

Appendix 1

Subdivision of Land

Editor's Note: This appendix is derived from the Mecklenburg County Subdivision Ordinance, adopted on February 12, 1990. A uniform system of capitalization and the normal system of punctuation and spelling have been employed throughout. Catchlines have been added or altered to more accurately reflect the contents of each section, and the frontal analysis has been expanded.

For state law, as to land development generally, see Code of VA § 15.1-427 et seq. As to duty of county to adopt subdivision ordinance, see Code of VA § 15.1-165.

As to planning commission generally, see 2-11 to 2-13 of this code. As to buildings generally, see chapter 7. As to erosion and sedimentation control generally, see chapter 10. As to zoning, see chapter 20.

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SUBDIVISION ORDINANCE

ARTICLE I

PURPOSE, TITLE AND AUTHORITY

Section 1-1 Purpose

1-1-1 There are hereby established subdivision standards and procedures for all the unincorporated area of Mecklenburg County, Virginia, which comes under the jurisdiction of the Board of County Supervisors as set forth in § 15.2-2249, Code of Virginia. These are part of a long-range general plan to guide and facilitate orderly, beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, but not in limitation, the purpose of these standards and procedures is to provide for:

- (a) The coordination and beneficial design of streets;
- (b) Adequate open spaces for traffic, recreation, light and air;
- (c) A distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, comfort, prosperity and general welfare;
- (d) Assurance, insofar as possible, for purchases of lots that they are buying a commodity which is suitable for their development and use;
- (e) Adequate public services in a healthy, safe efficient and assured manner.

Section 1-2 Title and Authority

1-2-1 This ordinance is known and may be cited as the "Subdivision Ordinance of Mecklenburg County, VA" and is authorized pursuant to the provisions of title 15.1, Chapter II, Article 7, "Land Subdivision and Development", § 15.2-2240 et seq of the Code of Virginia.

ARTICLE II

DEFINITIONS

- Section 2-1 Agent
The representative of the governing body who has been appointed to serve as the agent of the Board in approving subdivision plats.
- Section 2-2 Alley
A permanent service way providing secondary means of access to abutting properties.
- Section 2-3 Board
The Board of Supervisors of Mecklenburg County, VA.
- Section 2-4 Building
Any structure used or intended for supporting or sheltering any use or occupancy.
- Section 2-5 Building Setback Line
A line showing the minimum distance by which any structure must be separated from the front line, side and rear lines of a lot.
- Section 2-6 Clerk
The Clerk of the Circuit Court of Mecklenburg County, VA.
- Section 2-7 Commission
The Planning Commission of Mecklenburg County, VA.
- Section 2-8 Condominium
Owners of single units of a multiple-unit structure with common elements.
- Section 2-9 Cul-de-sac
A street with only one (1) outlet and having an appropriate turnaround for safe and convenient reverse traffic movement.
- Section 2-10 Easement
A grant, or reservation, running with the land, by a property owner of the use of land for a specific purpose.
- Section 2-11 Engineer
An engineer certified by the Commonwealth of Virginia.
- Section 2-12 Frontage
The shortest distance between the side lines of any lot measured along a line coinciding with, tangent

to or meeting at one (1) point the street upon which the lot fronts.

Section 2-13 Health Official

The head of the Mecklenburg County Health Department, or his designated deputy.

Section 2-14 Highway Engineer

The Resident Engineer for Mecklenburg County, VA of the Department of Transportation of VA, or his designated deputy.

Section 2-15 Lot

A numbered and recorded portion of a subdivision intended for transfer of ownership or for the building of a single building and its accessory buildings.

Section 2-16 Lot, Corner

A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Section 2-17 Lot, Depth of

The mean horizontal distance between the front and rear lot lines.

Section 2-18 Lot, Double Frontage

An interior lot having frontage on two (2) streets.

Section 2-18A Lot, Flag

When topographic features or other unique physical characteristics of the land require such, flag lots may be created to utilize good building sites that do not have a sufficient lot width on a public road. The elongated portion of a flag lot shall not be used in computing necessary lot area needed for sanitation facilities; shall be a minimum width of fifty (50) feet; and shall be no more than five hundred (500) feet in length. Joint driveways can be arranged, but each lot must front at least fifty (50) feet on a public right-of-way. Not more than two (2) such flag lot access points shall abut each other, and if driveways are combined, no further reduction in lot width is permitted, (each lot must possess fifty (50) feet on a public right-of-way). There is a limit of one (1) flag lot per twenty-five (25) acres being subdivided or portion thereof. The Planning Commission shall review each

request and shall allow or disallow the use of the flag lot concept solely on the merits and conditions of each case. The developer (applicant) must bear the burden of proof to the Planning Commission.

<u>SUBDIVISION SIZE (total acres)</u>	<u>FLAG LOTS ALLOWED</u>
Under 25 acres	1
Under 50 acres	2
Under 75 acres	3
Under 100 acres	4
etc	

Section 2-19 Lot, Interior
A lot other than a corner lot.

Section 2-20 Lot, of Record
A lot which has been recorded in the office of the clerk of the appropriate court.

Section 2-21 Lot, Width of
The mean horizontal distance between the side lot lines.

Section 2-22 Person
An individual, a partnership or a corporation or any other legal entity by whatever term customarily known.

Section 2-23 Plat
A drawing of a survey of a tract or parcel of land prepared by a surveyor.

Section 2-24 Secretary
The Secretary of the Planning Commission of Mecklenburg County, VA.

Section 2-25 Street
The principal means of access to any lot in a subdivision. The term street shall include road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare used for a similar purpose, but shall exclude easement to a lot or parcel that is sold or given to an immediate family member.

Section 2-26 Street, Major
Any existing or future street designated as a major street on an adopted Plan of Land Use and that carries a large volume of traffic, or anticipated traffic, exceeding five hundred (500) vehicles per

day.

Section 2-27 Street, Minor

A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.

Section 2-28 Street, Service Drive

A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating indiscriminate ingress and egress to the right- of-way providing safe and orderly points of access to the highway.

Section 2-29 Street, Width

The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

Section 2-30 Sub-divider

Any person owning a tract or parcel of land to be sub-divided.

Section 2-31 Subdivision

For the purpose of this ordinance, "subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale, lease, or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this ordinance.

Exceptions and exclusions of this definition are:

- (1) Any bonafide division or partition of agricultural land for agricultural purposes, where a new street is not to be constructed.
- (2) The straightening or rearranging of property lines of adjoining parcels.
- (3) Any division of land by court order or approval of court of jurisdiction, or between or among heirs in the settlement, partition or allotment of an estate of family partition.
- (4) For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any

express requirement contained in the Code of Virginia and to any requirement imposed by the local governing body that all lots have an easement right of ingress and egress and for the installation of public or private utilities of not less than twenty-five (25) feet to a dedicated recorded public street or thoroughfare.

Only one (1) such subdivision shall be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purpose of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner. The provisions of this subsection shall apply only to subdivision ordinances adopted by this county.

Any parcel of land conveyed to an immediate family member, as defined by this Ordinance, must be retained by that family member at least one (1) year before it may be re-conveyed.

- (5) A parcel of land being conveyed to an adjoining property owner provided the plat and deed of conveyance contain the following language:
"Notice: The parcel described and conveyed herein is excepted from approval under the Subdivision Ordinance of Mecklenburg County only as far as an additional parcel being conveyed to an adjoining landowner, and may not be reconveyed except as a whole with the adjoining property or with further approval as required under the Subdivision Ordinance of Mecklenburg-County."
- (6) A plat showing a survey or resurvey of the entirety of a parcel or tract regardless of size when the survey is made for purposes of the conveyance of the entirety or definition of the boundary lines of the parcel or tract.
- (7) A plat of a parcel of land to be reserved from the conveyance of a remaining tract, the remaining tract of which would qualify as an exception under (1) above.

Section 2-32 Subdivision, Major

The division of any tract, parcel or lot of land into six (6) or more lots or parcels for the purpose, either immediate or in the future, of

transferring ownership or building development or if a new street or road is involved in sub-dividing any division of a parcel of land.

Section 2-33 Subdivision, Minor

To qualify as a minor subdivision, the subdivision must meet all of the following:

- (a) No new public or private streets or roads or right-of- ways shall be created;
- (b) No extension of water and sewer will be required;
- (c) One (1) through five (5) lots;
- (d) A minor subdivision shall be approved or disapproved by the agent within fifteen (15) days;
- (e) Any further or subsequent division of land beyond five (5) lots will be classed and must meet all requirements of a major subdivision;
- (f) No Preliminary Plat submission is required for a minor subdivision approval. All other requirements for Final Plat submission remain in effect.

Section 2-34 Subdivision, Off Road

Any new tract, parcel, or lot of land which does not directly front on an existing State highway or legally platted subdivision street shall have a new dedicated fifty (50) foot right-of-way to said dedicated street or State highway. Items 2-31; 1, 2, 3, and 4 are excluded from this section.

Section 2-35 Surveyor

A land surveyor certified by the Commonwealth of Virginia.

Section 2-36 Townhouse

A single-family dwelling unit, being one (1) of a group of not less than three (3) or more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities and other improvements being individual and separate ownership of such lots and dwelling units.

Section 2-37 Words and Terms

For the purpose of this Ordinance, certain words and terms used herein shall-be interpreted and defined as follows: Words used in the present tense include the future tense, the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise, the

word "lot" includes the words "plot" and "parcel"; the word "shall" is mandatory and not advisory; the word "approve": shall be considered to be followed by the words "or disapproved"; any reference to this Ordinance includes all ordinances amending or supplementing the same; and all distances and areas refer to measurements in a horizontal plane.

Section 2-38 Zoning Ordinance
Zoning Ordinance of Mecklenburg County, VA.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

Section 3-1 Agent

3-1-1 The agent is hereby authorized and directed to administer this Ordinance. In so acting, the agent shall be considered the agent of the Board. The agent shall consult with the Commission on matters contained herein in writing.

Section 3-2 Agent's Duties

3-2-1 The agent shall perform his/her duties as regards subdivisions and sub-dividing in accordance with this Ordinance and the Code of Virginia.

Section 3-3 Agent May Establish Regulations

3-3-1 In addition to the requirements herein contained for the platting of subdivisions, the agent may establish such administrative rules and procedures as it deems necessary to administer this Ordinance properly. The administrative rules and procedures shall be in writing.

Section 3-4 Agent May Obtain Opinions

3-4.1 In the performance of its duties, the agent may call for recommendations, either oral or written, from other departments of the county government in considering details of any submitted plat.

Section 3-5 Agent May Recommend Waiver of Requirements

- 3-5-1 Anything in this Ordinance to the contrary notwithstanding for subdivisions of less than six (6) lots or parcels, the agent on request of the sub-divider may recommend to waive any requirement of the ordinance if:
- (a) A plat of survey of such subdivision deemed adequate by the agent shall have been prepared in form suitable for recordation, and is, hereafter, recorded with the deed of subdivision; and
 - (b) A right-of-way of fifty (50) foot minimum for ingress and egress to and from each part of such subdivision is granted by the sub-divider if a public highway does not abut each part, and dedicated to Mecklenburg County; and
 - (c) Each part of such subdivision not served by a central sewage system is suitable for installation of an on-site sewage system acceptable to the health official; and
 - (d) The intent of this Ordinance will not be circumvented by such subdivision or by the cumulative effect of a series of such

subdivisions.

Section 3-6 Interpretations of Ordinance/Conflicting
 Provisions

In the interpretation and application of this Ordinance, its provisions shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than imposed by the Mecklenburg County Zoning Ordinance, or any other provision of law or ordinance, or any regulations or permits adopted or issued pursuant to any law of ordinance relating to the use of construction of buildings or premises, or to the zoning of land, the provisions of the Ordinance shall control. Where the standards imposed by this Ordinance are more or less restrictive than any other standard imposed by public regulations or ordinance, the more restrictive standard shall apply.

ARTICLE IV

PREPARATION AND RECORDING OF PLAT

Section 4-1 Sub-divider Shall Prepare, Record and File Plat

4-1-1 From and after the effective date of this Ordinance, any owner or proprietor of any tract of land within in the Unincorporated area of Mecklenburg County, VA, who sub-divides the same as herein provided, shall cause a plat of such subdivision to be made in accordance with the regulations set forth in this Ordinance and in the Code of Virginia, and a copy of said plat to be recorded in the Office of the Clerk.

Section 4-1-2 No major subdivision plat, herewith called the "final plat" shall be recorded unless and until it shall have been submitted to and approved by the Board and Agent, as herein provided and signed by the Chairman or Acting Chairman of the Board and by the Agent.

4-1-3 No subdivision plat shall be recorded unless all the monuments shown and described on the final plat are in place as evidenced by the certificate of a surveyor endorsed on said plat.

4-1-4 A final plat shall become null and void if it is not recorded in the Office of the Clerk within six (6) months from the date of approval of the Board.

4-1-5 Recordation of the final plat of a subdivision shall not be deemed to be the acceptance by the County of any street or road or operation thereof for maintenance purposes.

4-1-6 Within thirty (30) days after recordation of the approved final plat, the sub-divider shall file a copy thereof in the office of the Mecklenburg County Commissioner of Revenue.

ARTICLE V

TOWN APPROVAL

Section 5-1 Subdivisions Close to Town

5-1-1 If all or any part of a subdivision lies within two (2) miles of the corporate limits of any town having an effective subdivision ordinance which is applicable to an area within two (2) miles of its corporate limits, no such plat shall be recorded until the dimensions and location of any streets, alleys, or lots, as indicated on the plat, shall have met the specifications and requirements of the town subdivision ordinance, as evidenced by the approval of the chief engineering officer of such town, and of the County Subdivision Ordinance as evidenced by the approval of the Board or its' "agent".

5-1-2 Anything to the contrary herein notwithstanding, in the case of a subdivision, any portion of which lies within the area of applicability of any effective subdivision control ordinance of any town, if the requirements of the Subdivision Ordinance of Mecklenburg County, VA should differ in any instance from any applicable requirement of such town, the more stringent requirement shall govern.

ARTICLE VI

GENERAL REGULATIONS

Section 6-1 Transfers, Sales and Permits to Build
6-1-1 No property in a subdivision shall be transferred or offered for sale nor shall a permit be issued for a structure thereon, until final plat of such subdivision shall have been approved, as provided herein, and recorded in the Office of the Clerk.

Section 6-2 Subdivision Not Exempt from Other
Laws

6-1-2 The creation of a subdivision shall in no way exempt the land included within it from the provisions of zoning or other ordinances or laws.

Section 6-3 Suitability of Land

6-3-1 Land deemed by the agent to be generally unsuitable and land subject to flooding shall not be subdivided

- (a) for residential occupancy unless sufficient land is provided in each lot to provide a building site free from flood or other danger, nor
- (b) for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. In this connection, the agent may require the sub-divider to furnish topographical maps, elevations, flood profiles, or other relevant data.

Section 6-4 Dedication and Reservation of Land

6-4-1 The sub-divider shall dedicate to Mecklenburg County, Virginia, all land required for streets and alleys as provided in this Ordinance; however, such dedication shall not operate to transfer ownership of any underground storage tanks within such streets and alleys from sub-divider to Mecklenburg County, Virginia. Instead, sub-divider shall retain ownership of all such underground storage tanks, and shall continue to bear all responsibility and liability arising therefrom.

6-4-2 In a new subdivision, the sub-divider shall dedicate an area as determined by the number of lots in the subdivision as follows:

Approval of plats creating new subdivisions of six (6) or more lots will require dedication of a site for collection of solid waste by the County. The

minimum size of the site to be dedicated will be determined by the proposed number of lots. The configuration of the site to be dedicated will require approval by the County Administrator. The County's policy is as follows:

(a) Characteristics of Dedicated Lot:

<u># of Lots</u>	<u>Site Dimensions</u>	<u>Min. Area</u>	<u>Min. Road Frontage</u>
6-15	100' x 100'	0.23 ac.	100'
16-30	150' x 100'	0.34 ac.	100'
31-50	225' x 125'	0.65ac.	125'
50-100	310' x 210'	1.5 ac.	210'
Over 100	388' x 225'	2.0 ac.	225'

(b) County Administrator's authority to Modify Required Characteristics:

The County may require an area larger than that shown above as "minimum Area" if, due to topography or other characteristics (e.g., wetlands), a larger area is required to ensure that the usable area satisfies the minimum area standards set forth above.

(c) Requirement of VDOT Approval:

Each proposed solid waste collection site must have an entrance onto the adjoining road which satisfies VDOT standards for commercial entrances, and when the entrance affords access to a public road (as opposed to a private subdivision road), VDOT approval of the proposed access road must be secured by the developer.

(d) Requirements for Public Subdivision Roads:

If the proposed site fronts on a private subdivision road (as opposed to a public road), the private subdivision road must be built to the minimum Standards established by VDOT for roads in its system of public highways.

(e) Conveyance of Site: Before an approved subdivision plat will be delivered to the developer for recordation, the developer must deliver a recordable deed in a form approved by the County Attorney, by which the dedicated site is conveyed to the County with General Warranty and English covenants of title, free of any liens against title or other title encumbrances which would inhibit the County's development of the property as a solid waste collection site.

6-4-3 Nothing in this Ordinance shall be construed

to mean that land set aside or reserved for commercial or industrial purposes may not be so used unless such use in conformity with the requirements of any existing zoning or other applicable ordinance.

6-4-4 In laying out subdivisions, the requirements of Section 6-6, 6-7 and 6-9 hereof shall ordinarily be observed as normal requirements. However, said requirements may be varied in specific cases if the agent determines that a peculiar or special situation exists which makes it necessary of desirable to vary one or more of the said requirements, and that any such variation is not in conflict with or in the case of a more stringent requirement that such variation is deemed necessary to carry out, protect, or provide for the public welfare and the purpose of this Ordinance. Any such variance and the reasons therefore shall be approved by the Planning Commission and stated in writing in the minutes of the Commission.

Section 6-5 Normal Requirements and Variances

6-5-1 In laying out subdivisions, the requirements of Section 6-6, 6-7 and 6-9 hereof shall ordinarily be observed as normal requirements. However, said requirements may be varied in specific cases if the agent determines that a peculiar or special situation exists which makes it necessary or desirable to vary one (1) or more of the said requirements, and that any such variation is not in conflict with or in case of a more stringent requirements that such variation is deemed necessary to carry out, protect or provides for the public welfare and the purpose of this Ordinance. Any such variance and the reasons therefore shall be approved by the Planning Commission and stated in writing in the minutes of the Commission.

Section 6-6 Streets and Alleys

6-6-1 Names of the new streets shall not duplicate existing or platted street names in adjacent or nearby subdivisions unless the new street is a continuation of, or in alignment with, an existing or platted street, in which case the name shall be the same.

6-6-2 Streets shall connect with existing streets and shall provide access to possible adjoining subdivision as required by the agent. Whenever feasible, streets shall intersect at approximately right angles and a minimum return-radius of twenty-five (25) feet shall be provided

at street intersections. Offsets of jogs shall be avoided.

6-6-3 Streets shall be so designed as to provide adequate drainage and drainage facilities and to have geometric design in compliance with the requirements of the VA Department of Transportation, as evidenced by the written approval of the Transportation Engineer.

6-6-4 Streets shall have minimum width right-of-way of fifty (50) feet and alleys of twenty (20) feet.

6-6-5 Dead end streets (cul-de-sac) shall be provided with a turn around terminal, the diameter of which shall not be less than one hundred (100) feet.

6-6-6 When in the interest of safety and to provide for normal traffic flow, lots in a subdivision abutting on one side of any street which has been included in the state system of primary highways and front on said highway, a service drive of not less than twenty (20) feet in width adjoining said highway shall be constructed and dedicated, with limited access to said highway and with road design and construction in compliance with the requirements of the VA Department of Transportation, as evidenced by the written approval of the Transportation Engineer.

6-6-8 Except as provided in Section 6-5-2, streets shall be graded and surfaced by the subdivider in accordance with the provisions of

Section 6-9-1(b) of the Ordinance.

Section 6-7 Lots and Building Sites

6-7-1 The lot area, width, depth, slope and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the Zoning Ordinance requirements.

6-7-2 Lots shall not contain peculiarly shape elongations, solely to provide necessary square footage of area which would be unusable for normal purposes.

6-7-3 Every lot shall front on a street, and the side lines of lots shall be approximately at

right angles or radial to the street line.

6-7-4 Corner lots shall have a width sufficient to conform to required building setback lines on both streets and to provide adequate building sites.

6-7-5 In case of lots for residential purposes, the building setback shall conform to the requirements of the Zoning Ordinance. The building setback line shall be at a greater distance than the minimum specified in the Zoning Ordinance if the agent finds that conditions of health or safety so requires.

6-7-6 In the case of lots for commercial, industrial or nonresidential use, the lot area, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and in accordance with the requirements of any existing zoning or other applicable ordinance; and shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

6-7-7 Where any lot has abrupt topography which renders that portion of the lot unusable for the purpose specified the lot requirements shall exclude all such affected land.

Section 6-8 Easements

6-8-1 Utilities shall be installed, or easements for such utilities shall be provided, in the location and to the width designated by the agent after receiving recommendation from the utility companies responsible for the installation of same.

6-8-2 Where a subdivision is traversed by a stream or other natural drainage way, the agent may require the sub-divider to dedicate a suitable right-of-way or easement for storm water drainage or to construct adequate water drains.

6-8-3 Utility easements shall be provided ten (10) feet in width on all lot sidelines and fifteen (15) feet in width on front and rear lot lines. Except, in the instances where multiple-family projects, including condominiums and townhouses, are constructed, the edge of the

easement shall be five (5) feet clear of the outside pipes, and where according to good site design practices, easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five (5) feet from any building unless reduced as specified by the agent.

Section 6-9 Physical Improvements and Bonds

6-9-1 The agent shall require that the sub-divider makes the improvements provided for in this Section 6-9, and they shall be installed at his cost in compliance with the requirements of the Virginia Department of Transportation or the Mecklenburg County Health Department, or both. No sub-divider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of Transportation or the Mecklenburg County Health Department, or both as hereinafter provided. Any sub-divider commencing any construction in violation of the section shall be guilty of a misdemeanor and punishable as provided in Article X of this Ordinance.

- (a) As required by this Ordinance, all monuments must be installed by the sub-divider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers and other improvements, the sub-divider 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 governing body. Monuments shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six (6) inches above finished grade. All other lot corners shall be marked with irons not less than one-half (1/2) inch in diameter and twenty-four (24) inches long and driven so as to flush with the finished grade. When rock is encountered, a hold shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.
- (b) Streets shall be constructed in compliance

with the requirements of the Virginia Department of Transportation.

- (c) Where required by the Transportation Engineer, a drainage system shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.
- (d) Street identification signs approved by the agent shall be installed at all streets intersections in any subdivision by the subdivider.
- (e) When required by this Ordinance, water supply and distribution facilities and/or sewers and sewerage disposal facilities shall be installed.
- (f) Parking for townhouses and condominium developments shall be provided in accordance with the provisions set forth in the Virginia Department of Transportation subdivision Street Requirements, as amended.

6-9-2 For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or propose to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage of sewerage system, waterline as part of a central system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth or other public agency, and for the provision of other site-related improvements required by local ordinance for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer

- (1) certifies to the governing body that the construction costs have been paid to the person constructing such facilities; or
- (2) furnishes to the governing body a certified check or cash escrow in the amount of estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for construction of such facilities and the contractor's bond, with

like surety, in like amount and so conditioned;
or

- (3) furnishes to the governing body a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the governing body as to the bank of savings and loan association, the amount and the form. The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities. Said bond or check shall accompany the final plat, as provided in Section 8-31(c) when it is submitted to the agent.

Further, the said developers' financial commitment shall continue and not be released until such time as the aforementioned facilities have been completed, inspected and accepted by the Agent.

6-9-3 In the absence of a performance bond, or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the agent, nor until a maintenance bond has been posted.

6-9-4 Before undertaking any improvements required in the foregoing Section 6-9-1, paragraphs (b), (c), (d) and (e), the sub-divider shall submit four (4) copies of his proposed plans and specifications to the agent, and receive written approval thereof by the agent by the return of one (1) copy with such approval endorsed thereon. No such approval shall be given without prior written approval of the Transportation Engineer and/or the health official, as may be appropriate. Said plans and specifications shall have been prepared by qualified surveyor or engineer. Of the copies retained, one (1) shall be forwarded to the Transportation Engineer and one (1) to the health official, when appropriate and the remaining copy or copies be filed with the agent's copy of the final plat.

6-9-5 The agent may make such inspections during and after final installation of the improvements

required herein as shall be deemed necessary, and no installation shall be accepted as completed until approved by the agent.

6-9-6 All bonds required by this Ordinance shall have a cost of living escalation clause.

Section 6-10 Sewerage Service

6-10-1 Where public sewerage facilities are available, the service shall be extended by the sub-divider or developer to all lots and individual septic tanks shall not be permitted. Where such tap-on is not possible, the sub-divider or developer shall be encouraged to provide a central sewerage system. If neither of the above is possible and the sub-divider proposes individual septic tanks, then the sub-divider shall provide sufficient technical information to allow the determination that each and every lot is suitable for an individual septic tank. No subdivision or development shall be approved without an acceptable sewerage facilities plan, which provides sewerage service to each lot.

As to sewers and sewage disposal generally,
See §15.1-876 of the Code of Virginia

Section 6-11 Water Service

6-11-1 Where public water is available, the service shall be extended to all lots within the subdivision by the sub-divider or developer. Where this is not possible, the sub-divider or developer shall be encouraged to provide a central water supply system. If neither of the above is possible, the sub-divider or developer may propose individual wells. No subdivision or development shall be approved without an acceptable water supply plan, which provides water service to each lot.

Section 6-12 Lot Sizes

6-12-1 Residential lots served by both central water and central sewer systems shall have a frontage of seventy-five (75) feet or more at the building setback line and a minimum road frontage of thirty-five (35) feet, and fifteen thousand (15,000) square feet or more in area.

6-12-2 Residential lots served by either central water or central sewer systems, but not both, shall have a frontage of one hundred (100) feet or more at the building setback line and a minimum road frontage of thirty-five (35) feet, and twenty-five

thousand (25,000) square feet or more in area.

6-12-3 Residential lots served by neither central water or central sewer systems shall have a width of one hundred twenty-five (125) feet or more at the building setback line and a minimum road frontage of thirty-five (35) feet, and thirty thousand (30,000) square feet or more in area.

6-12-4 Greater lot areas may be required where individual sewage disposal systems or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems.

6-12-5 Tracts of land to be used for multiple-family development, including condominiums and townhouses, served by water and sewer systems approved by the health official, shall have frontage of one hundred (100) feet or more at the building setback line and minimum road frontage of thirty-five (35) feet, and a minimum gross tract area which is fifty (50) percent of the above required area for each dwelling unit more than one (1) and in case of townhouse type development, a minimum lot size of fifteen hundred (1,500) square feet, or two (2) times the building floor space, whichever is greater.

ARTICLE VII

PRELIMINARY PLAT FOR MAJOR SUBDIVISIONS

Section 7-1 Preliminary Conference

7-1-1 Before the preparation of a preliminary plan or plat, a sub-divider should confer with the agent relative to the details contained in this Ordinance, the County's Comprehensive Plan and other applicable plans and ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of existing plans and ordinances plus any amendments which are pending at the time of the subdivision plan or plat preparation.

Section 7-2 Purpose of Preliminary Plat

7-2-1 Any person proposing a subdivision of land under this ordinance shall submit to the agent a preliminary plat showing the general design and layout of the area proposed to be subdivided. The purpose of this requirement is to enable the sub-divider to ascertain whether his plans are in general accordance with the provisions of this Ordinance and to obtain general approval of his proposal before he undertakes development and construction of improvements.

Section 7-3 Preliminary Plat To be Submitted

7-3-1 Five (5) copies of the preliminary plat shall be submitted by the sub-divider to the agent. It is provided, however, that in the instance of a minor subdivision approved by the authority of the administrator, pursuant to Section 3-5-1, an original and two (2) copies of the purposed plat shall be required.

Section 7-4 Preliminary Plat Requirements

7-4-1 Preliminary plats shall be submitted to the agent seven (7) days prior to the County Planning Commission's regularly scheduled meeting. Such preliminary plats shall adhere to the requirements or this section.

7-4-2 It shall be legibly drawn and may be on one (1) or more numbered sheets. The scale shall be as follows:

- (a) With lots smaller than one (1) acre, one (1) inch equals one hundred (100) feet.
- (b) With lots one (1) acre or larger, one (1) inch

equals two hundred (200) feet.

7-4-3 It shall show the following information:

- (a) Date of plat and name of the surveyor or engineer preparing the same.
- (b) Scale.
- (c) Number of sheets comprising the plat.
- (d) North meridian, designated "true" or "magnetic" and direction oriented to the top of the sheet and each sheet comprising plat shall be so oriented.
- (e) Name and signature of owner.
- (f) Name of Subdivision - the name shall not duplicate nor too closely approximate that of any existing subdivision of this or neighboring counties.
- (g) Magisterial district, county, and state.
- (h) Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
- (i) Names of all adjoining property owners and the location of each of their common boundaries including established roadways and waterways.
- (j) All pertinent natural and historical features and landmarks.
- (k) The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.
- (l) All adjoining roads and streets with their number and/or names.
- (m) All subdivisions, town boundary lines, public highways and other landmarks, if any, within two thousand (2,000) feet shown on a reduced scale insert.
- (n) Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the agent may require the preliminary plat to show a proposed future subdivision of such remaining acreage or part thereof to make certain that proper orientation of future streets may be developed with the platted streets.
- (o) Location and description of all existing monuments.
- (p) Contour lines, existing and finished, as required for approval of drainage and sewer facilities.
- (q) Proposed location, widths and names of all streets and alleys.
- (r) The approximate location, number and the proposed use of all lots and other areas, including water courses, marshes, impoundments, lakes, and those areas to be used for parking,

recreation, commercial purposes, or for public or governmental use and existing utility installation.

- (s) Proposed lot numbers and block letters.
- (t) If the proposed subdivision consists of land acquired from more than (1) source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines and identification of such respective tracts shall be shown on the preliminary plat.
- (u) Names: Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names in the County and adjoining jurisdictions irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.

Section 7-5 Commission Action of Preliminary Plat
7-5-1 Within sixty (60) days after submission of the five (5) copies of the preliminary plat to the agent, the Commission shall recommend approval of the preliminary plat to the Board if it finds that the plat has been properly drawn and that the proposed Subdivision conforms to the requirements and purposes of this Ordinance. Otherwise, the Commission shall recommend disapproval of the same to the Board (stating its reasons for such disapproval); or, if only minor changes are required for approval, conditional approval may be recommended by writing such requirements on the plat; or by placing a reference upon it to an accompanying statement; and an extended time may be given the sub-divider for submission of revised plans.

7-5-2 If the property shown on the Preliminary Plat is not within an area of the County zoned either Residential, R-1, Residential, R-1A, Residential, R-2 or Residential, R-2A, the sub-divider shall be required to make application to have the property zoned to either Residential, R-1, or Residential R-2, and the sub-divider shall be required to comply with all state and local law regarding the rezoning of property.
7-5-2.1 If the Planning Commission determines

that use of the property after the proposed subdivision would not be inconsistent with the current zoning designation, then the Planning Commission shall have the power to waive the requirement that the sub-divider apply for the rezoning as required by Section 7-5-2 above.

Section 7-6 Board Action on Preliminary Plat

7-6-1 Within forty-five (45) days after receipt of the Commission's recommendations, the Board shall approve, approve with conditions, or disapprove the preliminary plat and accompanying documents, and shall so notify the sub-divider in writing. Approval or conditional approval of a preliminary plat shall not be valid for more than forty-five (45) days unless extended by the Board.

Section 7-7 Disposition of Preliminary Plat After Board Action

7-7-1 One (1) copy of the preliminary plat with the action of the Board noted thereon shall thereupon be returned to the sub-divider, and an annotated copy shall be returned to the agent for comparison with future plats submitted by the sub-divider.

Section 7-8 Premature Subdivisions

7-8-1 Any preliminary plat of a proposed subdivision deemed premature for development by the Commission shall not be recommended for approval to the Board.

7-8-2 The Commission, in reviewing preliminary plats, shall determine whether any proposed subdivision constitutes premature development. In considering questions of prematurity, the Commission shall take into account the following:

- (a) The nature, extent and size of the subdivision in question.
- (b) The estimated increase in population which would result if said subdivision were developed.
- (c) Whether development of said subdivision can be expected to occur immediately or over an extended period of time.
- (d) The extent of development of areas surrounding the tract in question.
- (e) Whether and to what extent development of the area or tract in question will require additional public services, and whether provisions of said additional services is provided for in adopted capital improvements, budgets or plans, and whether the provision of such services would require a disproportionate expenditure of public

funds compared to tax revenues to be obtained from said development, taking into account the relationship of public expenditure to tax revenues for similar development elsewhere in the county.

- (f) The impact that the proposed subdivision will have on surrounding areas in light of its size, nature and number of units.

ARTICLE VIII

FINAL PLATS

Section 8-1 Final Plats to be Submitted

8-1-1 After approval of the preliminary plat by the Board six (6) copies of the final plat drawn in accordance with Section 8-2 shall be submitted to the agent. Said copies should be photographed copies of the original tracings and shall be of semi-permanent quality.

Section 8-2 Final Plat Requirements

8-2-1 Such final plats shall adhere to the following requirements of this Section 8-2.

8-2-2 Every subdivision plat which is intended for recording shall be prepared by a certified profession engineer or land surveyor, who shall endorse up each plat a certificate signed by him, setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.

8-2-3 The final plat shall be substantially in accordance with the preliminary plat (together with any changes or additions required by the Board as a condition for its approval), except that a final plat may include all or any part of the area covered by the preliminary plat.

8-2-4 The plats shall be legibly and accurately drawn upon sheets of sufficient size not more than eighteen (18) inches by twenty-four (24) inches in size, including a margin of one-half (1/2) inch outside ruled border lines. The plats shall be drawn at a scale of one (1) inch equals not more than two hundred (200) feet, and where necessary, a second eight and one-half (8 1/2) inch wide page may be attached to the plat to contain the necessary dedication and information required by this Ordinance. If the subdivision is shown on more than one (1) sheet or page, the sheet or page number, total number of sheets, and subdivision name shall be shown on each sheet, and map lines shall clearly indicate where the several sheets join, if applicable. The Commission may, in its discretion, permit different suitable scales for plats of dedication or other special plats.

8-2-5 It shall show accurately all the information required in Section 7-4-3, except Subsections (j), (n), (p), (q), (r), (s) and (t) thereof.

8-2-6 It shall also show the following details:

- (a) A boundary survey.
- (b) Location and dimensions of all lot and street lines, both within and adjoining the subdivision, names and widths of all streets; and boundaries of all easements, school sites, parks or other public areas.
- (c) Building setback lines shown as dashed lines with dimensions to front property line along each street and length of said back line within each lot.
- (d) All dimensions shown in feet and decimals of a foot to the closest one-hundredth (1/100) of a foot; and all bearings and degrees, minutes and seconds, to the nearest ten (10) seconds.
- (e) Curve data showing radius, delta, arc, chord and chord bearing either at the curve or in a curve data table.
- (f) Approximate location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.
- (g) Area, dimensions and number of each lot.

8-2-7 If any land or water areas are being dedicated or reserved for streets, alleys, parking space or for other public use, or for the common use of future property owners of the subdivision, the final plat shall so state and indicate which.

8-2-8 The final plat shall have appended to it an unexecuted copy of a proposed certificate of owners' consent to subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees and lien holders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.

8-2-9 The final plat shall provide on the first sheet space for:

- (a) The surveyor's certificate as to the last chain of title.
- (b) The surveyor's certificate, as to monuments.
- (c) Space for approval of the Board and Agent.
- (d) Space for approval by the governing body of any town, applicable.

A form for the above may be obtained from the

Secretary.

Section 8-3 Documents to Accompany Final Plats

8-3-1 When delivered to the agent, all final plats shall be accompanied by the following:

- (a) Certification signed by the local health officer that the water supply and sewerage handling facilities plan are acceptable and in conformity with current requirements and that each building lot will have a safe water supply and an adequate means of handling sewerage.
- (b) Certificate signed by the highway engineer that the plans for all streets, street signs and drainage systems are acceptable and in conformity with current requirements and, if any such improvements have already been installed, a certificate by the highway engineer approving such installations, (if applicable).
- (c) If all improvements required under this Ordinance are not completed, a cash bond, letter of credit, certified check or surety performance bond as required in § 15.2-2241(5) of the Code of Virginia.
- (d) A check payable to the Treasure, Mecklenburg County, to cover all required fees.
- (e) An unexecuted copy of the proposed protective or restrictive covenants.
- (f) An erosion and sedimentation control plan approved by the appropriate agent in accordance with the County's erosion and sedimentation control ordinance.

Section 8-4 Commission Action of Final Plat

8-4-1 Within sixty (60) days after any final plat and the accompanying documents required by this Ordinance shall have been submitted to the agent, the Commission shall determine whether they comply with the provisions of this Ordinance. When the foresaid determination has been made, the Commission shall forward such final plat and accompanying documents to the Board with a report of the Commission's recommendation thereon.

Section 8-5 Board Action of Final Plat

8-5-1 Within thirty (30) days after the receipt of the Commission's recommendation, the Board shall act to approve or disapprove the final plat and accompanying documents.

Section 8-6 Disposition of Plat After Final Approval

8-6-1 Following approval, two (2) copies of the final plat measuring not in excess of eighteen (18) inches by twenty-four (24) inches in size shall be submitted by the sub-divider to the Office of the Clerk of Recordation for file in the Subdivision Plat Book. One (1) additional copy of the full size plat shall be delivered to the Commission of Revenue, Mecklenburg County, VA and the remaining copies, thereof, with the accompanying documents shall be retained in the files of the agent. Any surety bond to be posted by the sub-divider pursuant to the requirements of this Ordinance shall be delivered to and approved by the Board. The cash bond or check, if any, shall be delivered to the Treasurer, Mecklenburg County, VA.

8-6-2 Following disapproval of a plat, all copies of the plat and accompanying documents shall be returned to the agent and the Board shall return the surety bond to the sub-divider and notify him in writing of the reasons for disapproval.

ARTICLE IX

VALIDITY

Section 9-1 Severability of Ordinance

If any section, clause, sentence, phrase or word of this Ordinance is for any reason held by a court or competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

ARTICLE X

VIOLATIONS AND PENALTIES

Section 10-1 Noncompliance

It shall constitute a violation of said Ordinance for any person or agent to disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of said Ordinance.

Section 10-2 Fines

Any violation of said Ordinance shall constitute a misdemeanor. Any person violating the provisions of this Ordinance shall be subject to a fine of not more than five hundred (500) dollars for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. As to general penalty for violations, see Mecklenburg County Code § 1-6.

Section 10-3 False Statements

Any person who knowingly and intentionally makes any false statements relating to a material fact for the purpose of complying with the requirements of said Ordinance shall be guilty of a class 3 misdemeanor, and upon conviction thereof shall be punished in accordance with the statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

Section 10-4 Permits

All departments, officials and public employees of Mecklenburg County vested with the duty or authority to issue permits or licenses shall conform to the provisions of the Subdivision Ordinance of Mecklenburg County and shall not issue such permit or license for uses, structures or purposes where the same would be in conflict with the provisions of said Ordinance, and any such permit or license, if issued in conflict with the provisions of said Ordinance, shall be null and void.

ARTICLE XI

APPEALS

Section 11-1 Court of Appeal

Any person aggrieved by any interpretation,
administration or enforcement of this Ordinance may
appeal to the Board of Supervisors or the Circuit
Court of Mecklenburg County.

ARTICLE XII

VACATING PLAT

Section 12-1 Procedure

Any plat of record may be vacated in accordance with the provisions of § 15.2-2271 et seq Code of Virginia.

ARTICLE XIII

FEEES

Section 13-1 Enumeration

To compensate the County for costs incurred for administration, examining plats, making investigations, advertising, travel and other work incidental to the approval of plats, the following fees are payable to the Treasurer, Mecklenburg County for deposit in the general fund:

- (a) Upon submission of the preliminary plat, a fee of five hundred (500) dollars for major subdivision and for a minor subdivision, a fee of twenty-five (25) dollars.
- (b) Upon submission of the final plat, fee of five (5) dollars per lot.
- (c) Revised, vacated or amended plats must be accompanied by a fee of ten (10) dollars and each request for a waiver or variance from the requirements of this Ordinance must be accompanied by a fee of ten (10) dollars.
- (d) For health and engineering studies required under this Ordinance, a fee must be paid equal to the actual cost thereof incurred by the County or other governmental agencies. Such costs shall be estimated in advance by the health official or the highway engineer and a deposit shall be collected by the Treasurer, Mecklenburg County equal thereto. Adjustment to the actual cost shall be made promptly upon final determination thereof.
- (e) The fee for a dumpster site requirement shall be one thousand (\$1,000.00) dollars.

ARTICLE XIV

EFFECTIVE DATE

Section 14-1 Statement

This Subdivision Ordinance of Mecklenburg County, VA, shall be effective at and after 12:01 AM, February 13, 1990.

Section 14-2 Application

Upon enactment, this Ordinance shall apply to all subdivisions proposed after the effective date given in Section 14-1.

Section 14-3 Prior Submissions

Any subdivision submitted to the Commission prior to the effective date of this Ordinance shall be governed by the Ordinance in effect at the time of that submission.

Section 14-4 Deadline for Compliance

After nine (9) months from adoption of the Ordinance, final plat shall be approved unless it complies with this Ordinance.