

REVISED MAY 9, 2005

**On motion by David G. Young, seconded by Roger L. Martin and carried, the
Board hereby adopts the following amended Subdivision Ordinance:**

SUBDIVISION ORDINANCE OF PATRICK COUNTY, VIRGINIA

At a regular meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Administration Building thereof on Wednesday, February 12, 2003 at 2:00 p.m., the following ordinance previously proposed by the Board of Supervisors of Patrick County, and after having been duly advertised for adoption as provided by law following public notification of same, on motion by Charles Smith, seconded by David Young, and carried, is hereby adopted as follows:

ARTICLE 1 Short Title

This Ordinance shall be known and cited as **Subdivision Ordinance of Patrick County, Virginia.**

ARTICLE 2 Authority and Enactments

The Board of Supervisors of Patrick County, Virginia, pursuant to the authority conferred by Section 15.2-2200 et seq. of the Code of Virginia, 1950, as amended, does hereby ordain and enact into law this Ordinance.

ARTICLE 3 Jurisdiction

This Ordinance shall govern all subdivision of land lying within the boundaries of Patrick County, Virginia, except the Town of Stuart.

ARTICLE 4 Definitions

Definitions: For the purpose of this Ordinance, certain words used herein are defined as follows:

- a) Agent: The Real Estate tax mapper of Patrick County, Virginia.
- b) Block: A parcel of land entirely surrounded by public streets.
- c) Board of Supervisors: The Board of Supervisors of Patrick County, Virginia.

- d) Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building and the V.D.O.T. right of way line. The set back line shall be 25 feet.
- e) Cul-de-sac Street: A street with only a single means of ingress and egress and having a turnaround of at least 75 feet in diameter for a safe and convenient reverse traffic movement.
- f) Family Member: An immediate family member including a child, spouse, sibling, grandchild, grandparent or parent. Sibling shall include half siblings and child shall include step children.
- g) Highway Engineer: The resident engineer employed by the Virginia Department of Transportation.
- h) Lot: A numbered and recorded portion of a subdivision.
- i) Lot line revision: A change in the lot lines of existing parcels of property which will create a combined lot with one tax identification number and will not leave a substandard remnant.
- j) Monument: A metal rod $\frac{1}{2}$ inch or more in diameter and 24 inches or more in length imbedded 20 inches or more to designate a fixed point, buried vertically in the earth, designed for maximum permanency, by a surveyor to mark corners.
- k) Planning Commission: The Planning Commission of Patrick County, Virginia.
- l) Plat: Includes the terms map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided.
- m) Remnant: The lands remaining from a tract or parcel of land created by a conveyance or subdivision of land.
- n) Street: A dedicated and accepted public right of way for vehicular traffic in compliance with V. D.O.T. requirements.
- o) Site Plan: A proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, density of development, common open space, public facilities, and such other information as required by this ordinance.
- p) Substandard Lot: Any lot containing a total area of less than one acre, or, in the case of a lot served by local government provided public water and public sewer lines, any lot containing a total area of less than one half acre. Land area within a street right of way shall not be included in the measurement of the lot size to determine substandard lots.
- q) Subdivider: Any person, firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined.
Any such entity is a subdivider if it conveys a parcel consisting of an area less than 2 acres from one or more tracts or if such entity conveys a parcel leaving as a remainder tract a parcel less than 2 acres.
- r) Subdivision: A “subdivision” shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions of land creating one or more lots less than 2 acres in size. However the following shall not be included within this definition nor be subject to the regulations prescribed by this Ordinance.

1. Any lot line revision of boundary lines and which is identified as such on the instrument creating such conveyance.
2. The public acquisition by purchase of strips of land for the widening or opening of streets and the abandonment of strips of land created by the relocation of public streets.
3. Any division of land which may be ordered by the Circuit Court, Commonwealth of Virginia or the United States.
4. A conveyance of a parcel to an immediate family member of the owner provided that the conveyance shall comply with the minimum lot size for the purpose of building or setting a residence upon the parcel. The owner may convey no more than one parcel to each family member for the lifetime of the owner unless otherwise in compliance with this ordinance and the conveyance shall provide for an easement of right of way of not less than 20 feet in width for access to a public street.
5. Any substandard lot which is restricted to, or dedicated for, use as a cemetery for the interment of human remains, and which includes express language of such restriction or dedication in the instrument creating such lot.

ARTICLE 5

Application

- a) Every subdivider of land within the boundaries of Patrick County shall submit to the Planning Commission plats and required information pertaining to the subdivision which shall conform to the requirements set forth in this Ordinance.
- b) No construction activity of any kind, including grading, installation of improvements, and buildings shall begin on any land subject to this Ordinance without prior approval of the preliminary plat by the Planning Commission.
- c) No subdivider shall transfer or sell with reference to a plat any lot contained within a subdivision lying in the County's jurisdiction nor shall the County issue a building or construction permit until such subdivision and plat have been granted final approval by the Planning Commission in accordance with the procedure set forth in this Ordinance, and such plat has been duly recorded by the Clerk of the Circuit Court of Patrick County.
- d) The Clerk of the Circuit Court of Patrick County shall not record a plat of subdivision until after approval has been given of the Final Plat by the Planning Commission or in case of appeal, the Board of Supervisors in accordance with the procedures set forth in this Ordinance, evidenced in writing on the original of the Final Plat and shall not admit to record any plat containing a roadway within the boundary of the aggregate of all lots shown unless such plat contains the following language conspicuously on its face:

THE ROADS AND RIGHT-OF-WAYS AS SHOWN HEREON ARE FOR PURPOSES OF ILLUSTRATION ONLY, AND THEY HAVE NOT, NOR ARE THEY REQUIRED TO BE, DEDICATED FOR USE AS PUBLIC ROADS OR RIGHT-OF-WAYS NOR TO BE MAINTAINED AS SAME.

- e) The County will not allow the extension of water or sewer mains or permit any utility connections or provide any public service to any subdivision unless it conforms to the provisions of this Ordinance. No subdivision shall be approved until all lots therein have been approved either for a central water and sewer system or an individual septic and water system.
- f) No subdivision shall be approved where sanitary sewers are not provided without written approval from the health department consisting of a statement that the area contained in each subdivision lot is satisfactory for the installation of septic tanks.
- g) Nothing in this Ordinance shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities, provided however, that any such installations must meet all of the requirements of the Department of Environmental Quality, the State Health Department, and any other State or local regulatory body having authority over such installations.
- h) All lots hereafter established or conveyed shall have a minimum of fifty (50) feet frontage on a street or a private roadway with deeded access to a street. Provided that strips of land conveyed in fee simple for the purpose of ingress and egress to rear lots shall not have the area of the roadway strip included in the area measured for minimum lot size.

ARTICLE 6

Preliminary Plats

- a) Filing: Whenever a subdivision is proposed to be made and before any sale of the subdivision as a whole or any part thereof is made, the owner or proprietor of a proposed subdivision, or his duly authorized representative, shall file the original and eight copies of a preliminary plat of the proposed subdivision with the Secretary of the Planning Commission at least ten (10) days prior to the Planning Commission's next regularly scheduled meeting.
- b) Contents; Approval: The subdivider shall present to the Secretary of the Planning Commission a preliminary plat, plainly marked as such, preferable on a scale of one inch equals one hundred feet, showing the following:
 1. Subdivision name.
 2. Name and address of the record owner of the land proposed to be subdivided and the owner or proprietor of the subdivision, and the surveyor.
 3. The location, width and names of all existing or platted streets or

other public ways within or adjacent to the subdivision; existing permanent buildings; natural watercourses; and other important features.

4. Location and names of adjoining subdivisions or names of the owners of adjoining lands, together with accurate legal references.
5. Profile of each street with proposed grades, if required.
6. All parcels of land designated for future street widening shall be dedicated.
7. Location and dimensions of all easements.
8. Lot lines indicating dimensions and acreage.
9. Flood zone designations.
10. A vicinity sketch indicating the nearest streets.
11. Topography map on a suitable scale and contour intervals when required by the agent.
12. Date, scale of plat and north point of map. True meridian shall be used where practicable; otherwise, the date of the magnetic meridian shall be given.

c) The preliminary plat shall be approved or disapproved or approved with modifications not later than sixty (60) days after the date it is presented to the Planning Commission and considered at a regular meeting thereof. If conditional approval or disapproval is given, the reasons for such action shall be stated in writing. If the Planning Commission fails to act prior to the expiration of the said 60 day period, the subdivider may request approval of the preliminary plat by the Board of Supervisors at its next regularly scheduled meeting.

d) Unless a final plat or request for extension is filed with the Secretary of the Planning Commission within six (6) months after the approval of the preliminary plat, the preliminary plat shall thereupon become void and shall be so marked by the Secretary. Provided, that if the subdivider has begun site and/or facility development and has provided a performance bond or security approved by the Planning Commission, the time for recordation may be extended to one year or for a period agreed upon in the security agreement.

e) One copy of the preliminary plat shall be returned to the owner or proprietor of the subdivision, or his representative, with the date of the approval or disapproval noted thereon with the signature of the Chairman.

f) The subdivider shall present to the County Building Inspector an erosion and sediment control plan which shall indicate the methods to be utilized in minimizing potential erosion and sediment, both during construction and upon completion of the subdivision, such plan and control methodology to be developed in accordance with this ordinance and the erosion and sediment control ordinances.

ARTICLE 7

Final Plats

- a) Single Lot: Single lot conveyances, plats, and family subdivisions may be administratively approved by the Agent provided that the following minimum requirements are met:
 1. All lots are lot line revisions; or
 2. All lots conveyed or retained are 1 (one) acre or more in size; and
 3. All lots contain at least 50 feet of road frontage and provide for a permanent easement of right of way for a roadway of at least 20 feet in width for access to a public street.
 4. No more than one single lot conveyance of less than 2 acres from a larger tract may be administratively approved over a 12 month period.
 5. All single lot conveyances by a subdivider of less than 2 acres must be submitted to the Agent for review and approval prior to recordation by the Clerk.
 6. No lot of less than 2 acres shall be subdivided, transferred or sold unless a final plat of the lands conveyed has been approved and recorded pursuant to this Ordinance.
 7. No conveyance of any lot creating a remnant of less than 2 acres shall be subdivided, transferred or sold unless a final plat of the remnant has been approved and recorded pursuant to this Ordinance.
- b) Filing: The owner or proprietor of the subdivision shall file with the Secretary of the Planning Commission final subdivision plats within 6 months of approval of the preliminary plat. One copy of street profiles with grades or topographic map, if required, shall also be filed with the Secretary.
- c) Form: The final subdivision plat shall be prepared by a certified land surveyor or civil engineer and shall be clearly and legibly drawn in compliance with the Virginia Public Records Act, section 42.1-76 et seq. The final plat shall comply with all standards of practice and conduct as set forth and as amended by the Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. Any final plat that must be reviewed by the Planning Commission (i.e. a plat that cannot be administratively reviewed by the Agent), shall be drafted in compliance with the Virginia Coordinate System as set forth in Section 55-287, et seq. of the 1950 Code of Virginia, as amended. The original and two copies shall be submitted to the Secretary. After approval, the original and one copy shall be returned to the owner or proprietor of the subdivision for recordation in the precise form as approved.
- d) Contents; Monuments: In addition to the requirements for the preliminary plat, the final plat shall show:
 1. Sufficient data to readily determine the location, bearing and length of every street line, lot line, block line and boundary line

and to reproduce the same on the ground from permanent monuments. Linear dimensions shall be in feet and decimals.

2. The names of all streets and the name of the subdivision, a vicinity sketch, the north point, scale, date and utility easements.
3. A statement to the effect that the owner of the subdivision, as a condition precedent to the approval of the final plat and subdivision and the acceptance of the dedication if the roadways, streets and alleys shown thereon by the Planning Commission or, in case of appeal, the Board of Supervisors does, on his behalf and for his heirs, successors, devisees and assigns, specifically release the County from any and all claims for damages arising from the design, construction, maintenance or grade of any roadway, street, and/or alley as shown on the plat.

e) Forms for Final Certifications: The following certificates shall be lettered or rubber stamped on the Final Plat in such a manner as to insure that said certificates will be eligible on any prints made there from:

1. **Certificate of Approval by the Planning Commission:**

I, _____, Chairman of the Patrick County Planning Commission, hereby certify that the said commission fully approved the Final Plat of the Subdivision entitled _____, on the _____ day of _____, 200____.

Chairman

2. **Certificate of Ownership and Dedication:**

I (We) hereby certify that I am (we are) are the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all streets, alleys, walks, parks, and other sites as noted. Furthermore, I (we) certify the land as shown hereon is within the jurisdiction of Patrick County, Virginia.

Owner

Owner

Date

3. Certificate of Accuracy:

I, _____, certify that this plat was drawn from an actual survey that I conducted; that the deed and map reference providing source of title are _____, that the boundaries not surveyed are shown as broken lines from information found in Book ___, Page ___; that this plat was prepared in accordance with the provisions of the Subdivision Ordinance of Patrick County, Virginia.

Witness my hand and seal, this _____ day of _____, 200__.

Surveyor

Date

4. Certificate of Approval by the Health Department:

I, _____, Director of the Patrick County Health Department, hereby certify that the said Department fully approved, for the provision of water and sewer, the Final Plat of the Subdivision entitled _____, on the _____ day of _____, 200__.

Director (or designee)

- f) Preparation: Every final subdivision plat shall be prepared by a competent surveyor or civil engineer duly licensed by the Commonwealth, who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument or instruments in the chain of title to include at least the most recent deed. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat.
- g) Approval Time for Recording: The final subdivision plat shall be approved if found to be in conformity with the requirements of law and of this Ordinance. Such plat shall be filed for recordation in the Clerk's Office of the Circuit Court of Patrick County within six (6) months after final approval thereof, otherwise, such approval shall be withdrawn and the plat marked void and returned to the owner.
- h) Recording Required Generally; Approval of Final Plat Required Prior to Recording: No lot or parcel of land shall be sold or transferred until the final subdivision plat of which the lot or parcel is a part has been recorded

as provided in this article. No final plat of a subdivision shall be recorded until it has been first submitted to and approved by the Planning Commission or in the case of appeal, the Board of Supervisors. No clerk of a court shall file or record a plat of a subdivision until such plat has been so approved.

- i) Recordation Required Prior to Issuance of Building Permit: The Building Inspector of the County shall not issue any permit for the erection of any building or structure to be located in any subdivision, until such plat has been recorded.
- j) Grading: Grading operations may begin following approval of the preliminary plat; provided, that such grading shall not be commenced until the subdivider has executed an agreement with the County in which he agrees to (1) satisfactorily complete all grading within the time specified; (2) plant, in accordance with plans and specifications approved by the Building Inspector, all slopes, and maintains such planting for a period of not less than one year; (3) undertake all erosion and sediment control measures in accordance with plans approved by the Building Inspector; (4) install all required street and utility improvements in accordance with plans and specifications approved by the Planning Commission; and (5) indemnify and hold harmless the County, County officials, agents of the County and County employees from any suit, claims or action for damages or any cost incurred by the County as a consequence of failure on the part of the subdivider to comply with the terms of this Ordinance and for any other liability arising out of the development, construction and approval process for the subdivision.
- k) Street Right of Way Width: Minimum street right of way widths shall be at least in accordance with the Virginia Department of Highways and Transportation's minimum requirements, which are in effect at the time of the submission of the final plat to the Planning Commission.
- l) Street Construction Requirements and Design Standards: All street construction requirements and geometric design standards such as street intersections, pavements and base design, street widths, grades, right of way and pavement radius, temporary turnarounds, and curves, shall be at least the minimum requirements of the Virginia Department of Transportation for acceptance into the State Secondary System which are in effect at the time of the submission of the final plat to the Planning Commission. All streets shall be designed to coordinate with other existing or planned streets within the general area as to location, widths, grades and drainage.
- m) Lots: All lots shall front upon a public street or a private roadway providing access to a public street. The size, shape, and orientation will provide satisfactory sites for buildings, wells and septic systems if not served by water and facilities meeting the requirements of Article 5, section g.
- n) Remnants: All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots.

- o) Size: The total area of each lot shall contain a minimum of one acre with the exception that lots served by local government provided public water and public sewer lines shall have a minimum of one half acre.
- p) Street names and signs shall be in compliance with E-911 requirements and standards.

Article 8

Public Easements and Utilities

- a) Drainage:
 - 1. The subdivider shall make adequate provisions for storm and floodwater runoff, including the installation of all necessary drainage improvements and the dedication of all necessary drainage easements. The Planning Commission may require:
 - (i) Drainage easements through adjoining property to be provided by the subdivider;
 - (ii) Low lying lands along watercourses subject to flooding or overflowing during storm periods to be preserved and retained in their natural state of drainage-ways.
 - 2. If a subdivision involves new streets, the subdivider shall submit to the Virginia Department of Transportation all necessary information for the determination that adequate provisions for storm and floodwater will be made. Written approval by the Virginia Department of Transportation of the drainage plans shall be submitted to the agent prior to the approval of the final plat.
- b) Stormwater Detention Facilities in Residential Subdivisions:
 - 1. The design for all stormwater detention facilities shall be in accordance with professionally accepted hydraulic engineering practices, the Virginia Erosion and Sediment Control Handbook, or any later comparable source.
 - a. Stormwater detention facilities shall be located in perpetual, unobstructed public easements of appropriate width. They shall be shown on the subdivision plat. They shall be constructed in accordance with accepted construction standards and specifications.
 - b. The Subdivider, his heirs, successors, devisees and assigns shall assume all liability for the maintenance and operation of the stormwater detention facilities and shall hold the county harmless therefrom.
- c) Easements: Utility and other easements shall be provided as follows:
 - 1. The Subdivider shall submit to the Planning Commission a performance bond made payable to the Board of Supervisors to guarantee completion of and payment for all facilities and infrastructure costs associated with the subdivision, including but not limited to road construction, grading, drainage, utility construction, and all common use development to be dedicated for

public use, and an additional amount up to 25% of the foregoing as determined by the Planning Commission to protect the Board of Supervisors from financial liabilities involving damages or associated improvements to existing streets, utilities, and other facilities.

2. Utility Easements: Utility easements centered on rear or side lot lines shall be provided where deemed necessary by the Planning Commission and shall be at least ten (10) feet in width, or such greater width as may be needed to meet the requirements of the utilities. Utility easements shall include electrical, phone, cable television, water, sewer, etc.
3. Watercourse and Drainage Easements: Where a subdivision is traversed by watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

Article 9

Variances

- a) Authority: The Planning Commission may authorize a variance from any provision of this ordinance in cases where it is determined that:
 1. Strict adherence to the provisions of this ordinance would result in substantial hardship or injustice; and
 2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property; and
 3. The authorization of the variance will not be detrimental to the public safety, health, or welfare; and
 4. The variance will not substantially compromise the intent of this Ordinance. Any variance authorized will be recorded in the minutes, together with an explanation of the reasons for granting the variance.
- b) Procedure: All petitions for variances shall be made in writing and shall explain fully the grounds therefore. Petitions for variances shall be submitted to the County Administrator at least 14 days prior to the next scheduled meeting of the Commission. At its meeting, the Commission shall review and discuss the petition and shall vote to deny the petition, or to request additional information or alterations to the proposed variance from the petitioner, or to refer it to public comment on such notice and at such time as the Commission may determine, which shall nevertheless occur no more than 30 days thereafter. Within 10 days of any such public comment, the Commission shall vote upon whether to request additional information or alterations to the proposed variance from the petitioner before acting upon the petition, in which situation the procedure shall

begin anew, or, if no such additional information or alteration is required, shall vote either to approve or to deny the petition.

c) Conditions: When granting variances, the Commission may impose conditions in order to protect public welfare or to help achieve the intent of this Ordinance. Such conditions may include, but are not limited to, requirements for:

1. Dedication of right of way for public or private streets;
2. Granting utility easements;
3. Time limits on recordation of plats for which variances have been granted;
4. Including a note on the plat to state that a variance has been granted and to explain the provisions of the variance; or
5. Dedication of open space or recreation areas.

Article 10

Appeals

If the Planning Commission denies or fails to approve any plat, conveyance, or variance and the subdivider contends that such action was contrary to the provisions of this Ordinance or was arbitrary and capricious, he may appeal to the Board of Supervisors by filing Notice with the County Administrator within 60 days of the decision. Likewise, the subdivider may appeal a decision of the Board of Supervisors to the Circuit Court of Patrick County provided that the appeal must be filed with the Clerk of the Circuit Court within 60 days of the decision.

Article 11

Penalties

It shall be unlawful for any person, firm, or corporation to violate any of the provisions of this Ordinance and any violation of any provision therefore shall constitute a misdemeanor and shall be punished by fine of not more than \$500.00 per lot or parcel of land subdivided, transferred or sold, as provided for in Section 15.2-2254 of the 1950 Code of Virginia, as amended.

Article 12

Severability

If any portion of this Ordinance shall be found to be invalid, then that portion shall be severed and the remainder of the Ordinance shall continue in full force and effect.