals within 60 days of receipt of the notice.

Section 8. Substandard Subdivisions

A subdivision recorded or developed prior to the adoption of and not in conformity with this ordinance may be resubdivided and redeveloped, in whole or part, at the option of the owner of any group of contiguous lots therein as the case may be; but every such resubdivision shall conform to this ordinance and all other county ordinances currently applicable; provided, however, that no such resubdivision which, in the opinion of the Board of Supervisors, shall constitute a more effective use of the property involved shall be denied for failure to comply with the provisions of this ordinance.

Section 9. 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 4, Section 10, 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 amendment, which are located within a Chesapeake Bay Preservation area are not exempted from the requirements of Article 4, Section 10, of the Zoning Ordinance for Surry County as a result of subdivision. (Amended, December 19, 1991).

**ARTICLE 3
DESIGN STANDARDS**

Section 1. General Requirements

1. The subdivision layout shall conform in all essential respects with the approved plans of the Virginia Department of Transportation and other elements of the adopted Comprehensive Plan for the county.
2. The subdivision layout shall be in full compliance with the provisions of the zoning districts in which it is located and with the provisions of the Zoning Ordinance, including and limitations on area, dimensions, number or location of lots.
3. The subdivision layout shall be designed in accordance with the principles and standards contained in this ordinance with the objective of achieving the most advantageous development of the subdivision and adjoining areas.

Section 2. Suitability of Land

1. Wetlands as defined in the Virginia Wetlands Zoning Act or any land subject to periodic flooding shall not be subdivided for residential occupancy nor for any other use which might aggravate the flood hazard, and any such land within the proposed subdivision whether a lot or reserved for common use of subdivision occupants shall be restricted to buildings or otherwise reserved for uses which will not be endangered buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation. To insure sufficient buildable land, the Agent may require the subdivider to provide elevation and flood profiles.
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 on site 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 3. Street Layout Standards

1. The location, alignment, grade, width and drainage of all streets and roads shall comply with the existing design standards and specifications for roads, streets, drainage, water and sewer construction and improvements approved by

Surry County and on file with the office of the Agent and applicable specifications of the Virginia Department of Transportation, and shall substantially correspond to existing and planned streets insofar as topographical conditions, public convenience and safety, and the proposed uses of land to be served, in the opinion of the Agent, will permit.

2. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent reasonably possible.
3. Streets shall be spaced to create blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.
4. Where the subdivision adjoins or embraces any part of a primary highway, secondary highway, or an arterial thoroughfare or collector street as designated on approved plans of the Virginia Department of Transportation, the layout of such subdivision shall provide for the platting and dedication of such part of the arterial or collector thoroughfare in the location and at the width indicated on such plan, except that the subdivider shall not be required to dedicate that part of such thoroughfare which is in excess of 80 feet in width.
5. Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Agent may require the platting and dedication of one or more collector streets, or parts thereof, to serve the subdivision.
6. Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.
7. Streets shall be laid out to intersect one another at as near right angles as topography and the limiting factors of good design will permit, and no street shall intersect another street at an angle of less than 70 degrees for a minor street or 80 degrees for an arterial thoroughfare.
8. Proposed streets in the subdivision shall provide for the continuation of existing, planned, or platted streets on adjacent tracts, unless such continuation shall be prevented by topography or other physical condition, or unless such extension is found by the Planning Commission to be unnecessary for the coordination of development between the subdivision and such adjacent tract.

9. Where the Agent deems it desirable or necessary to provide access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided at the ends of such streets, by means of temporary easements or otherwise.
10. Where the subdivision abuts or contains a primary highway or major arterial as designated on approved plans of the Virginia Department of Transportation, the Agent may require that measures to be taken 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:
 - a. By providing vehicular access to such lots by means of a service drive separated from the primary highway or arterial thoroughfare by a planting strip at least 30 feet in width and connecting therewith at infrequent intervals.
 - b. By designing reverse frontage lots having access only from a parallel minor street or from a cul-de-sac or loop street, and with vehicular access to such lots from the arterial thoroughfare prohibited by deed restrictions or other means.

The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Agent giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent factors.

11. Cul-de-sac streets, generally not exceeding 1,200 feet in length, shall be permitted where they are necessitated by topographic conditions or where in the judgement of the Agent, they are appropriate to the type of development contemplated.
12. Alleys shall be provided in business, commercial and industrial areas, unless adequate access to parking and loading area is provided by other means. Alleys will not be permitted in residential areas, except for providing rear access to attached dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements will be required for utility lines or drainage facilities.
13. Except as hereafter provided, there shall be no private streets platted in any subdivision and every subdivided property shall be served from a publically dedicated street: In the case of a subdivision in which no lot is

less than three acres in area private streets may be permitted provided the requirements of Article 2, Section 5 and Article 5, Section 7, paragraph 19 of this ordinance are met.

14. No land shall be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the County.

Section 4. Street Design Standards

1. Right-of-Way Widths. Right-of-way widths for arterial thoroughfares, primary highways and secondary highways, shall be designated in accordance with the current standards of the Department of Transportation.

Right-of-way widths for other street types shall be not less than 60 feet for collector streets and for minor streets in multiple-family residential, commercial, and industrial areas; 50 feet for minor streets in other residential areas; and 16 feet for alleys.

Under special design conditions approved as a part of a conditional use under the Zoning Ordinance, or in the case of a short street section with minimum traffic service requirements, the right-of-way for minor residential streets may be reduced but in no case to less than 40 feet.

2. Roadway Widths. Roadway widths for arterial thoroughfares shall be not less than the minimum specified by the Virginia Department of Transportation. Generally the roadway widths for streets shall not be less than the following:

- a. Collector streets, and minor streets in multiple-family residential, commercial, and industrial areas: 36 feet paved, including curbs and gutters, where provided, except that streets serving lots of one acre or more may, with approval of the Planning Commission, have a minimum roadway width of 20 feet.
- b. Minor streets in single-family residential areas, and service drives: 24 feet paved, including curbs and gutters, where provided, except that streets serving lots of one acre or more may, with the approval of the Planning Commission, have a minimum paved roadway width of 20 feet.
- c. Alleys: 16 feet paved.

- d. Private streets; right-of-way widths are to be at least 50 feet and must comply with Article 2, Section 5 of this ordinance.
3. Cul-de-Sacs. Cul-de-sac streets shall have a turnaround of appropriate shape not less than 90 feet in least dimension, and with a circular roadway of not less than 40 foot radius.
4. Scenic Roads. Where an existing or proposed street or roadway is designated as a scenic road or by-way on the General Land Use Plan, the purpose and standards established for such roads to maintain their scenic and historic qualities shall be observed in design and development of an adjacent subdivision, including but not limited to, such factors as maintenance of existing alignments and natural vegetation, appropriate pavement design, and due care with respect to location and design of access points.
5. Streets Grades. Street grades shall not be less than 0.25 percent or greater than ten percent.
6. Curvature. The radius of curvature on the center line shall be not less than 400 feet for arterial thoroughfares, 300 feet for collector streets, and 125 feet for minor streets, service drives, and alleys. Between reversed curves either of which has a radius of less than 200 feet, there shall be a tangent section of at least 100 feet in length.
7. Intersections. Each property corner at street intersections shall be rounded off by an arc, the radius of which shall be not less than 20 feet. Curbs at street intersections shall be rounded off concentrically with the property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be suitable leveling of the street grade within and approaching the intersection.

Section 5. Blocks

1. Residential blocks shall normally not exceed 1,200 feet in length, or be less than 400 feet in length, between street lines. In any residential block more than 800 feet in length, a crosswalkway of not less than 10 feet in width may be required where necessary to provide convenient access to schools, recreation areas, and other community facilities.
2. Residential blocks shall normally be of sufficient width to provide two tiers of lots of appropriate depth.

3. Blocks for business or industrial use shall be such length and width as may be necessary to serve their prospective use, including adequate provision for off-street parking and for the loading and unloading of delivery vehicles.
4. Irregularly-shaped blocks indented by cul-de-sacs or looped streets, and containing interior parks or playgrounds, will be acceptable when they are properly designed, including provision for adequate parking and for the maintenance of the public or common-use recreation area.

Section 6. Lots

1. The lot arrangement, design, and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
2. The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located. In any case where public water supply and/or public sewerage are not available or are not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer after appropriate water percolation tests have been performed and where these requirements are greater than required under the zoning regulations. Where any doubt exists regarding suitability of a lot for septic systems, a field replacement area shall be designated for use in case of disposal field failure.
3. Remnants or parcels of land below minimum area which might be left over after subdividing of a tract shall be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.
4. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one shall be considered a desirable maximum.
5. Every lot shall abut upon, and have access to, a street or road as herein defined.
6. Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from highway traffic.

7. Residential lots fronting or abutting on primary or secondary highways or arterial thoroughfares shall desirably have extra lot depths and deeper building setbacks as required by the Zoning Ordinance.
8. Generally, side lot lines shall be approximately at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.
9. Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed shall be deposited with the Clerk of the Circuit Court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

Section 7. Easements

1. Where alleys are not provided in appropriate locations, easements of not less than 10 feet in width shall be provided where necessary to meet public utility requirements. Easements of greater width may be required along lot lines or across lots where necessary for the extension of trunk sewers or other primary utility lines.
2. Where a proposed subdivision is traversed by any stream, water course, or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, water courses, and drainageways, in accordance with standards established by the County.
3. Utility easements in private rights-of-way or in common-use recreation areas may be permitted at the discretion of the Agent if the design considerations of the proposed subdivision warrant such easements. Necessary franchise and utility construction permits shall be obtained from the Department of Transportation for utilities within public right-of-way.
4. No building or structure shall be constructed on any easement without the authorization of the Board of Supervisors or other appropriate agencies.

ARTICLE 4
REQUIRED IMPROVEMENTS

Section 1. Required Improvements by Subdivider

The subdivider shall be required to provide and install certain minimum improvements in the subdivision as a condition for approval of the Final Plat by the Agent. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the appropriate County or State agency, or such other governmental agency as may have jurisdiction over a particular improvement. Nothing contained herein, however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.

Section 2. Monuments

Permanent reference monuments, of stone or concrete and at least 36 inches in length and four inches square with suitable center point, shall be set flush with the finished grade at such location as may be required by the Agent.

Monuments of metal pipe, 3/4 inches in diameter or solid metal rod one-half inch or more in diameter and at least 24 inches in length, shall be set in place flush with the finished grade at all intersections of streets; at all intersections of streets and alleys with subdivision boundary lines; at all points on streets, alleys and boundary lines where there is a change in direction or curvature; and at all lot corners.

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the Agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Agent before any improvements are accepted by the County.

Any person, developer, builder, firm or corporation shall take the necessary precautions to protect all monuments and metal markers. Any monument which is moved or destroyed shall be immediately reported to the Agent and shall be replaced as directed.

Section 3. Roads and Streets

All new roads and streets shall be constructed in accordance with the minimum requirements of these regulations and the minimum construction standards of the Virginia Department of Transportation for public streets and/or the county for approved private streets.

Where curbs and gutters are not provided, stabilized shoulders and stabilized drainways outside the shoulders shall be provided.

Section 4. Surface Drainage Facilities

The subdivision shall be provided with such storm drains, culverts, drainageways, or other works as are 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.

Subdivision located in designated Chesapeake Bay Preservation Areas shall utilize best management practices as required by Article 4, Section 10 of the Zoning Ordinance for Surry County. (Amended, December 19, 1991).

Section 5. Erosion and Sedimentation Control

All subdivision plans shall include adequate provision for control of temporary flooding or erosion and sediment control, both during construction and after completion of construction in accord with applicable laws and ordinances. An erosion and sedimentation control plan must be submitted and approved before start of construction.

Section 6. Water Supply Facilities

Every subdivision with lots of such size as to require a public water supply under State or County regulations shall be provided with a community water supply and distribution system and appropriately spaced fire hydrants. The source of supply may be a county, municipal, or private water system, in which case the distribution system for the subdivision shall meet the standards for such jurisdiction or State standards or it may be an independent source of supply approved by the County and the State, in which case some acceptable arrangement shall be made for its ownership and operation.

Section 7. Sanitary Sewerage Facilities

Every subdivision with lots of such size as to require a public sewer system under the zoning regulations of the State or the County shall be provided with a community sanitary sewer system connected to a county or municipal system or to an adequate community sewerage disposal plant meeting the requirements of the State and the County. If connected to a county or municipal system, sewers shall be constructed to meet the standards and requirements of such system and shall become a part thereof without cost to the county or municipality. If built as an independent system, some acceptable arrangement for ownership and operation shall be made.

Where a public sewerage system will not be available, private on-site means or sewage disposal meeting the requirements of the State Department of Health shall be provided; and, in addition, the

Department of Health and/or the Planning Commission may require the installation and capping of sanitary sewer mains and house connections where plans for central sewer systems have been prepared and where their evaluation shall indicate that public sewer service will be necessary in the reasonably foreseeable future to protect public health.

The Agent shall not approve any subdivision where sanitary sewers are not provided unless the Agent shall receive in writing from the Health Department, a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that such approval by the Agent is only with the understanding that where septic tanks are to be installed, these must be approved on an individual lot basis by the Health Department.

Section 8. Utilities to be Installed on Easements

All utilities, poles or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided or in easements appropriately located, generally along the rear or side lot lines whenever this is possible.

Section 9. Underground Utilities

Where new electrical and telephone wires and cables are required for internal service to a subdivision, such wires and cables shall in general be placed underground in accord with the rules and specifications of the Agent and special ordinances of Surry County. The agent may waive this requirement in the case of exceptionally large lots or unusual topographic conditions.

Section 10. Street Name Signs to be Erected

Street name signs shall be erected, by the subdivider, at each highway, thoroughfare or street intersection at locations approved by the Agent and in accordance with the design standards and specifications for roads and streets, of the Department of Transportation, generally white reflectorized letters on a green reflectorized background.

Section 11. Trees May Be Planted

Trees of a kind approved by the Agent may be planted in that portion of the subdivision dedicated for public purposes and along streets in accordance with approved landscaping standards and specifications.

ARTICLE 5

ADMINISTRATION AND ENFORCEMENT

Section 1. Procedure Generally

1. The Preliminary Plat - Generally. Whenever a subdivision is proposed to be made, and before any sale or contract for sale or any construction work including grading, is started the owner or proprietor of the proposed subdivision or his duly authorized representative shall cause a preliminary plat to be prepared together with improvement plans and other supplementary materials as required herein. The preliminary plat shall comply fully with the health, zoning and other applicable ordinances in effect at the time the plat is submitted for tentative approval.
2. Sketch Plan. The subdivider may, if he so chooses, submit to the Agent a preliminary sketch plan of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch plan is to permit the Agent to advise the subdivider whether his plans in general are in accordance with the requirements of this ordinance. The Agent, upon submission of any preliminary sketch, shall study it, and advise the subdivider wherein it appears that changes would be necessary. The Agent may mark the preliminary sketch plan indicating necessary changes and any such marked sketch shall accompany the preliminary plat.
3. Application for Tentative Approval. Three copies, or more if necessary, of the preliminary plat together with improvement plans for roads, water, sewer and other utilities and other supplementary material shall be submitted to the Agent with written application for tentative approval. Such application shall be submitted so as to permit the Agent at least thirty days from date of submission for review and investigations as set forth in the following sections.
4. Coordination with Site Plan Review. Where a proposed subdivision accompanies and is a part of a development for which site plan approval is required under the Zoning Ordinance, the subdivision plat and the site plan will be reviewed at the same time as nearly as possible under the requirements of these regulations.

5. Tentative Approval or Disapproval. Following review of the preliminary plat and other required material and following consultation with the subdivider on the changes deemed advisable and the kind and extent of improvement to be made by him, the Agent shall within forty-five days from the date of submission act thereon as submitted, or modified; and if approved, the Agent shall express its approval as tentative approval, if any, or if disapproved shall express its disapproval and its reasons therefore.
6. Notation of Agent's Action. The action of the Agent shall be noted on two copies of the preliminary plat referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Agent.
7. The Meaning of "Tentative Approval". Tentative approval of a preliminary plat shall not constitute approval of the final plat or any guarantee of such approval. It shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat will be submitted for approval of the Agent for recording when compliance with requirements of these regulations have been met.
8. The Final Plat - Generally. The final plat shall conform to the preliminary plat as approved. The subdivider may record as a final plat that portion of the approved preliminary plat which he proposes to develop immediately, in all cases subject to requirements of the Zoning Ordinance.
9. Application for, and Approval or Disapproval. Copies of the final plat and other exhibits required for approval showing all or any part of a subdivision planned for immediate development shall be prepared as specified herein and shall be submitted to the Agent within six months after tentative approval of the preliminary plat, otherwise such tentative approval shall become null and void unless an extension of time is applied for and granted by the Agent. The Agent shall approve or disapprove the final plat within thirty days after date of submission or in the event it is not so approved, petition may lie to the Circuit Court in accordance with law. In no case shall the agent give approval for recording a greater number of lots than permitted under the Zoning Ordinance.

The final plat for any subdivision located within a Chesapeake Bay Preservation Area shall show the delineation of the RMA, RPA, and RPA buffer area. All

wetland permits required by law and all necessary best management practices (BMP) maintenance agreements ensuring proper maintenance for best management practices might be on file with the Zoning Administrator before final plat approval. (Amended, December 19, 1991).

10. Recording Final Plat. After the Agent has approved the final plat, the subdivider shall file such plat for recordation in the Clerk's Office of the Circuit Court of the County within sixty days after approval thereof, otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Agent.

Section 2. Improvements to be Installed Before Approval of Final Plat

Prior to the filing with the Agent of a final plat for approval, all improvements required under these regulations shall be completed, or provisions made therefore, in accordance with the provisions of this Article and the design standards and specifications for roads, streets, drainage, water and sewer construction and improvements in Surry County, as well as for the construction and maintenance of best management practices as required in order to comply with Article 4, Section 10, Chesapeake Bay Preservation District of the Zoning Ordinance for Surry County, in one of the following methods: (1) Installation and completion by and at the cost of the subdivider; (2) the furnishing by the subdivider to the Agent of a certified check or surety bond approved by the County Attorney sufficient to cover the cost of all improvements required to be installed by the subdivider as estimated by the Agent to guarantee the installation and completion of such improvements; or (3) the furnishing by the subdivider to the Agent of evidence of the existence of agreements between the subdivider and qualified contractors for the installation and completion of the improvements and the contractors' performance bond, satisfactory to the County Attorney, in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the Agent. In the event that the subdivider elects to proceed by methods (2) or (3) as outlined above, the subdivider shall set a time, subject to the approval of the Agent, by which it is estimated the improvements be installed and completed. Unless an extension of that time is approved by the Agent and a new estimated date of completion established, the Agent shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling on the surety on the bond. (Amended, December 19, 1991).

Section 3. Certification Upon Completion of Improvements

Upon the completion of the installation of all improvements, the subdivider shall furnish a statement by a certified surveyor or engineer, to the effect that all construction is in substantial conformity to the regulations and requirements of this Chapter, and the plans as approved by the agent, provided however that the Agent may retain up to 25 percent of the bond or other obligation for use in repair of improvements as may be necessary within one year of completion. In the event the subdivider has, in the opinion of the Agent, just cause for not completing the improvements in the entire subdivision where either a certified check or surety bond or performance bond has been posted, the Agent may release the subdivider from his obligation to complete all of the improvements in the subdivision provided the subdivider furnishes a statement by a certified surveyor or engineer to the effect that all construction which has been completed conforms to the regulations and requirements of this chapter and the plans as approved by the Agent; and provided further, that the subdivider has furnished satisfactory evidence that the undeveloped portion of the subdivision has been vacated by proper authority.

Section 4. Filing Final Plat for Recordation

When the provisions of the two preceding sections have been complied with, the subdivider shall file with the Agent the final plat for all of the subdivision or for that portion being developed at the time, in accordance with the requirements of these regulations in order to secure the final approval of the plat by the Agent.

Section 5. Requirements for Preliminary Plats and Supporting Data

When required by the Agent, the subdivider shall submit prior to or at the time of submitting a preliminary plat, three prints or copies prepared by a registered professional engineer, landscape architect, or registered land surveyor authorized to do business in the State, and clearly showing the following:

A vicinity map. The vicinity or location map may be in the form of an inset map and shall be made to the scale of four hundred feet to the inch and shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it, and shall include subdivision name and location, main roads and streets, schools, parks and playgrounds, scale, north arrow and date.

A sketch plan (optional). The sketch plan designated as such and drawn at an appropriate scale shall show the general topography of the subdivision and in simple form the proposed layout of streets, lots and other features in relation to existing topography.

A Preliminary Plat. Submit to the agent an application in writing for the tentative approval by the Agent, three prints or copies of the preliminary plat having a horizontal scale of not more than one hundred feet to the inch and prepared by a registered professional engineer, landscape architect or registered land surveyor authorized to do business in the State, and clearly showing the following:

1. Subdivision name and location.
2. The name and address of the record owner of the land proposed to be subdivided; the source of title with deed book references; and the owner or proprietor of the subdivision and the surveyor.
3. The location and names of adjoining subdivisions or names of the owners of adjoining parcels of land, establishing the boundary lines of the tract to be subdivided.
4. The location, width and names of all existing or platted streets or public ways within or adjacent to the subdivision for a distance of at least three hundred feet and the location, width and names of all proposed streets, and location and width of proposed alleys within the proposed subdivision. Except for extension of existing streets, street names shall not duplicate nor closely resemble existing street names in the County.
5. The location, width and purpose of other rights of way and easements and the location of all set-back lines, whether or not controlled by zoning regulations.
6. The location of existing physical features, including existing buildings, to assist in identifying and studying the plat, wooded areas, water courses, wetlands, or any other significant natural or man-made physical features affecting the proposed subdivision. For waterfront property, the plat shall show the approximate high-water line, top of bank or bluff, toe of slope, and height of bank or bluff.
7. The boundaries of all property to be dedicated for public use, and all property to be reserved by covenant in deeds for the common use of the occupants of lots in the subdivision, or otherwise reserved with a statement of the purpose for which such covenant or reservation is made or such use is restricted or limited.

8. General indication of plans for drainage and utilities.
9. The layout, lot lines, lot numbers and block letters and approximate dimensions of proposed lots.
10. The proposed use of property to be subdivided and the zoning of same and the land adjacent to the tract.
11. Scale, north arrow (true meridian where practicable) and date. The Agent may approve a modification of scale for a large subdivision.
12. The delineation of an RMA, RPA and RPA buffer area and, if applicable, the delineation of a primary and reserve sewage disposal site, as well as the information specified in Article 4, Section 10.5.2 of the Zoning Ordinance for Surry County if the site is located within the Chesapeake Bay Preservation District. (Amended, December 19, 1991)

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the Agent.

In all subdivisions where it is economically or technically practical to do so, the subdivider shall protect and preserve physical features such as large trees, natural growth, water course scenic points, historic places, topsoil and other similar community assets that will add attractiveness and value to the property if preserved. Such features to be protected and preserved shall be delineated on the preliminary plat and keyed to an appropriate brief statement of intent to be set forth thereon.

Where the subdivision design is such that certain open spaces or other features are to be reserved for the common use of occupants or where private streets are proposed, the Agent may require, subject to approval by the County Attorney, that suitable measures be taken for permanent maintenance of such spaces, features, or streets, including establishment of a homeowners association if appropriate to the facts of a particular case.

Section 6. Construction Plans

Following conditional approval of the preliminary plat by the Agent, the subdivider shall, if he has not previously done so, 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, as follows:

1. Profiles along the center and both sides of each street, with tentative construction grades indicated, shall be shown on a standard profile sheet at a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals one hundred feet unless otherwise permitted by the Agent, and all elevations shall be mean sea level.
2. The proposed water supply, if any, and plan of water distribution system showing existing water mains, pipe sizes, location of valves and fire hydrants, or other system of water supply.
3. The proposed method of sewage disposal and plans and profiles of proposed sanitary sewers, if any, including existing sewers within the proposed subdivision and immediately adjacent thereto on a standard profile sheet and plan sheet at a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals one hundred feet unless otherwise permitted by the Agent, with grades and sizes indicated, or method of sanitary sewage disposal in lieu of sanitary sewers.
4. Plans of storm sewers or other methods of disposal of storm waters shall be submitted in the same manner as outlined in Subsection 3. above.
5. Plan of the proposed street lighting system, if any, showing locations, type, wattage, height, etc.
6. Plan of the proposed tree planting, if any, showing location, kind, etc.
7. Plan of all best management practices required in order to comply with Article 4, Section 10, Chesapeake Bay Preservation District of the Zoning Ordinance for Surry County. (Amended, December 19, 1991)

Section 7. Requirements for the Final Plat

The subdivider shall submit to the Agent three black or blue line prints of the final subdivision plat prepared by a registered professional engineer or registered land surveyor authorized to do business in the State, clearly and legibly drawn in black India ink

on a sheet sixteen by twenty-four inches, including a margin of one-half inch outside ruled border lines at bottom and right sides, and one and one-half inch for binding on the left sixteen-inch end and at the top of the sheet. The plat shall have a scale of one hundred feet to the inch and shall clearly show the following:

1. The title of the plat shall be included within a space four inches high and six inches wide in the lower right-hand corner of the plat. The data therein shall be confined to the following: Name of subdivision with designation of section if only a portion of the approved preliminary plat is being developed, the county and magisterial district applicable, date, scale and the registered surveyor or engineer who prepared the plat. The name of the subdivision shall be in bolder type than the rest of the Title.
2. The name of the record owner of the land being subdivided and the name of the subdivider.
3. The boundaries of the subdivision showing the length of its courses and distances to one hundredths of a foot and bearings to half minutes, having been determined by an accurate survey thereof in the field, which shall close with an error of closure not exceeding one foot in ten thousand feet. The names and locations of adjoining subdivisions or the names of the owners of adjoining parcels of land that may be unsubdivided.
4. Accurate coordinates of selected or monumented points. Any error of closure permissible in paragraph 3. above shall be adjusted before computation of coordinates.
5. The exact location, alignment, arrangement and width along property lines of all streets, whether opened or not, intersecting or paralleling the boundaries of the subdivision.
6. The exact location and material of all permanent reference monuments.
7. The exact location, alignment or arrangement of streets and alley lines in the subdivision, the names of all streets, the bearing, angles of intersection and width thereof, including their width along the line of any obliquely intersecting street.
8. The lengths of arcs and radi and tangent bearings.
9. The exact location, alignment or arrangement of all easements provided for use by public service corporations, with a statement of any restrictions or limitations placed on such use.

10. The exact location, alignment or arrangement of all lot line with their dimensions expressed in feet and hundredths of a foot and with their bearings or angles to half minutes.
11. The tangent distances of all corners when rounded at intersections, except in cases where streets intersect at right angles.
12. All lots shall be numbered with consecutive Arabic numerals in each block, and all blocks shall be lettered in consecutive alphabetical order. In case of a resubdivision of lots in any block, the lots shall be numbered with consecutive Arabic numerals, beginning with the numeral following the highest lot numeral in the block.
13. The exact boundaries of all property to be dedicated for public use, and of all property to be reserved by covenant in deeds for the common use of all owners of lots in the subdivision or otherwise reserved, with a statement of the purpose to which such covenant or reservation is made or such use is restricted or limited.
14. The location of front yard set-back lines whether or not controlled by county zoning ordinances.
15. The north point with magnetic bearing or if true meridian is shown the basis of its determination shall be stated.
16. A certificate of the engineer or surveyor who prepared the plat certifying the plat represents and is based on a survey made by him or under his direction and supervision; that all monuments shown thereon are actually in place or will be put in place before a date specified by him; that their location and character are truly shown on the plat; and that all of the provisions and requirements of this article have been observed and fully complied with.
17. A statement to the effect that the subdivision as it appears on the plat, including the dedication of all streets, alleys, easements and other land for public purposes and use is with the free consent and in accordance with the desire of the subdivider and of the trustee or mortgagee, or each of them if more than one, in any deed or other instrumentality, if any, creating a lien on the land in the subdivision, or any part thereof, which shall be signed by the subdivider and trustee or mortgagee, and shall be duly acknowledge before some officer, authorized to take acknowledgements to deeds. All cloth prints and transparent copies contain such signatures.

18. A certificate signed by the surveyor or engineer who prepared the plat setting forth the source of title of the owner of the land subdivided and the court in which the last conveyance or source of title is recorded. When the land in the subdivision was acquired by the subdivider from more than one source of title, the land acquired from each source shall be indicated on the plat.

19. In a case where private streets have been approved every such 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 roads in this subdivision do not meet Virginia Department of Transportation requirements and will not be maintained by either the County or the Virginia Department of Transportation, and will have to be constructed in full compliance with Virginia Department of Transportation requirements in effect at the time of the request by the property owners prior to requesting addition of the road." (Amended, October 5, 1989).

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.
20. The delineation of an RMA, RPA and RPA buffer area and, if applicable, the delineation of a primary and reserve sewage disposal site if the site is located within the Chesapeake Bay Preservation District. (Amended, December 19, 1991).

Section 8. Changes, Preliminary or Final Plats

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the Agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Agent.

Section 9. When Final Plat to be Recorded

When a final subdivision plat has been approved, executed and acknowledged in accordance with the provisions of this article, it shall be recorded in the Office of the Clerk of the Circuit Court of the County within sixty days after final approval thereof. Three black line cloth prints and two film positive shall be submitted. Unless such plat shall be filed for recordations as aforesaid within sixty days after final approval thereof, such approval shall be withdrawn and the plat marked void and returned to the Agent.

Section 10. Responsibilities of Clerk of the Circuit Court

No final plat of a subdivision shall be recorded unless and until it shall have been submitted to and approved by the Agent; and no Clerk or Deputy Clerk of the Circuit Court of the County shall file or record a plat of subdivision until such plat has been approved by the Agent and unless such plat is submitted within sixty days of the date of the final approval of the Agent.

Section 11. Modification for Unusual Conditions

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider

because of unusual topography or other conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Ordinance or being contrary to the goals and objectives of the Land Development Plan for the County. In no case shall any variation, modification, or waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with the proposals of the adopted Thoroughfares Plan for the County or the applicable zoning regulations.

Section 12. Approval of Modification and Waivers

Modifications, and waivers from the requirements of this Ordinance shall be granted only by the affirmative vote of three-fourths of the members of the Planning Commission. In granting, modifications, and waivers, the Planning Commission may require such conditions as will, in its judgement, substantially secure the objectives of the requirements so varied, modified, or waived.

Section 13. Fees

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the Agent. At the time of filing the preliminary plat, the subdivider shall deposit with the agent checks payable to the treasurer in the amount of twenty-five dollars (\$25.00) per plat and one dollar (\$1.00) for each lot if the subdivision contains five (5) or more lots; if the subdivision contains less than five (5) lots, the charge shall be fifteen dollars (\$15.00) per plat and one dollar (\$1.00) for each lot.

Section 14. Enforcement and Penalties

No building permit shall be issued or construction shall be authorized by the County on lands where a subdivision plat is required to be approved and recorded as provided herein and no certificate of occupancy shall be issued until the compliance with this Ordinance and other applicable provisions regarding the use of any structure or land where a subdivision plat is required to be approved and recorded as provided herein has been made by the Agent.

The violation of any provision of this Ordinance shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars or not more than five hundred dollars for each lot or parcel of land subdivided or transferred or sold in violation hereof. The County may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation of this Ordinance, in any court of competent jurisdiction.

ARTICLE 6

DEFINITIONS

Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinances:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.

Words used in the present tense include the past and future tenses, and the future the present.

3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure".
5. Words not defined herein but defined in the County Zoning Ordinance shall be interpreted in accordance with the Zoning Ordinance Definition.
6. Words and terms not defined herein or in the County Zoning Ordinance shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 2. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

Agent. The officer or agency or both of them designated by the Board of Supervisors to review and approve the subdivision of land and the plats of such subdivision when located wholly or partly within the county.

Alley. A public or private way affording secondary means of access to abutting property.

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

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. (Amended, December 19, 1991).

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. The minimum distance that a building must be set back from a street or lot line as required by a building setback line so designated on a plat of subdivision. The building setback may be more but shall not be less than required in the Zoning Ordinance.

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). (Amended, December 19, 1991).

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.

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 minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or backaround for vehicles.

Easement. A strip of land for which the owner grants a right of use to another one or more designated which purposes are consistent with the general property rights of the owner.

Health Officer. The Health Officer or Sanitarian of Surry County.

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.

Lot. A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or future.

Lot Area. The total horizontal area within the lot lines of the lot.

Lot, Corner. A lot abutting two or more streets at their intersection where the interior angle of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

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

Lot, Double Frontage. A lot, other than a corner lot, which has frontage on two streets.

Lot Line. The boundary line of the lot.

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.

Planning Commission. The Surry County Planning Commission.

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

Regulations. The whole body of regulation, text, charts, diagrams, notations, and references contained or referred to in this Ordinance.

Resource Management Area (RMA). That component of the Chesapeake Bay Preservation Area (CBPA) that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. (Amended, December 19, 1991).

Resource Protection Area (RPA). That 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 they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. (Amended, December 19, 1991).

Resource Protection Area (RPA) Buffer. A 100-foot wide area of existing or established vegetation within the RPA that protects other components of the RPA and state waters from significant degradation associated with land disturbances. (Amended, December 19, 1991).

Resource Protection/Management Area Delineator (RPA/RMA Delineator). A person trained in wetland ecology, botany, agronomy, hydrology and/or related fields with experience delineating tidal and nontidal wetlands. (Amended, December 19, 1991).

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.

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

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

Street. A public or private thoroughfare which affords the principal means of access to abutting properties, and whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, or however otherwise designated.

Street Line. (Right-Of-Way Line) A dividing line separating a lot, tract, or parcel of land and contiguous street, and also referred to as a right-of-way line.

Street, Private. A private thoroughfare or easement of access established in accord with the terms of this ordinance and which is not publicly owned or publicly maintained.

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

Subdivide. The process of dealing with land so as to establish a subdivision as defined herein.

Subdivider. Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposed to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

Subdivision. The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term subdivision shall include resubdivision, and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided, and shall include establishment of any land area as a common element, limited or otherwise, in connection with a condominium or similar project, construction or conversion regardless of the number of parcels involved. The term shall also include the division or residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument. However, the following are exempted from definition and thereof not subject to the design standards and review procedures of this ordinance. (Amended, July 5, 1990)

- a. The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites.
- b. Family Member Exception. The subdivision of a single lot conveyance to an immediate family member as defined below, provided:
 1. A plat is prepared and submitted for approval in accordance with Article 2, Section 6, "Applications for approval of subdivision," Article 5, Section 7, "Requirements for the final plat," and section 14, "Enforcement and penalties" of this ordinance.
 2. Only one such subdivision is permitted per family member.

3. The subdivision is not created for the purpose of circumventing the Subdivision Ordinance.
4. The lot size and dimensions of the subdivision and the residue parcel conforms to the minimum lot size and dimension requirements of the appropriate section of the Zoning Ordinance.
5. The county health department determines the site of the subdivision is suitable for the type of development proposed.
6. A right-of-way of not less than ten feet or more than twenty feet providing ingress and egress to a dedicated recorded public street or thoroughfare and the following notes are placed on the base of the plat:

- a. The following language must be stated on the face of the recorded plat of survey and added as a covenant in every deed for every lot in said subdivision:

"The roads in this subdivision do not meet Virginia Department of Highways and Transportation requirements and will not be maintained by either the county or the Virginia Department of Highways and Transportation and will have to be constructed in full compliance with Virginia Department of Highways and Transportation requirements in affect at the time of the request by the property owners prior to requesting addition of the road."

- b. "It is not the policy of the School Board of Surry County, Virginia to allow school buses to travel on other than publicly maintained roads."

For purposes of this subsection, an immediate family member is defined as any person who is the natural or legally defined offspring, spouse or parent, grandchild or grandparent of the owner of the parcel of land. (Section Amended, January 7, 1993).

- c. Subdivision of land by will. The Subdivision of land by will among separate devisees when the donees are the natural or legally defined father, mother, husband, wife, sister, brother, child or grandchild of the donor, provide:

1. A plat is prepared and submitted for approval in accordance with Article 2, Section 6, "Applications for approval of subdivision," Article 5, Section 7, "Requirements for the final plat," and Section 14, "Enforcement and penalties" of this ordinance.
2. The subdivision and all residue parcels comply with appropriate requirements of the county Zoning Ordinance.
3. Sufficient right-of-way to a public road is platted and recorded when the subdivision does not front onto a public road and the following notes are placed on the face of the plat:
 - a. "It is not the policy of the Board of Supervisors of Surry County, Virginia or the Virginia Department of Highways and Transportation to accept or maintain private roads in subdivisions, until the roads are constructed pursuant to the specifications for construction of Virginia secondary roads as promulgated by the Virginia Department of Highway and Transportation."
 - b. "It is not the policy of the School Board of Surry County, Virginia to allow school buses to travel on other than publicly maintained roads." (Section Amended, January 7, 1993).
- d. Court decreed subdivision. The subdivision of a parcel of land ordered by a court of competent jurisdiction.
 1. A plat is prepared and submitted for approval in accordance with Article 2, Section 6, "Applications for approval of subdivision," Article 5, Section 7, "Requirements for the final plat," and Section 14, "Enforcement and penalties" of this ordinance. (Section Amended, January 7, 1993).

ARTICLE 7

SEVERABILITY, CONFLICT, EFFECTIVE DATE

Section 1. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 2. Repeal of Conflicting Ordinances

All ordinances or parts of ordinance in conflict herewith are hereby repealed.

Section 3. Effective Date

This subdivision ordinance of Surry County, Virginia, shall be effective at and after 12:01 A.M., September 17, 1976.

Section 4. Filing of Certified Copies.

Certified copies of this ordinance and any subsequent amendments shall be filed in the office of the clerk of the Circuit Court and the office of the Agent.

APPENDIX A

CERTIFICATES REQUIRED

OWNER'S CONSENT AND DEDICATION

Know all men by these presents, that the subdivision of land as shown on this plat, containing _____ acres, more or less and designated as _____ Subdivision, situated in the _____ District of Surry County, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; that all streets shown on said plat are hereby dedicated to the public use, and that all lots within the subdivision are subject to certain restrictions, reservations, stipulations and covenants as contained in a writing executed by the undersigned, under date of _____, 19____, and recorded in the clerk's office of Surry County in Deed Book _____ Page _____.

The said _____ acres of land hereby subdivided having been conveyed to _____ by _____ by deed dated _____, 19 _____, and recorded in the clerk's office of the Circuit Court of Surry County, Virginia, in Deed Book _____, Page _____.

Given under our hands this _____ day of _____, 19 _____.

_____ (SEAL)

SURVEYOR'S CERTIFICATE*

I hereby certify that to the best of my knowledge and belief, all of the requirements of the Board of Supervisors and ordinances of Surry County, Virginia, regarding the platting of subdivisions within the county have been compiled with.

Given under my hand this _____ day of _____,
19____.

State Certified Engineer
(or Land Surveyor)

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

CERTIFICATE OF APPROVAL

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

_____	(signed)	_____
date		Highway Engineer
_____	(signed)	_____
date		Health Officer
_____	(signed)	_____
date		Agent or Representative of the Governing Body