

ORDINANCE NO. 2014-04

**ORDINANCE TO AMEND THE SCOTT COUNTY
SUBDIVISION ORDINANCE**

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY THAT THE SCOTT COUNTY SUBDIVISION ORDINANCE IS AMENDED AT SECTIONS 3-1-8 Private Streets; 3-1-11 Construction and Design Requirements for Streets; 4-1 Variances; 5-39 Street; and 5-40 Subdivision, AND THE ENTIRE ORDINANCE AS THUS AMENDED EFFECTIVE ON DATE OF ADOPTION SHALL READ AS FOLLOWS:

SCOTT COUNTY, VIRGINIA

SUBDIVISION ORDINANCE

ARTICLE I AUTHORITY, PURPOSE, TITLE AND ADMINISTRATION

1-1 AUTHORITY

An ordinance to regulate the subdivision of property into lots, streets, alleys, and other public areas, to provide for the making and recording of plats of such subdivisions and the certification of same and provide for the approval of plats, and to provide for minimum standards of public improvements in subdivisions.

Whereas, pursuant to Title 15.2, Chapter 22, Article 6 “Land Subdivision and Development” of the Code of Virginia (1950), amended, Section 15.2-2240, et seq., the governing body of Scott County, Virginia, is authorized to adopt regulations to provide:

- (a) For size, scale and other plat details;
- (b) For the orderly development of the general area;
- (c) For the coordination of streets within the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage;
- (d) For adequate provision for drainage and flood control and other public purposes, and for light and air;
- (e) For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other utilities or other facilities installed;
- (f) For the acceptance of dedication for the public use of any right-of-way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, drainage or sewerage system or other improvement, 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 persons constructing such facilities, or (2) furnishes to the governing body a certified check in the amount of the estimated costs of construction or a bond, with the surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities and the contractor’s bond, with like surety, in like amount and so conditioned;

- (g) For monuments of specific types to be installed establishing street and property lines;
- (h) That unless a plat be filed for recordation within a reasonable time after the final approval thereof such approval shall be withdrawn and the plat marked void and returned by the approving official; and
- (i) For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this act.

Therefore, be it ordained by the governing body of Scott County, Virginia, that the following regulations are hereby adopted for the subdivision of land within the unincorporated territory of Scott County, Virginia, and that from and after the effective date of this ordinance, every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivisions developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Court wherein deeds conveying such land are required by law to be recorded.

1-2 **PURPOSE AND TITLE**

The purpose of this ordinance is to establish certain subdivision standards and procedures for Scott County, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the 1950 Code of Virginia, as amended.

These are to guide and facilitate the orderly beneficial growth of the County, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purpose of these standards and procedures is to provide a guide for the change in character that occurs when lands and acreage are developed for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate, and efficient manner. Subdivided land must be maintained and numerous public services customary to such areas must be provided. This ordinance is to assist the County in meeting these responsibilities.

This ordinance is known and may be cited as the “Subdivision Ordinance of Scott County, Virginia.”

1-3 **ADMINISTRATION**

1-3-1 **ADMINISTRATOR**

The Administrator appointed by the governing body is hereby appointed to administer this

ordinance. In so doing, the Administrator shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent shall also consult with the County Administrator on matters contained herein.

1-3-2 **DUTIES**

The Administrator shall perform its duties as regards subdivisions and subdividing in accordance with this ordinance and the Land Subdivision and Development Act.

1-3-3 **TO CONSULT**

In the performance of its duties, the Administrator may call for opinions or decisions, either verbal or written from other departments in considering details of any submitted plat. This authority of the agent shall have particular reference to the Scott County Planning Commission, Residency Administrator for Virginia Department of Transportation, Scott County Health Department, and the County Administrator of Scott County.

1-3-4 **ADDITIONAL AUTHORITY**

In addition to the regulations herein contained for the platting of the subdivisions, the agent may, from time to time, with the approval of the governing body establish any reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance.

ARTICLE II PROCEDURE FOR MAKING, RECORDING & APPROVAL OF PLATS

2-1 **GENERAL**

The procedure for review and approval of a proposed subdivision under the terms of this ordinance consists of three separate steps. The initial step is the preparation and submission to the Administrator of a preliminary sketch plat showing information as required herein. The second step is preparation and submission to the Administrator of a preliminary plat unless a waiver is obtained as hereinafter provided. The third step is submission to the Administrator of a final plat together with such additional materials as are required for final plats. When approved, the final plat becomes the instrument to be recorded in the Clerk's office of Scott County and must show written certification by the Administrator of said approval.

It is the intent of this ordinance to provide procedures for review and approval of proposed subdivisions in the most expeditious manner consistent with the legislative purposes of this ordinance. To this end, the subdivider is encouraged to consult early and informally with the Administrator for advice and assistance in preparation for any of the steps required herein. The requirements for submission and approval of preliminary sketch plats and preliminary plats shall be liberally construed to eliminate unnecessary, time consuming or costly requirements not

consistent with the general legislative intent of this ordinance.

2-2 **PRELIMINARY SKETCH PLATS AND PRELIMINARY PLATS**

2-2-1 **PRELIMINARY SKETCH PLATS**

The subdivider shall submit to the Administrator two (2) copies of a preliminary sketch plat showing, but not limited to, the following information:

- (a) Name of subdivision, owner or subdivider, date and north point.
- (b) Location of proposed subdivision by an inset map drawn approximately to scale showing adjoining roads, towns, subdivisions, and sufficient other landmarks to clearly identify the location of the proposed subdivision.
- (c) The boundaries of the tract or part thereof to be subdivided drawn to scale with sufficient survey information to reproduce said boundary at another scale.
- (d) Sketches of all existing, platted and proposed streets, and their widths; natural water courses and other major landmarks.
- (e) Description of method and facilities for providing potable water and method and facilities for sewage disposal.
- (f) Any area which may be subject to inundation by flood as defined in Article V, Section 18, of this ordinance.
- (g) Such other information as the Administrator may require, if the subdivider is seeking a waiver of the requirement for a preliminary plat.

2-2-2 **PRELIMINARY PLATS & DATA SHEETS, NUMBER SIZE AND FILING REQUIREMENTS**

The subdivider shall submit to the Administrator three copies of a preliminary plat of the proposed subdivision drawn on white paper, or on a print of a topographic map of the property to a scale of not less than one (1) inch equal one hundred (100) feet. A preliminary plat shall not be acceptable for submission unless it meets all the required standards of design and unless it contains all the required information or a written request for a variance from each specific deviation from the requirements with reasons therefore.

2-2-3 **REQUIRED INFORMATION TO BE SHOWN ON PRELIMINARY PLATS AND DATA SHEETS**

The preliminary plat and data sheets shall show improvements meeting the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in the Appendix and shall give the following information insofar as applicable:

- (a) Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of streets, north point and scale. If true north is used, method of determination must be shown.
- (b) Location of proposed subdivision by an inset map at a scale of not less than one (1) inch equal to two thousand (2,000) feet showing adjoining roads, their names and numbers, towns, subdivisions, and other landmarks.
- (c) The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred: total acreage, acreage of subdivided area; number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- (d) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.
- (e) The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to the nearest natural drainage flow.
- (f) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- (g) A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connection therewith.
- (h) A location map tying the subdivision into the currently existing water supply or alternate means of sewage disposal and water supply.
- (i) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- (j) All parcels of land to be dedicated for public use and the conditions of such dedication.
- (k) Utility companies shall execute quit claims to any easement within, over or under street

rights-of-way.

- (l) If any portion of the land being subdivided is subject to flood, as defined in Article V, Section 18, the area subject to flood shall be shown.

2-2-4 **WAIVERS**

In order to facilitate expeditious review and approval of proposed subdivisions, the Administrator is empowered to grant a waiver of requirement for either the preliminary sketch plat or the preliminary plat requiring the submission of only one of the above if the following conditions are met:

- (a) Conditions for waiver of preliminary sketch plat:

The subdivider has consulted with the Administrator on the proposed course of action and receives written consent by the Administrator certifying that a preliminary plat is required, and that the requirements of this ordinance can be met and shown on the preliminary plat.

- (b) Conditions for waiver of preliminary plat:

- (i) The subdivider has submitted a preliminary sketch plat and received written notice of waiver from the Administrator for filing the preliminary plat setting forth his reasons for the action.

- (ii) All public improvements as set forth in the Appendix are already installed or because of the nature of the development deemed not necessary by the Administrator. Any construction, installation, or improvement of any public improvements shall require the submission of a preliminary plat.

- (iii) The subdivider has consulted informally with the Administrator for advice and assistance before preparation of the final plat and its formal application for approval.

2-2-5 **PROCEDURE FOR APPROVAL OF PRELIMINARY SKETCH PLATS OR PRELIMINARY PLATS**

The subdivider shall then be advised in writing within thirty (30) days, which may be by formal letter or by legible markings on his copy of the preliminary plat or sketch plat concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. Bond required by the Virginia Department of Transportation shall be in the Department's possession. In determining the amount of the performance bond, the Administrator may consult with a duly licensed engineer who shall prepare this data for the Administrator, or may require a bona fide estimate of the cost of improvements to

be furnished by the subdivider.

2-2-6 **COPIES**

One (1) copy of the preliminary sketch plat or preliminary plat will be retained by the Administrator and one (1) copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.

2-2-7 **NO GUARANTEE**

The approval of the preliminary sketch plat or preliminary plat by the Administrator will not constitute acceptance of the final plat and will not be indicated on the preliminary sketch plat or preliminary plat.

2-2-8 **SIX MONTHS' LIMIT**

The subdivider shall not have more than six (6) months after receiving official notification that a final plat may be submitted to file with the Administrator a final subdivision plat in accordance with this ordinance. Failure to do so shall make preliminary approval null and void. The Administrator on written request by the subdivider may, for good cause shown, grant extension of this time limit, not to exceed ninety (90) days.

2-3 **FINAL PLAT**

A final plat may be filed for all or any part of the territory shown on the approved preliminary plat or preliminary sketch plat. The subdivision of land shown on the final plat must conform substantially to the layout shown on the approved preliminary plat. No deviation from the preliminary plat will be accepted which substantially alters the subdivision layout shown thereon or which does not conform to all the requirements of the standards of this ordinance. No final plat will be accepted for submission which does not contain all the required information for final plats or a written request for a variance from the requirements for final plats with reasons therefore. No final plat where a variance from the requirements has been requested will be approved unless and until the Administrator has consented in writing to the variance.

2-3-1 **PROCEDURE**

At least ten (10) days prior to consideration by the Administrator, the subdivider shall submit the original of the final plat and sufficient copies, together with any street profiles or other plans that may be required by the Administrator.

2-3-2 **DRAWING**

The plat shall be drawn to an engineering scale of one (1) inch equals not more than 100 feet on

sheets not larger than 18 by 24 inches. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the streets shown and identified as a key.

2-3-3 **COPIES**

When the plat has been approved by the Administrator, one (1) copy will be returned to the subdivider with the approval of the Administrator certified thereon. One approved copy shall be properly filed for recordation with the County Clerk by the subdivider as the official plat of record. The original tracing containing all required certificates will be returned to the subdivider for his records. Sufficient copies will be retained in the Administrator's records.

2-3-4 **APPROVAL**

The Administrator shall approve or disapprove this final plat within thirty (30) days after its submission. If the plat is disapproved, the grounds for disapproval shall be stated in writing by the Administrator. Approval of the final plat shall be written on the face of the plat by the Administrator. The subdivider shall record the plat within sixty (60) days of final approval. Extension may be granted by the Administrator upon due cause shown for not more than sixty (60) days additional.

2-3-5 **REQUIREMENTS, FINAL PLATS**

The final plat shall show and include the following:

- (a) The boundaries of the tract to be subdivided, or part thereof, together with the names and location of adjoining subdivisions and streets or highways and the location and ownership of adjoining unsubdivided property.
- (b) Sufficient survey data to determine and reproduce on the ground the location and end points of every street line, lot line, boundary line, block line, curve or angle point. Each line shall contain a bearing and length. Data for curves shall include the radius, central angle, and tangent distance unless said curves are on streets where the above required data may be given for the street center line. All distances shall be given to the nearest one hundredth of a foot and all bearing angles to the nearest one minute of angle. Required building setback lines or other space restricted from building shall be shown as dashed lines. The area of lots shall be shown to the nearest 1/100 sq. ft. or to the nearest 1/1000 of acre.
- (c) Lots shall be numbered in numerical order, and blocks shall be numbered in numerical or alphabetical order. Any easements, rights-of-way, or other lands shown for public ownership or shown to be retained for public ownership or for public improvements shall be clearly indicated.

- (d) The location and description of permanent monuments and other required survey markers shall be indicated clearly on the plat.
- (e) All streets proposed in the subdivision and all adjoining streets shall be named.
- (f) The final plat shall contain the name of the proposed subdivision, the date of the plat, the scale, the north point, and all other information required in Section 2-2-3, subparagraph a of this ordinance.
- (g) There shall be placed on the final plat, or on the cover sheet if more than one sheet constitutes the final plat, a blank outlined space 3" by 5" suitable for indicating final approval data by the Administrator. In addition to this blank sufficient space shall be provided for the certification statement contained in Section 2-3-6, subparagraph (a) of this ordinance and said statement shall be shown on the final plat.
- (h) For Non-Paved Surface Streets, the civil engineer's stamp and certification as to the design, construction and inspection of said streets and the street disclosure/disclaimer statement, as required in the Subdivision Ordinance.

2-3-6 **CERTIFICATION**

The following certificates shall be presented with the final plat:

- (a) A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds.
- (b) Certification showing that applicant is the landowner and dedicates streets, rights-of-way, and any sites for public use.
- (c) Certification by registered surveyor or engineer to accuracy of survey and plat, placement of monuments, and the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- (d) Certification by the county health officer when individual sewage disposal or water systems are to be installed.
- (e) Certification by the Administrator and/or residency administrator that the subdivider has complied with one of the following alternatives:
 - (i) Prior installation of all improvements in accordance with the requirements of the

standards, or

- (ii) Posting of a security bond in sufficient amount to assure the completion of all required improvements; and if a street, which may be released upon posting of a security bond to assure performance of a street to required VDOT standards until acceptance for maintenance by VDOT. The amount of the construction and maintenance bonds shall be determined by VDOT.
- (f) Certification of approval to be signed by the Administrator.
- (g) When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.

ARTICLE III GENERAL REQUIREMENTS & MINIMUM STANDARDS OF DESIGN

There is a mutual responsibility between the subdivider and Scott County to divide the land so as to improve the general use pattern of the land being subdivided.

3-1 STREETS

3-1-1 CONFORMITY TO THE OFFICIAL MAP AND THOROUGHFARE PLAN

The location and width of all streets and roads shall conform to the Virginia Department of Transportation Subdivision Street Requirements.

3-1-2 RELATION TO ADJOINING STREET SYSTEM

The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width.

3-1-3 STREET ELEVATION

No street shall be approved if it is more than two (2) feet below the elevation of flood as defined in Section 18 of Article V. The Administrator may require, where necessary, profiles and elevations of streets for areas subject to flood. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as to not restrict the flow of water and unduly increase flood heights.

The street pattern shall be designed so that in time of flood each lot shall be readily accessible to emergency vehicles.

3-1-4 STREET WIDTHS

The minimum width of right-of-way, measured from lot line to lot line shall not be less than the widths established and determined by the Virginia Department of Transportation in their current Subdivision Street Requirements.

3-1-5 **ADDITIONAL WIDTH ON EXISTING STREETS**

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

3-1-6 **RESTRICTION OF ACCESS**

When a tract fronts on an arterial street or highway, the Administrator may require such lots to be provided with frontage on a marginal access street.

3-1-7 **DEAD-END STREETS**

- (a) Minor terminal streets or courts designed to have one end permanently closed shall be no more than seven hundred fifty (750) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet or the Administrator may approve an alternate design.
- (b) Where, in the opinion of the Administrator, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

3-1-8 **PRIVATE STREETS**

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

Every lot of less than two acres must front on either a street or road that is publicly maintained (i.e. the road or street is part of VDOT's system of roads), or on a new road or street to be developed as part of the proposed subdivision under the provisions of the Subdivision Ordinance regarding surface standards for unpaved streets.

3-1-9 **STREET NAMES**

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court. The Administrator can assist the subdivider in avoiding duplication.

3-1-10 **ALLEYS**

Alleys may be required to the rear of all lots used for business proposed by the Administrator. Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Administrator of the need for alleys.

3-1-11 **CONSTRUCTION AND DESIGN REQUIREMENTS FOR STREETS**

All new streets serving more than two parcels of land of less than two acres not otherwise served by a state maintained roadway shall be designed and constructed in accordance with the prevailing Subdivision Street Requirements of the Virginia Department of Transportation.

EXCEPT:

SURFACE STANDARDS FOR NON-PAVED STREETS: When non-paved surface streets are permitted under this Ordinance, the following standards apply:

- (a) A minimum right of way of forty (40) feet in width;
- (b) A maximum grade of fifteen percent (15%);
- (c) A non-paved surface of a minimum of eighteen (18) feet in width, consisting of a minimum of four (4) inches in depth of compacted, crusher run stone, graded to drain, and adequate drainage facilities;
- (d) The street plan must be designed by a civil engineer licensed in Virginia who shall affix his/her stamp and certification to the final subdivision plat that the non-pave surface streets have been constructed and inspected and meet the Non-paved Surface Standards of the Scott County Subdivision Ordinance.

REQUIRED NON-PAVED STREET DISCLOSURE AND DISCLAIMER: All plats and deeds of a subdivision which contain streets which are not designed and constructed in accordance with the prevailing Subdivision Street Requirements of the Virginia Department of Transportation so as to be eligible to be accepted by VDOT for maintenance shall contain the following notation underlined and in capital letters:

The streets in this subdivision do not meet the standards necessary for inclusion in the

system of state highways and will not be maintained by the Virginia Department of Transportation or Scott County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

3-2 **BLOCKS**

3-2-1 **LENGTH**

Blocks shall not be less than five hundred (500) feet nor more than twelve hundred (1,200) feet in length, except as the Administrator considers necessary to secure efficient use of land or desired features of street patterns. In blocks over eight hundred (800) feet in length, the Administrator may require one (1) or more public crosswalks of not less than ten (10) feet in width to extend entirely across the block and at location deemed necessary.

3-2-2 **WIDTH**

Blocks shall not be less than two hundred (200) feet in width, except where reverse frontage on major streets and roads is provided or where prevented by topographical conditions or size of the property; in which case the Administrator will approve a single row of lots of minimum depth.

3-2-3 **ORIENTATION**

Where a proposed subdivision will adjoin a major road, the Administrator may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

3-2-4 **FIRE PROTECTION**

The installation of adequate fire hydrants in a block at locations approved by the Administrator may be required, provided necessary public water is available. The Administrator shall consult with the proper authority before approving such location.

3-3 **LOTS**

3-3-1 **ADEQUATE BUILDING SITES**

Superseded by the Scott County Zoning Ordinance. (Amendment adopted 06/01/2011)

3-3-2 **ARRANGEMENT**

Insofar as practical, side lot lines shall be at right angles to straight lines or radial to curved street lines. Every lot must front on either a street or road that is publicly maintained (i.e. the road or

street is part of VDOT's system of roads), or on a new road or street to be developed as part of the proposed subdivision under the provisions of the Subdivision Ordinance regarding surface standards for unpaved streets.

3-3-3 **MINIMUM SIZE**

The size, shape, and orientation of lots shall be such as the Administrator deems appropriate for the type of development and use contemplated. Where public water and sanitary sewer systems are reasonably accessible, the subdivider shall connect with such systems and provide a connection or connections to each lot. Where a public sewer is not accessible, an alternate method of sewage disposal may be used, if it meets all applicable public health regulations. When a public water supply is not accessible, a water well or other source may be used upon approval by the county sanitarian.

- (a) **Superseded by the Scott County Zoning Ordinance. (Amendment adopted 06/01/2011)**
- (b) The Administrator may require greater lot size than indicated on the plat based upon the data from percolation tests, soil condition, and investigations or as determined by the county health officer(s).
- (c) Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots shall be avoided in favor of an overall design of the land to be used for such purposes.

3-3-4 **SEPARATE OWNERSHIP**

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 is to be deposited with the Clerk of the Court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

3-3-5 **BUILDING SETBACK LINES**

Superseded by the Scott County Zoning Ordinance. (Amendment adopted 06/01/2011)

3-3-6 **YARD REGULATIONS**

Superseded by the Scott County Zoning Ordinance. (Amendment adopted 06/01/2011)

3-3-7 **REMNANTS**

All remnants of lots left over after subdividing of a tract must be added to adjacent lots unless the use of such remnants are approved for use for public services by the Administrator.

3-3-8 **CORNER LOTS**

On corner lots setback lines shall apply to all streets on which the lots front.

3-4 **PUBLIC USE AND SERVICES AREAS**

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as for use as public service areas.

3-4-1 **PUBLIC OPEN SPACES**

Where a school, neighborhood park or recreation area, or public access to water frontage, shown on an official map or in the plan made and adopted by the Planning Commission, is located in whole or in part in the applicant's subdivision, the Administrator may require the dedication or reservation of such open space within the subdivision up to a total of ten (10) percent of the gross area of the subdivision of the plat for park, school, or recreation purposes.

3-4-2 **EASEMENTS FOR UTILITIES**

Except where alleys are permitted for the purpose, the Administrator may require easements, not exceeding twelve (12) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, or other utility lines, along rear lot lines or side lot lines, if in the opinion of the Administrator such action is desirable. Easements of the same or greater width may be required along the lines of or across lots where necessary for the extension of existing or planned utilities.

3-4-3 **EASEMENTS DRAINAGE**

Where a subdivision is traversed by a water course, drainage way channel, or stream, there shall be provided a storm water easement or drainage right-of-way along each side of the water course, drainage way channel or stream for the purpose of widening, deepening, relocating, improving, or protecting such drainage easement.

3-4-4 **COMMUNITY ASSETS**

In all subdivisions due regard shall be shown for all natural features, such as large trees and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

3-5 **SUITABILITY OF THE LAND**

The Administrator shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for any other uses that may increase flood hazard, endanger health, life, or property, or aggravate erosion. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

3-5-1 **FILL**

In other areas subject to flood, fill may be used in floodway areas defined in Section 20 of Article V, if the fill proposed does not restrict the flow of water and unduly increase flood heights up stream.

3-6 **FLOOD CONTROL AND DRAINAGE**

The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The Virginia Department of Transportation Residency Administrator shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the Virginia Department of Transportation Residency Administrator.

3-7 **MONUMENTS**

3-7-1 **VISIBLE FOR INSPECTION**

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the Administrator are clearly accessible for inspection and use. Such monuments shall be inspected and approved by the Administrator before any improvements are accepted by the governing body. All points in the outer boundary of the subdivision shall be marked by concrete or stone monuments of a permanent nature.

3-7-2 **LOCATION - IRON PIPE**

All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty four (24) inches long and driven so as to be flush with the finished grade line.

3-8 **LARGER TRACTS**

3-8-1 **PART OF TRACT**

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a preliminary sketch 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 governing body.

3-8-2 **LARGE TRACTS OR PARCELS**

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical future resubdivision.

3-8-3 **TOWN HOUSE AND PLANNED COMMUNITIES**

A comprehensive Town House Development and Planned Communities may be approved by the Administrator although the design of the project does not meet the specific regulations of this ordinance. In no case will such projects be approved that are in conflict with the intent of this ordinance.

3-9 **ZONING OR OTHER REGULATIONS**

No final plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such ordinance.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.

3-10 **BONDING**

No final subdivision plat shall be approved by the Administrator or accepted for record by the County Clerk until the required improvements shall be constructed in a satisfactory manner and approved by the Administrator. In lieu of completed improvements, the Administrator may accept a corporate surety bond, certified check, or escrow account in an amount equal to the established cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the county in the event of default of the subdivider.

3-10-1 **PERFORMANCE BOND**

A performance bond shall be required from a corporate surety company on the subcontractor or contractor hired by the subdivider to make the improvements in his subdivision.

ARTICLE IV EFFECTUAL CLAUSES

4-1 VARIANCES

Variances may be granted under the following conditions concerning parcels less than two acres:

- (a) Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or
- (b) Where the Administrator decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing by the Administrator with the reasoning on which the departure is justified set forth.
- (c) No variances shall be granted from the Virginia Department of Transportation Subdivision Street Requirements except for streets developed as part of a prepared subdivision under the provisions of the Subdivision Ordinance regarding surface standards for unpaved streets.

4-2 PENALTIES

- (a) No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this Subdivision Ordinance.
- (b) No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the planning commission or by the governing body or its duly authorized agent.
- (c) No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- (d) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of the Subdivision Ordinance. The description of the 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 the penalties or remedies herein provided.
- (e) No clerk of any court shall file or record a plat of a subdivision required by the ordinance to be recorded until the plat has been approved as required herein. The penalties provided by

Virginia Code Section 17.1-223 shall apply to any failure to comply with the provisions of this subsection.

- (f) A violation or threatened violation of this ordinance may be enjoined by application to the circuit court by the Administrator without the necessity of showing that an adequate remedy at law does not exist.

4-3 **SEVERABILITY**

Should any article, section, subsection, or provision of this Subdivision Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Subdivision Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

4-4 **REPEAL**

All ordinances or portion of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

4-5 **AMENDMENTS**

This ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five (5) days prior to the hearing.

4-6 **EFFECTIVE DATE**

This ordinance shall be effective on and after date of adoption, March 10, 2014.

ARTICLE V DEFINITIONS

Words and Terms

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicated otherwise; the word “lot” includes the word “parcel;” the word “shall” is mandatory and not directory; 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; all distances and areas refer to measurement in a horizontal plane.

- 5-1 Acreage, Gross: Gross Acreage means total tract acreage.
- 5-2 Acreage, Net: Net Acreage is the remaining acreage after subtracting from gross acreage all land not intended for use or sale as residential building lots. In computing net acreage, street rights-of-ways, restricted floodways, parks, school sites, other permanent open spaces and land intended or shown for public use shall be subtracted as well as land intended for other than residential use.
- 5-3 Agent: The representative of the governing body, the Administrator who has been appointed to serve as the agent of the governing body in approving the subdivision plats.
- 5-4 Alley: A permanent service way providing a secondary means of access to abutting properties.
- 5-5 Approving Authority: Those persons delegated the responsibility of approving any portion or part of the requirements of this ordinance.
- 5-6 Architect: Architect means an individual who is registered with the Virginia Department of Professional and Occupational Regulation as an architect.
- 5-7 Building: Building means any structure built for the support, shelter, housing or enclosure of persons, animals, or property of any kind.
- 5-8 Building Line: **Superseded by the Scott County Zoning Ordinance. (Amendment adopted 06/01/2011)**
- 5-9 Commission: The Planning Commission of Scott County, Virginia.
- 5-10 Construction Standard: Construction standard means the design and construction standards of the Virginia Department of Transportation except for Non-Paved Streets.
- 5-11 Dead-End Street: A street with only one outlet having an appropriate turn around for a safe and convenient reverse traffic movement.
- 5-12 Developer: An owner of property being subdivided, whether or not represented by an agent.
- 5-13 Driveway: Driveway means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.
- 5-14 Dwelling Unit: Dwelling Unit means a group of one or more rooms designated for or intended for occupancy of a single family.

- 5-15 Easement: Easement means a grant by a property owner of the use of his land by another party for a specific purpose.
- 5-16 Engineer: Engineer means an individual who is registered with the Virginia Department of Professional and Occupational Regulation as a professional engineer.
- 5-17 Flood: An overflow of land not normally covered by water that results in significant adverse effects in the vicinity.
- 5-18 Flooding-Land Subject to: For the purpose of these regulations, land subject to flooding shall be defined as contained and referred to in The Floodplain Zoning Ordinance of Scott County, Virginia.
- 5-19 Flood - Regional: A flood used in the Tennessee Valley Authority Flood Studies comparable to the largest floods known to have occurred on streams of similar physical characteristics in the same geographic region.
- 5-20 Floodway: The natural channel in the portion of the flood plain along the channel which must be retained for the passage of flood waters to prevent an undue increase in flood heights upstream. For the purpose of these regulations the floodway shall be further defined as follows:
- Floodway districts as designated by zoning or subdivision regulations of communities.
- Along streams for which data on the regional flood is available, the floodway shall consist of the stream channel and that portion of the adjacent flood plain which would be required to safely pass the regional flood as determined by competent engineers action on behalf of the subdivider, but in no case less than within fifteen (15) feet of the top of the banks.
- Along small streams and drainage channels, areas within fifteen (15) feet of the top of the banks.
- 5-21 Governing Body: The Board of Supervisors of Scott County, Virginia.
- 5-22 Health Official: The Health Department Director or Health Department Sanitarian for Scott County, Virginia.
- 5-23 Transportation Engineer: The residency administrator employed by the Virginia Department of Transportation.
- 5-24 Jurisdiction: The area or territory subject to the legislative control of the governing body.

- 5-25 Lot: A numbered and recorded portion of a subdivision intended for a transfer of ownership or for building development for a single building and its accessory building.
- 5-26 Lot, Corner: A lot abutting on two or more streets at their intersections; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.
- 5-27 Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.
- 5-28 Lot, Double Frontage: An interior lot having frontage on two streets.
- 5-29 Lot, Interior: A lot other than a corner lot.
- 5-30 Lot of Record: A lot which has been recorded in the Office of the Clerk of the appropriate court.
- 5-31 Lot, Width of: The mean horizontal distance between the side lot lines.
- 5-32 Multiple Family Dwelling: Multiple Family Dwelling means a building arranged or designed to be occupied by more than two families, the structure having more than two dwelling units.
- 5-33 Off-Street Parking: Off-Street Parking means any space specifically allotted to the parking of motor vehicles, which space shall not be in a dedicated right-of-way.
- 5-34 Owner: Owner means the person having legal title to the land involved or holding a lease for a term of not less than thirty years.
- 5-35 Plat: Includes the terms: map, plan, plot, replat, replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb, plat is synonymous with subdivide.
- 5-35-1 Preliminary Sketch: The rough, initial drawing of a proposed subdivision showing information as required in this ordinance.
- 5-36 Property: Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 5-37 Residential Plan Community: Residential Plan Community means a variety of the residential and other land uses developed in an orderly relationship to one another so as to produce as nearly as possible a self-sustaining community of land uses of a compatible nature.

- 5-38 Single Family Dwelling: Single Family Dwelling means a detached building designed for or intended to be occupied by one family.
- 5-39 Street: The principal means of access to abutting properties.
- 5-39-1 Street, Arterial: A heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic exceeding five thousand five hundred (5,500) vehicles per day.
- 5-39-2 Street, Collector: A highway that carries a through volume of anticipated traffic between four hundred and one to three thousand (401-3,000) vehicles per day.
- 5-39-3 Street, Major: A heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic between three thousand and one to five thousand five hundred (3,001-5,500) vehicles per day.
- 5-39-4 Street, Marginal: A street that is used primarily as a means of public access to abutting properties with anticipated traffic of less than two hundred fifty (250) vehicles per day.
- 5-39-5 Street, Minor: A street that is used primarily as a means of access to the abutting properties with anticipated traffic of less than four hundred (400) vehicles per day.
- 5-39-6 Street, Public: Public Street means a road or street that is publicly maintained, or operated and maintained by the public sector, i.e. it is part of the Virginia Department of Transportation's system of roads.
- 5-39-7 Street Width: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.
- 5-40 **SUBDIVISION** means the division of a parcel of land into three or more lots or parcels of less than two acres each for the purpose of a transfer of ownership or building development, or, if a new street is involved in any such division, any division of parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of any such division shall be submitted for approval in accordance with this Ordinance.

Notwithstanding any provision of this Ordinance to the contrary, in a subdivision involving a new street in which each lot or parcel of the subdivision is two acres or more in size, the street construction and design requirements of this Ordinance and of the Virginia Department of Transportation shall not apply, except that the right-of-way for the new street(s) shall be forty feet in width; however, the plat of such subdivision not meeting said street construction and design requirements and each deed of conveyance to the original

and to any subsequently conveyed lot or parcel of land of any size contained within such subdivision shall contain the following statement which shall be underlined in each such legal instrument:

The streets in this subdivision do not meet State standards and will not be maintained by the Virginia Department of Transportation or Scott County, Virginia.

Furthermore, prior to any future request for the streets' addition to the Secondary System of State Highways, they must be brought into compliance with the applicable subdivision street requirements of the Virginia Department of Transportation in effect at that time and without cost to funds administered by the Department.

5-40-1 **EXCEPTIONS**

Submission for approval of a subdivision plat under this Ordinance shall not be required in the following cases:

- (a) Division by Partition: A bona fide division or partition by descendants or devisees of lands acquired by descent or by devise in a will provided no new road serving more than two lots is required or established as a result of such division.
- (b) Agriculture: A bona fide division or partition of agricultural land not for development purposes.
- (c) Court Action: A partition of land through actions of a court of competent jurisdiction.
- (d) Public Taking: When a property has been changed in size or shape by reason of taking of a part of such property for public use (eminent domain/condemnation) by referring to a properly drawn and recorded plat; provided, that the outline dimensions of such remainder may be clearly determined by reference to the previously recorded plats.
- (e) Adjoining Properties: The sale or exchange of parcels of land between owners of adjoining properties for the purpose of small adjustments in boundaries; provided, that additional lots are not thereby created and that the original lots are not reduced below the minimum sizes required by this ordinance and no new streets or right of ways are created.
- (f) Utility Right-of-Way: A bona fide division of a tract of land in order that one or more of the resulting parcels may be used as a part of a public utility right-of-way; provided, that if a parcel resulting from such a division is ever to be used as a building site for other than right-of-way purposes, then before a building permit may be issued for such

other use, a plat must be filed and recorded.

(g) Exception for Family Division of Land; Requirement of Access and Statement:

A subdivision of land for the purpose of sale or gift to members of the immediate family of the property owner, subject to any express requirement contained in the Code of Virginia and subject to the requirement that all lots of less than five acres have reasonable right of way of not less than ten feet nor more than twenty in width providing ingress and egress to a dedicated recorded public street. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this section. 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, or aunt, uncle, niece or nephew of the owner.

Any family division of land which involves a new street or right of way must contain the following statement on the plat of the division and in each deed of conveyance to the original and to any subsequently conveyed lot or parcel of land of any size contained within such division which statement shall be underlined in each such legal instrument:

The streets in this subdivision do not meet State standards and will not be maintained by the Virginia Department of Transportation or Scott County, Virginia.

Furthermore, prior to any future request for the streets' addition to the Secondary System of State Highways, they must be brought into compliance with the applicable subdivision street requirements of the Virginia Department of Transportation in effect at that time and without cost to funds administered by the Department.

- 5-41 Subdivider: An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- 5-42 Surveyor: Surveyor means an individual who is registered with the Virginia Department of Professional and Occupational Regulation as a licensed land surveyor.
- 5-43 Two-Family Dwelling: Two-Family Dwelling means a building designed for or intended to be occupied by not over two families, living independently of each other, including both duplex (one dwelling unity above another) and semi-detached (two dwelling units having a common vertical party wall).
- 5-44 Town House: Town House means a single family dwelling forming one of group or series

of three or more attached single family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.

5-45 VDOT: VDOT means Virginia Department of Transportation.

APPENDIX

A perfectly prepared and recorded subdivision or plat means little to a prospective buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community of a potential tax liability. The following tangible improvements or provision for their estimated cost are required before final plat approval in order to assure the physical reality of a subdivision which approval and filing will establish legally.

- (a) Required Improvements - Every subdivision development shall be required to grade and improve streets and alleys, and to install curbs, sidewalks, monuments, sewers, storm water inlets and water mains in accordance with any specifications established by Scott County. If other specifications have not been adopted by the county or local authorities, the Administrator will accept specifications equal to those of the Virginia Department of Health and Virginia Department of Transportation. The highest standard requirement whether in local regulations or in the following standards shall govern.
- (b) Monuments
 - (i) There shall be a minimum of three (3) monuments set in any subdivision of twenty-five (25) lots or less and one (1) additional monument for each ten lots in any subdivision of more than twenty-five (25) lots. Monuments shall meet VDOT standards. Monuments shall be set at points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in streets.
 - (ii) All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and eighteen (18) inches long and driven so as to be flush with the finished grade.
- (c) Grading - All streets, roads, and alleys shall be graded by the subdividers so that pavements and sidewalks can be constructed to the required cross section to meet VDOT standards unless the Surface Standards for Non-Paved Streets apply. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric

transmission lines, the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

Preparation: Before grading is started, a Soil Erosion and Sediment Control Permit must first be issued by the Scott County Soil and Water Conservation District, the entire right-of-way area shall be cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.

(d) Storm Drainage

(i) An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, drainage easements, etc., shall be provided for the proper drainage of all surface water. Drainage structures including culverts shall be in accordance with Virginia Department of Transportation specifications.

(ii) Adequate curb and gutter shall be constructed when deemed necessary by the Residency Administrator and shall be constructed in accordance with Virginia Department of Transportation specifications.

(e) The Installation of Utilities and Driveways - After grading is completed and approved and before any base is applied, all of the underground work - water mains, etc. - and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.

(f) Water Supply System - The provision of a public water supply is deemed necessary to the public welfare in the case of all development contemplating the growth of homes in close proximity to each other. An exception may be granted in the case where a single small parcel is separated from a large tract without the intention of further subdivision.

Where a public water supply system is available the service shall be constructed to serve all lots shown on the subdivision plat with water for both domestic use and fire protection.

(g) Sanitary Sewers - When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system. Septic tanks will not be permitted.

(h) Identification Signs - Street identification signs shall be installed at all intersections according to the specifications of the Scott County Road Naming and Addressing Ordinance.