

LAND DIVISION ORDINANCE
Floyd County, Virginia

Effective Date: June 8, 1978 Amended
Adopted December 11, 2001
Revised October 22, 2002
Revised October 10, 2017
Revised August 21, 2018

Repealed _____
Adopted _____

An Ordinance to regulate the division of property into lots and roads and other public areas; to provide for the making, approving, and recording of the plats of such divisions and the certification of same.

AUTHORITY

Whereas, pursuant to Chapter 22, Article 6, §15.2-2240 through §15.2-2279, of the Code of Virginia, 1950, as amended, the governing body of every locality is required to adopt an ordinance to assure the orderly division of land and its development; and

Whereas, pursuant to the aforementioned authority the land division ordinance "shall include regulations and provisions" to ensure the coordination of streets within divisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air;

Therefore, be it ordained by the Board of Supervisors of Floyd County, Virginia, that the following regulations are hereby adopted for the division of land within the jurisdiction of Floyd County, Virginia. From and after the effective date of this Ordinance, every owner, proprietor, or any other person or entity having an interest in any tract of land to which these regulations apply who divides such tract shall cause a plat of such division to be prepared and submitted for review and approval in accordance with these regulations, with reference to known, fixed, permanent monuments, and upon approval thereof in conformity with these regulations shall cause such plat to be recorded in the office of the Clerk of the Floyd County Circuit Court.

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SECTION 1

TITLE, PURPOSE, AND GENERAL PROVISIONS

1-0 Intent and Applicability

This Ordinance, which shall be known and may be cited as the Land Division Ordinance of Floyd County, Virginia, and may be referred to as the Land Division Ordinance, the LDO, or this Ordinance, establishes standards to encourage the orderly development and division of land within Floyd County, promote the health, safety, convenience, and welfare of County citizens, and carry out the purposes of § 15.2-2200 et. seq. of the Code of Virginia, 1950, as amended, (hereinafter referred to as “Code of Virginia”) and other relevant statutes. To do so, this Ordinance has the following specific purposes:

1. Make possible the provision of public services in a safe, adequate, and efficient manner;
2. Ensure that property legal descriptions are included for each lot;
3. Assist in guiding growth that is beneficial for the entire County and all County citizens;
4. Protect against overcrowding of land and undue density of population in relation to the community facilities existing or available;
5. Preserve agricultural and forestal lands, as well as other lands of significance for the protection of the natural environment;
6. Protect and preserve the aesthetic, cultural, and historic resources of the County;
7. Protect and preserve the natural resources of the County, including water, soil, air, and adequate light;
8. Promote the efficient, appropriate, and best use of land;
9. Promote development patterns that are compatible with existing and planned public infrastructure and promote the efficient and economical use of public funds;
10. Protect against the loss of life, health, or property from fire, flood, impounding structure failure, panic, crime, or other dangers;
11. Facilitate the creation of a convenient, attractive, and harmonious community;
12. Prevent congestion in the public streets, while providing for convenience of access;
13. Ensure efficient review and procedures for proposed development and redevelopment;

14. Make development decisions predictable, fair, and cost effective; and
15. Assist in the implementation of the Floyd County Comprehensive Plan and other official plans, policies, and programs.

1-1 Non-Exclusionary Intent

It is not the intent of these regulations to exclude any economic, racial, religious, or ethnic groups from the enjoyment of residence, land ownership, or tenancy within Floyd County; nor is it the intent of this Ordinance to use public powers in any way to promote the separation within Floyd County of economic, racial, religious, or ethnic groups, or any other status protected by law.

1-2 Conflicting Provisions

Where there is an irreconcilable conflict between provisions of an applicable Virginia law and provisions of this Ordinance, the provisions of the applicable Virginia law shall control. Where there is a conflict or apparent conflict among provisions of this Ordinance, the more restrictive provision shall control. Where it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates conflicts with applicable Virginia law and eliminates or minimizes conflicts with other provisions of this Ordinance.

With regards to matters dealing with the division of land, this Ordinance shall have control over all other County ordinances.

1-3 Severability

The provisions of this Ordinance are to be liberally construed to carry out the purposes of the Ordinance and to avoid conflict with the laws of the Commonwealth of Virginia or any other limitations imposed by law. However, if the provisions of any article, section, subsection, paragraph, division, or clause of this Ordinance shall be ruled or construed to be invalid by a court of competent jurisdiction for any reason, such judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, division, or clause of this Ordinance, all of which shall remain in full force and effect.

1-4 Jurisdiction

The provisions of this Ordinance shall apply to all property within Floyd County, Virginia, **EXCLUDING** the incorporated boundaries of the Town of Floyd.

1-5 Repeal of Preexisting Ordinances

Any and all previous and existing versions of the Floyd County Subdivision Ordinance are hereby repealed in their entirety.

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1-6 Effective Date

This Ordinance shall take effect upon the date of its adoption.

1-7 Figures and tables shown in the Ordinance are for illustrative purposes only.

SECTION 2

ADMINISTRATION AND STATUTORY REGULATIONS

2-0 Intent and Applicability

This Section provides general information related to the administration and use of this Ordinance, as well as boards and commissions applicable to development, administrative responsibilities, statutory regulations, and other related matters.

2-1 Subdivision Agent (Agent)

1. The Floyd County Board of Supervisors shall designate the Agent. The Agent is authorized to approve minor divisions (up to six (6) lots). The Agent, in conjunction with the Planning Commission, is authorized to approve major divisions. In case of the extended absence of the Agent, the Board of Supervisors shall appoint a Substitute Agent to perform the duties of the Agent until the Agent's return or until a new Agent is appointed.
2. The powers and duties of the Agent include, but are not limited to:
 - a. Performing the planning functions for the County and providing technical support and guidance for action on plans, policies, and ordinances that may impact land development patterns or future growth;
 - b. Reviewing and acting on by approving or disapproving division plats, and other lot line and plat adjustments as a delegated authority from the Board of Supervisors, pursuant to Code of Virginia § 15.2-2255;
 - c. Making administrative interpretations of this Ordinance;
 - d. Preparing and publishing rules and procedures relating to the administration of this Ordinance;
 - e. Reviewing and making recommendations for action to approve, approve with conditions, or deny applications to the Planning Commission, and other appropriate decision-making authorities;
 - f. Preparing and recommending for adoption by the applicable approval authority technical requirements for the orderly development of Floyd County in conformance with this Ordinance;
 - g. Serving as staff to the Planning Commission; and
 - h. Such other powers, duties, and responsibilities granted by this Ordinance or State law and as delegated by the Board of Supervisors.
 - i. In performance of such duties, the agent shall receive, review all plats, and submit all major division plats to the Planning Commission. The Agent may ask for review

and/or decision by the Planning Commission on any plat when the Agent deems it advisable.

2-2 Planning Commission

1. The Board of Supervisors appoints all members of the Planning Commission.
2. The Planning Commission is organized pursuant to Title 15.2, Chapter 22, Article 2 of the Code of Virginia. The Planning Commission shall adopt rules of procedure that shall govern the transaction of business and the internal operation and functioning of the Commission.
3. The powers and duties of the Planning Commission include, but are not limited to:
 - a. Reviewing and approving any plat proposing a major division (seven (7) or more parcels).
 - b. Preparing and periodically reviewing the Comprehensive Plan in accordance with the Code of Virginia §§ 15.2-2223 and 15.2-2230;
 - c. Reviewing and determining if any street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility, other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility, is substantially in accordance with the adopted Comprehensive Plan or part thereof, pursuant to Code of Virginia § 15.2-2232;
 - d. Reviewing and taking action on, approving, approving with conditions, or denying Requests for Exception;
 - e. Reviewing and making recommendations to the Board of Supervisors for the following:
 - 1) Adoption of and amendments to the Comprehensive Plan and Future Land Use Map;
 - 2) Adoption of and amendments to this Ordinance;
 - 3) Other amendments and modifications to adopted ordinances, plans, and maps related to land development;
 - 4) Exercising such other powers as may be granted by this Ordinance pursuant to the Code of Virginia and delegated by the Board of Supervisors.

2-3 Statutory Regulations

1. Platting and Approval Required; Disposition of Property; Enforcement and Penalties

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- a. No land shall be divided without making and recording a plat of the division and without fully complying with the provisions of Article 6, Chapter 22 of Title 15.2 of the Code of Virginia, 1950, as amended, and this Land Division Ordinance.
- b. No plat of any division or lot line revision shall be recorded until it has been submitted to and approved by the Planning Commission and/or the Agent.
- c. No lot proposed to be created shall be offered for sale unless the plat has been approved by the County, or the listing includes the following statement “The sale of this property as shown is subject to plat approval by the Floyd County Board of Supervisors or its Agent.”
- d. No land in a division can be sold or transferred before a plat has been approved and properly recorded, unless the division was lawfully created prior to the adoption of this Ordinance. 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 of the instrument.
- e. All supporting instruments required by the Ordinance, including Family Affidavits, Property Owner Association agreements, and easements must be recorded and referenced in corresponding deed(s) and plat(s).
- f. Any person in violation of this Ordinance shall be subject to a fine of not more than \$500 for each lot or parcel of land so divided, transferred or sold, if the violation is not corrected within thirty (30) days from the date of notification. 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. All other violations of this Ordinance shall be enforced as a Class 1 misdemeanor and subject to the penalties as imposed by §18.2-11 of the Code of Virginia, 1950, as amended.
- g. No Clerk of any court shall file or record a plat of a division required by this Ordinance or Article 6, Chapter 22 of Title 15.2 of the Code of Virginia, 1950, as amended, to be recorded until the plat has been approved as required by this Ordinance.
- h. Any departments, officials, and employees of the County vested with the duty or authority to issue permits or approvals under this Ordinance may do so only in conformity with the requirements herein. Any such approvals or permits, if issued in conflict with the provisions of this Ordinance, shall be null and void.
- i. No building permit shall be granted for construction on any lot created in violation of this Ordinance, on any lot created in violation of any previously adopted Subdivision Ordinance of Floyd County, or on any lot in a division which is not covered by current performance agreements and guarantees as required by Section 6 and/or Section 10 hereof, until such time that the lot is brought into compliance with the current Land Division Ordinance.

- j. The Planning Commission, through the Agent and appropriate legal counsel, shall have the authority to bring any action in the appropriate court to restrain, correct, or abate any violation of this Ordinance by injunction or otherwise.

2. Private Contracts

This Ordinance bears no relation to any private covenant, agreement, or restriction which may be recorded with, or based on, any division plat, nor shall any public official have responsibility for enforcing any private contract. When this Ordinance calls for more restrictive standards than are required by private contract, the provisions of this Ordinance shall control.

3. Mutual Responsibility

There is a mutual responsibility between the Divider and the County to divide the land only in conformity with this Ordinance to assure the orderly division of land and its development.

4. Fees

There shall be a reasonable fee charged for every division plat reviewed by the Agent or the Planning Commission, and for every lot line revision plat reviewed by the Agent. The fees shall be established by the Board of Supervisors, a copy of which shall be maintained in the Agent's office. All plat review fees shall be payable upon submission of the initial sketch or preliminary submittal of each plat.

2-4 Land Must Be Suitable

The division of land may not be approved if, from adequate investigations conducted by all public agencies concerned, it has been determined that due to topographical or other physical attributes of the property in question, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

2-5 Changes

No change, modification or revision shall be made on any preliminary or final plat, nor in any accompanying data sheets, after approval of the Planning Commission and/or Agent has been endorsed in writing on the plat or sheets.

2-6 Flooding

Land shown as a special flood hazard area on the applicable flood insurance rate map, shall be shaded and shown on the plat.

2-7 Relationship to Erosion and Sediment Control Laws and Stormwater Regulations

The General Assembly has determined that the lands and waters comprising the watersheds of the State are invaluable natural resources which are being adversely affected by rapid shifts in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control Law to

control erosion and sedimentation from land-disturbing activities. In addition to these requirements, the Divider shall comply with the Erosion and Sedimentation Control Ordinance of Floyd County, as well as all stormwater laws and regulations, if applicable.

2-8 Approval by Virginia Department of Transportation (VDOT)

At the time of filing a preliminary plat that involves a new road, the following shall apply:

1. The Divider shall submit the preliminary plat and supporting documentation directly to VDOT for review and approval when:
 - a. A division involves a new public road,
2. The Agent shall submit the preliminary plat to VDOT for review and approval when either of the following are applicable:
 - a. A division involves three (3) or more parcels (including the remainder). VDOT reviews the entrance only; or,
 - b. A division involves three (3) or more addressed structures sharing a driveway. VDOT reviews the entrance only; or
 - c. A division involves a new private division road that connects to a public road. VDOT reviews the entrance only.

No plat that is required to be reviewed by VDOT shall be approved until VDOT has submitted comments to the Agent and the plat has been revised to conform to such comments.

2-9 Approval by the Floyd County E-911 Coordinator

At the time of filing a preliminary plat that involves the creation of one (1) or more new lot(s), the Agent shall submit the preliminary plat to the E-911 Coordinator for review.

For any plat that involves three (3) or more addressed structures sharing a driveway, the driveway shall be named in accordance with Section 62-56 of the Floyd County Code of Ordinances. For any plat that involves a proposed public road or a private division road, the road shall be named in accordance with Section 6 of this Ordinance. No plat requiring a driveway, a proposed public road, or a private division road to be named shall be approved until the Board of Supervisors has approved the naming of the driveway or such road, and the plat has been revised to show such name.

2-10 Additional Authority

In addition to the regulations herein contained for the platting of the divisions, the Agent and the Planning Commission may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this Ordinance. No substantive changes shall be made to the Ordinance without first providing

SECTION 3

INTERPRETATION & ACRONYMS

For the purpose of this ordinance, certain words and terms shall be interpreted as follows:

1. The word “County” shall mean Floyd County, Virginia.
2. The words “Board of Supervisors” shall mean the governing body of Floyd County, Virginia.
3. The words “Planning Commission” shall mean the Planning Commission of Floyd County, Virginia.
4. The acronym “VDOT” shall mean the Virginia Department of Transportation and/or the approved agent of VDOT.
5. The words “Subdivision Agent” shall include the word “Agent”.
6. The words “Land Division Ordinance” shall include the words “this Ordinance” and the acronym “LDO”.
7. The acronym “PSA” shall mean the Floyd-Floyd County Public Service Authority.
8. The acronym “VDH” and words “health department” shall mean the Virginia Department of Health.
9. The acronym “POA” shall mean Property Owners Association.
10. The word “bond” includes the words “performance bond”.
11. The words “division”, “divisions”, and “divided” include the words “lot line revision”, “re-subdivision”, “subdivision”, “subdivisions”, and “subdivided”.
12. The word “revision” includes the words “lot line revision”, “boundary line adjustment”, and “lot line vacation”.
13. The word “recorded” shall mean that the document has been properly recorded in the Floyd County Office of the Clerk of Circuit Court.
14. The word “lot” includes the words “parcel” and “property”.
15. The word “road” includes, but is not limited to, the words “street”, “drive”, and “avenue”.
16. The phrase “discontinued road” includes, but is not limited to, the phrases “discontinued as to maintenance” and “abandoned as to maintenance.”
17. The words “shall” and “must” are mandatory and not discretionary.

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18. The word “residual” includes the word “remainder”.
19. The words “may” and “should” are permissive and not mandatory.
20. All distances and areas refer to measurement in a horizontal plane.
21. Any reference to the ordinance includes all ordinances amending or supplementing the same.

SECTION 4

PLAT TYPES AND REQUIREMENTS

4-0 Intent and Applicability; Maximum Number of New Lots

This Section shall govern and apply to the division of land within the County, as well as the platting of a boundary survey or parcel of record.

In order to balance the need for community and economic resilience (such as housing), and the desire to preserve the rural nature of our County and protect our limited natural resources:

1. Any Division, no matter the combination of Division Types, served by private, individual water systems is limited to 10 new lots, including the residual lot;
2. Any Division, no matter the combination of Division Types, served by private centralized water system/s is limited to 10 new lots, including the residual lot;
3. Any Division, no matter the combination of Division Types, served by an existing public road is limited to 10 new lots, including the residual lot.

4-1 Large Lot Division

Intent: The Large Lot Division is intended to provide lots suitable for farming, forestry and agricultural activities and/or production, and/or to create buildable parcels of low density suitable for single family residences.

1. Requirements of a Large Lot Division: Large Lot divisions may be approved by the Agent or the Planning Commission, as applicable, provided such divisions meet the requirements set forth in this section 4-1.
 - a. Number of Parcels:
 - Minor, Six (6) or less
 - Major, Seven (7) or more

Special Lots will not be counted towards the calculation of the number of parcels for a minor or major division.
 - b. Minimum Lot Size: 25 acres, excluding Limited Access Lot.
 - c. Minimum Lot Size of Limited Access Lot: 2 acres. Only one (1) Limited Access Lot shall be permitted per plat.

- d. Road Frontage: Public road frontage is not required for a Large Lot Division, provided that all lots lacking road frontage shall be served by a right-of-way at least 50 feet in width to a public road. The right-of-way required herein must be surveyed and shown on the plat.

- e. Width at Setback: Lots that front on a public road or an approved private division road must have a minimum frontage of 100 feet, and a minimum width of 175 feet at the setback line. For lots abutting a cul-de-sac, the minimum frontage shall be thirty (30) feet. There is no minimum lot width if lot access is only on a right-of-way.

- f. Road Standards: No road construction is required for rights-of-way in Large Lot Divisions; however, platted vehicular access must be practicable and not merely for purposes of circumvention of this ordinance. If any lot in a Large Lot Division is served by an approved private division road, the right-of-way must meet the private division road construction standards.

All construction within the right-of-way must be reviewed by the Building Official to ensure compliance with erosion and sediment control, and stormwater regulations.

- g. Water and Wastewater: All division plats for Large Lot Divisions shall show existing private wastewater and private drinking water facilities. Planned private, individual water and/or private, individual wastewater systems need not be shown. In the event an existing private wastewater system and/or existing private water system, including a spring, are not to be retained on the same parcel as the lot or structure they are intended to serve, an easement for the private wastewater system, including the drainfield, and/or the private water system must be shown and labeled on the plat.

- h. Survey Standards: All newly created parcels in Large Lot Divisions shall be surveyed. A survey of the Limited Access Lot shall not be required, provided that the plat contains a notarized statement executed by the Divider and a certification by a licensed surveyor indicating that the Limited Access Lot is at least two (2) acres and either complies with the applicable road frontage and width at setback requirements or is served by a deeded right-

of-way, 50 feet in width or more, providing access to a public road.

2. Special Plat/Deed Requirements or Other Documents to be Submitted:

- a. Rights-of-way which are required by this Ordinance shall be surveyed and shown upon the plat with either a boundary or a centerline metes and bounds description.
- b. Plats of divisions which contain any lot with a private road (including shared driveways or easements) shall include the following language: “The roads in this division do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County of Floyd and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.” Grantors of any division lots to which the foregoing statement applies shall include such statement on each deed of conveyance thereof.
- c. For any proposed lot that has not had soil percolation testing performed and approved by the Virginia Department of Health, the plat shall contain the following language: “Unless otherwise noted, no lots on this plat have been approved for a private wastewater system.” Failure to include this statement on a plat, when applicable, will result in disapproval of the plat. Failure to include this statement in any deed shall constitute a violation of this Ordinance.

3. Additional Requirements:

- a. Prior to approval of any plat proposing public water or public wastewater, PSA certification of public utility availability, in the form of a valid availability form from the PSA, shall be required prior to plat approval. The availability form is valid for the length of time determined by the PSA and noted on the form.
- b. Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.

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4. Approvals Required: Table 4-1-0 summarizes the required review process for Large Lot Divisions.

Table 4-1-0: Required Review Process for Large Lot Divisions						
Type of Plat	Agent	PC	VDOT	E-911	Health Dept.	Other Locality
Minor Standard Division	Yes	No	If 3 or more lots	Yes	If private centralized water and/or private centralized wastewater is proposed for reduced lot sizes	If land lies in more than one (1) jurisdiction
Major Standard Division	Yes	Yes	Yes			

4-2 Standard Division

Intent: The intent of a Standard Division is to encourage the development of smaller parcels to accommodate growth in areas with suitable infrastructure, while maintaining tracts of larger acreage to preserve the rural character of Floyd County.

1. Requirements for a Standard Division: Standard divisions may be approved by the Agent or the Planning Commission, as applicable, provided such divisions meet the requirements set forth in this section 4-2.

- a. Number of Parcels: Minor, Six (6) or less

Major, Seven (7) or more. If private, individual water systems are planned, a maximum of ten (10) parcels, including the remainder, will be allowed per division.

Special Lots will not be counted towards the calculation of the number of parcels for a minor or major division.
- b. Minimum Lot Size: All parcels within a Standard Division shall meet the applicable lot size designated in Table 4-2-0.
- c. Road Frontage: All parcels in a Standard Division shall have frontage on an existing public road or proposed new road (public or private division).
- d. Width at Setback For parcels abutting a cul-de-sac, the minimum frontage shall be thirty (30) feet. All other parcels shall meet the applicable lot dimensions designated in Table 4-2-0.
- e. Road Standards Proposed new roads (public or private division) shall have a right-of-way of at least 50 feet in width. All rights-of-way and roads, including proposed and existing roads, must be shown on the plat.
- f. Road Construction Construction of all private division roads shall comply with Section 6 of this Ordinance, including applicable approval, bonding and Property Owners Association (POA) ownership and maintenance standards. All construction within the right-of-way must be reviewed by the Building Official to ensure compliance with erosion and sediment control, and stormwater regulations.

- g. Water and Wastewater: All division plats for Standard Divisions shall show existing private wastewater and private drinking water facilities. Planned, individual private water and/or private, individual wastewater systems need not be shown. In the event that an existing private wastewater system and/or existing private water system, including a spring, are not to be retained on the same parcel as the lot or structure they are intended to serve, an easement for the private wastewater system, including the drainfield, and/or the private water system must be shown and labeled on the plat.
- h. Survey Standards: All newly created parcels within a Standard Division must be shown on the plat and surveyed. A survey of a residual parcel is not required, provided that the plat contains a notarized statement executed by the Divider and a certification by a licensed surveyor indicating that the residual parcel meets the road frontage, lot size, lot width and lot depth requirements contained Table 4-2-0.
- 2. Lot Dimensions for Standard Division Lots: In addition to other applicable requirements of this ordinance, lots within Standard Divisions shall meet the minimum road frontage, lot area, lot depth, and lot width as set forth in Table 4-2-0.
- 3. Common Areas:

 - a. All common areas defined on the plat, which shall include but not be limited to all private division roads, shall be owned and maintained by a POA, which shall be established prior to final plat approval. A POA created after the adoption of this Ordinance, and for the purpose of common area ownership and maintenance, shall not be dissolved for as long as any common elements required by this ordinance remain in existence. Floyd County requires a POA for ownership, construction, maintenance, and management of private division roads, private centralized water systems, private centralized wastewater systems, stormwater facilities, and common areas only. All other restrictions are created and enforced solely by the POA's membership, not by Floyd County.
- 4. Special Plat/Deed Requirements or Other Documents to be Submitted:

 - a. If a proposed Standard Division includes any lot with a private road (including shared driveways or easements), the plat shall include the following language: “The roads in this division do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County approving the division and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.” Such statement shall also be included in each deed of conveyance in accordance with Virginia Code § 15.2-2242(a)(3).

- b. All proposed new private division roads shall meet the applicable minimum road design standards in Section 6 of this Ordinance. A performance bond, if applicable, and POA agreement shall be required for all new private division roads and shall be approved prior to plat approval.
 - c. For any proposed lot that has not had soil percolation testing performed and approved by the Virginia Department of Health, the plat shall contain the following language: “Unless otherwise noted, no lots on this plat have been approved for a private wastewater system.”
5. Additional Requirements:
- a. If approval of reduced lot sizes is based on availability of public water and/or public wastewater, PSA certification of public utility availability, in the form of a valid availability form from the PSA, shall be required prior to plat approval. The availability form is valid for the length of time determined by the PSA and noted on the form. When a building permit is applied for, a letter from the PSA indicating continued availability must be provided. If PSA water and/or PSA wastewater is no longer available, VDH approval for a private well and/or private wastewater system must be submitted prior to issuance of a building permit.
 - b. If the proposed division is within 500 feet of an access point of the current public water and/or wastewater system, the PSA will review possible service, **if requested by Divider**. PSA consideration will include the number of parcels potentially served by the division.
 - c. Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.
 - d. Whenever part of a tract is proposed for platting and it is intended to divide 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 Divider or the County.

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Table 4-2-0: Required Road Frontage/ Lot Size/Lot Width for Standard Division Lots.					
	Minimum Lot Size	Minimum Road Frontage	Minimum Width at Building Setback	Minimum Lot Depth	New Drainfield & Reserve Required for Platting
Lots with no public water, private centralized water, public wastewater, or private centralized wastewater	2 ac.	100 ft.	175 ft.	175 ft.	No
Lots with EITHER public water or public wastewater	0.5 ac.	50 ft.	100 ft.	100 ft.	No
Lots served with BOTH public water AND public wastewater	0.25 ac.	50 ft.	75 ft.	75 ft.	No
Lots with EITHER private centralized water OR private centralized wastewater	1 ac.	50 ft.	100 ft.	100 ft.	No
Lots served with BOTH private centralized water AND private centralized wastewater	0.50 ac.	50 ft.	75 ft.	75 ft.	No

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PROPOSED REPLACEMENT OF FLOYD COUNTY SUBDIVISION ORDINANCE

6. Approvals Required: Table 4-2-1 summarizes the required review process for Standard Divisions.

Table 4-2-1: Required Review Process for Standard Divisions							
Type of Plat	Agent	PC	VDOT	E-911	PSA	Health Dept.	Other Locality
Minor Standard Division	Yes	No	If 3 or more lots	Yes	If public water and/or public wastewater is/are proposed for reduced lot sizes OR if the private centralized water system and/or private centralized wastewater systems are to be taken over by the PSA.	If private centralized water and/or private centralized wastewater is proposed for reduced lot sizes	If land lies in more than one (1) jurisdiction
Major Standard Division	Yes	Yes	Yes				

4-3 Townhouse Division

Intent: The intent of a Townhouse Division is to allow a parcel of land to be divided into four or more parcels in order to support the construction of higher density residences and to promote the orderly development of land. Condominiums and other developments not entailing a division of land for each unit do not constitute a Townhouse Division.

1. Requirements for a Townhouse Division:

a. Number of Parcels: Minor, Six (6) or less

Major, Seven (7) or more

Common areas shall be considered as Special Lots. Special Lots and private division road lots are not included in the calculation of the number of parcels used to determine minor or major divisions.

b. Density: Each townhouse group structure shall include between three (3) and seven (7) townhouse units, with a maximum of seven (7) units per acre of master tract.

c. Building Facades No more than three (3) abutting townhouses shall have the same front yard setback. Variations in setback shall be at least three (3) feet.

d. Frontage and Access: The master tract shall have a minimum of 50 feet frontage on a public road, and all individual lots within the division shall comply with the frontage, side yard, width and setback requirements set forth in Table 4-3-1 or 4-3-2, as applicable. All access to the townhouse development shall be done by a VDOT-approved commercial entrance. Vehicle and pedestrian access shall be provided to a public road via a private division road. The private division road right-of-way shall be in addition to any side yard requirement, and shall be shown on the division plat.

e. Required Parking: Required on-site parking spaces of at least 2.25 spaces per townhouse unit shall be provided on the individual townhouse lots or within a common parking area maintained by the Property Owners Association (POA). When individual townhouse lots adjoin a public road, parking shall be to the rear of the townhouses, either on individual townhouse lots or within a common parking area (see Figures 4 3-3 and 4-3-4). When individual townhouse lots do not adjoin a public road, a common parking area will be allowed within the common area between the public

road and the individual townhouse lots (see Figures 4-3-5 and 4-3-6). All common parking areas shall have a minimum setback of fifteen (15) feet from any public road, as measured from the edge of the constructed road. There shall be no parking within five (5) feet of any townhouse unit, with the exception of individual driveways on individual townhouse lots. All common parking areas and rights-of-way shall be designed to provide sufficient access and turn-around space for emergency vehicles.

- f. Utility Requirements: All townhouse lots shall be served by centralized water and centralized wastewater systems.

Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.

All public utility services shall be constructed underground.

- g. Survey Standards: All lots within Townhouse Divisions shall be surveyed and shown on the plat of division.

2. Open Space and Common Areas:

- a. All townhouse divisions shall contain a minimum pervious open space of fifty percent (50%) of the total acreage of the master tract. Open space must be contiguous and clearly shaded and labeled on the plat.
- b. The common area - including all private division roads, all parking areas, all open space, all special lots within the division, and all easements - shall be owned and maintained by a POA, which shall be established prior to final plat approval. A POA created after the adoption of this ordinance, and for the purpose of common area ownership and maintenance, shall not be dissolved so long as any common elements required by this Ordinance remain in existence.

Floyd County requires a POA for ownership, construction, maintenance, and management of private division roads, private centralized water systems, private centralized wastewater systems, stormwater facilities, and common areas only. All other restrictions are created and enforced solely by the POA's membership, not by Floyd County.

- c. The required common area shall be permanently protected by instrument properly recorded and shall provide for enforcement by the County or by any property owner in the development, acting jointly or separately or in any combination thereof.
 - d. Common parking areas with pervious surfaces shall be permitted within the required open space. Walking trails, sidewalks, and pathways located within the open space and constructed of impervious materials may be considered as part of the required pervious open space, provided that such impervious surfaces shall not exceed twenty-five percent (25%) of the required open space area.
 - e. Benches may be located within the open space. Accessory structures such as picnic shelters, gazebos, and a structure used to store landscaping and maintenance equipment are allowed in the open space as long as the total square footage of all accessory structures located in the open space does not exceed 300 square feet (example: a 10x20 building and a 10x10 picnic structure).
3. Additional Information
- a. Whenever part of a tract is proposed for platting and it is intended to divide 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 Divider or the County.
4. Special Plat/Deed Requirements and Other Documents to be Submitted:
- a. The plat and deed must clearly indicate that the division is a Townhouse Division.
 - b. All plats and deeds shall contain notations and covenants that clearly forbid, in perpetuity, the use of the open space for any building, building addition, or structure except as expressly permitted by this Ordinance.
 - c. Deed restrictions shall encumber the property to prohibit further division, development, or any use of the open space required hereunder, except as expressly permitted by this Ordinance.
 - d. All proposed new private division roads shall meet the applicable minimum road design standards in Section 6 of this Ordinance. A performance bond, if applicable, and POA agreement shall be required for all new private division roads and shall be approved prior to plat approval. All construction within the

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right-of-way must be reviewed by the Building Official to ensure compliance with erosion and sediment control, and stormwater regulations.

- e. If the division includes any lot that does not have frontage on a public road, the plat shall include the following language: “The roads in this division do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County approving the division and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.” Such statement shall also be included in each deed of conveyance in accordance with Virginia Code § 15.2-2242(a)(3).

- 5. Approvals Required: Table 4-3-0 summarizes the required review process for Townhouse Divisions.

Table 4-3-0: Required Review Process for Townhouse Divisions						
Type of Plat	Agent	PC	VDOT	E-911	PSA	Other Locality
Minor Standard Division	Yes	No	If 3 or more lots		Yes, for public water and/or public wastewater, OR if the private centralized water system and/or private centralized wastewater system are to be taken over by the PSA.	If land lies in more than one (1) jurisdiction
Major Standard Division	Yes	Yes	Yes	Yes		

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Table 4-3-1

Minimum Requirements for Individual Townhouse Lots That Do Not Front a Public Road

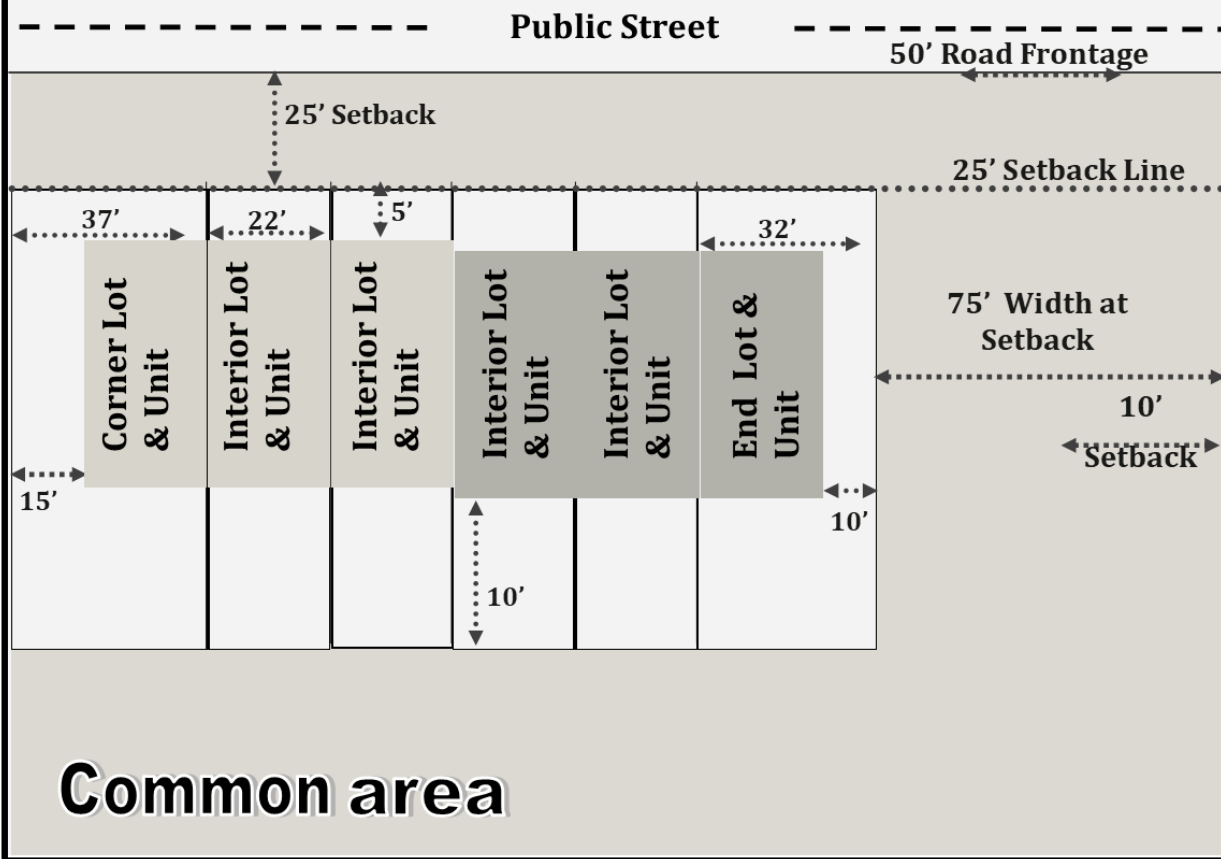
Requirement	Common	Townhouse Lot Type		
	Area Lot(s)*	Interior Lot	End Lot	Corner Lot
Frontage	50 ft.	N/A	N/A	N/A
Width	75 ft.	22 ft.	32 ft.	37 ft.
Front Yard Setback	25 ft.*	5 ft.**	5 ft.**	5 ft.**
Side Yard Setback	5 ft.	N/A	10 ft.	15 ft.
Rear Yard Setback	10 ft.	10 ft.	10 ft.	10 ft.

*Setback is from the front property line where the common area adjoins a public road.

**Setback is from the front property line where the townhouse lot adjoins the common area. The portion of the townhouse lot facing a public road shall be considered the front yard.

Figure 4-3-1

All measurements shown are the minimum requirements



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Table 4-3-2				
Minimum Requirements for Individual Townhouse Lots That Front a Public Road				
Requirement	Common	Townhouse Lot Type		
	Area Lot(s)*	Interior Lot	End Lot	Corner Lot
Frontage	50 ft.	22 ft.	32 ft.	37 ft.
Width	75 ft.	22 ft.	32 ft.	37 ft.
Front Yard Setback**	25 ft.	25 ft.	25 ft.	25 ft.
Side Yard Setback	10 ft.	N/A	10 ft.	15 ft.
Rear Yard Setback	10 ft.	10 ft.	10 ft.	10 ft.

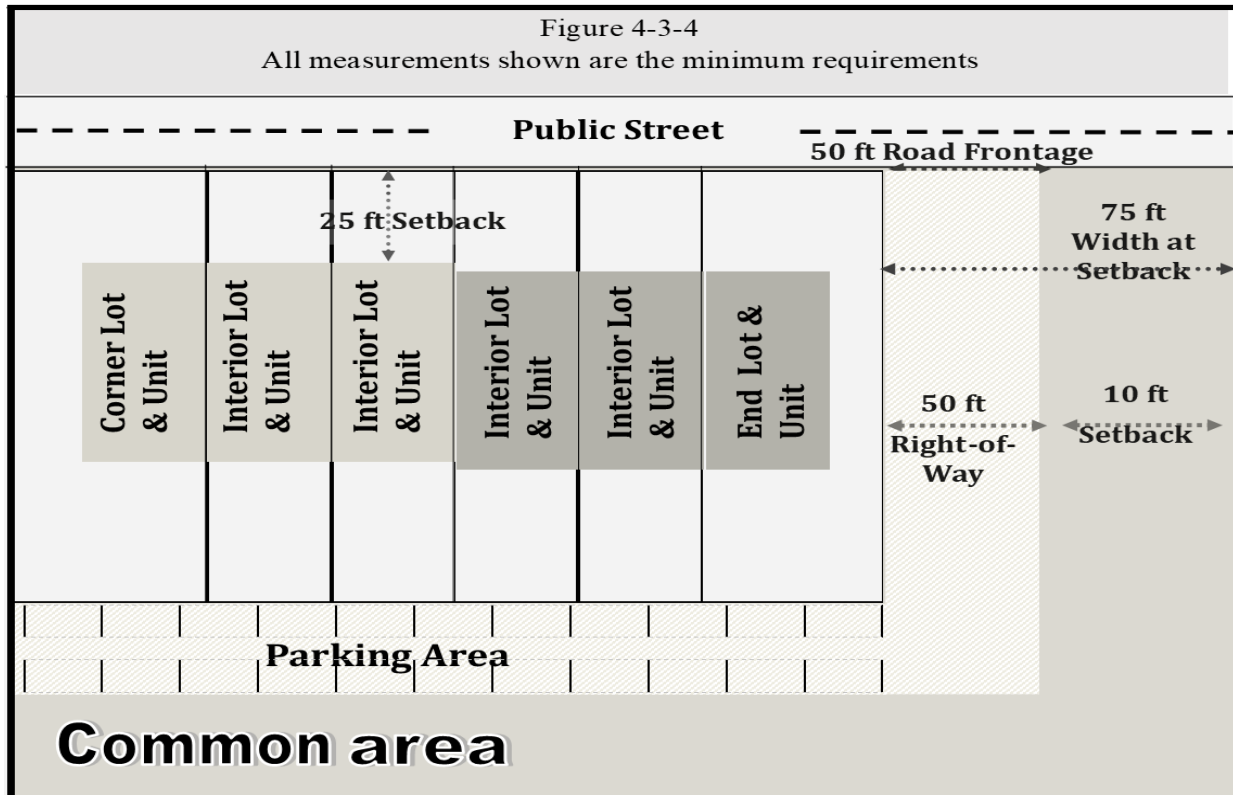
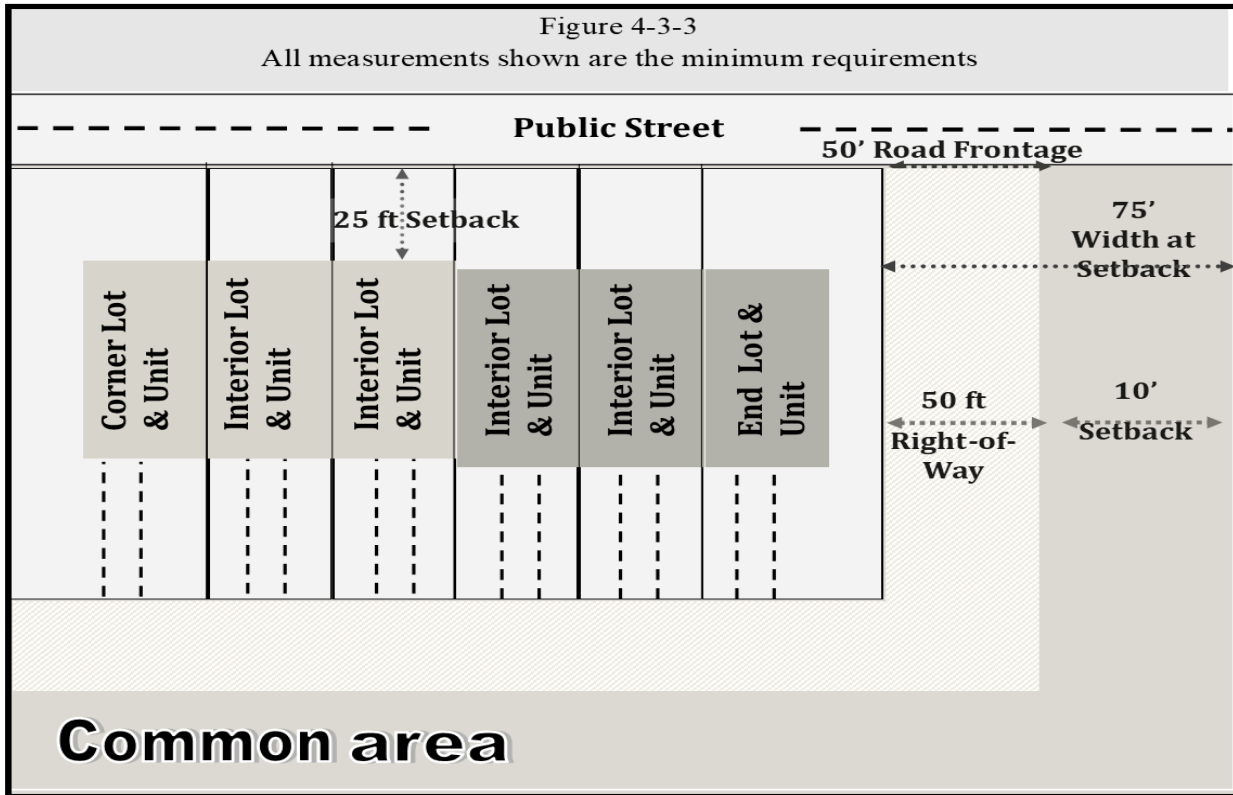
*Common areas do not have to front a public road. If they do front a public road, the frontage, width, and front yard setback will apply.

** Setback is from the front property line where it adjoins a public road. The portion of the townhouse lot facing a public road shall be considered the front yard.

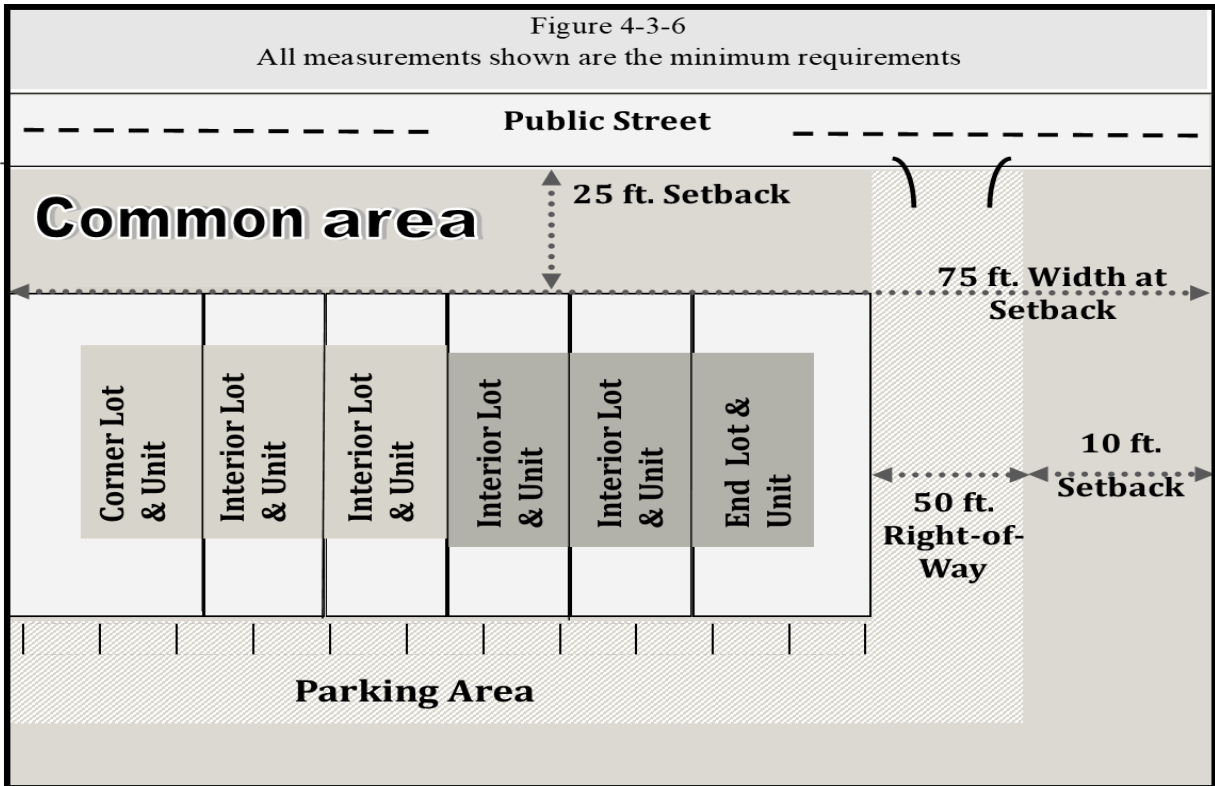
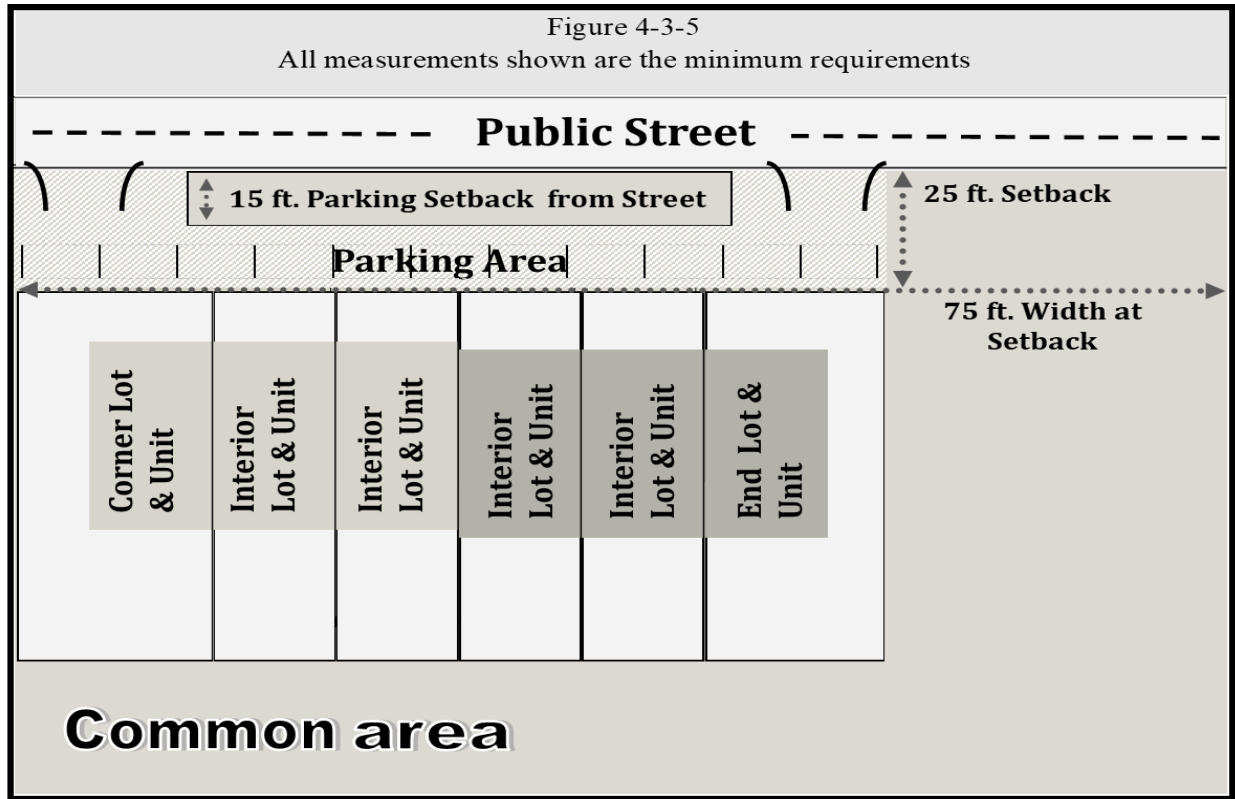
Figure 4-3-2
All measurements shown are the minimum requirements

Common area

Examples for Parking
When Individual Townhouse Lots Front on a Public Street



Examples for Parking
When Individual Townhouse Lots Do Not Front on a Public Street



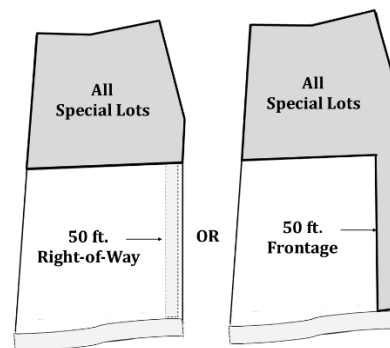
4-4 Special Lot Division

Intent: The intent of a Special Lot Division is to create a parcel to be used exclusively for public or private utilities; publicly owned or operated facilities; publicly owned or operated parks, including business parks and parcels that are publicly owned; stormwater management facilities; historical markers, buildings or plots; cemeteries; or required Townhouse Division common areas. No special lot shall be used for dwelling or camping purposes.

1. Requirements for a Special Lot Division:

- a. Number of Parcels: Special Lots are not counted toward minor or major divisions or private division road access calculations.
- b. Minimum Lot Size: No minimum lot size shall be applicable, however utility lots shall have a building setback of 25 feet from edge of road, and all other lots shall have a building setback of 35 feet from the edge of the road.
- c. Public Road Frontage: All Special Lots shall have a minimum 50 feet right-of-way providing access to a public road or 50 feet public road frontage. The right-of-way required herein must be surveyed and shown on the plat.

All construction within the right-of-way must be reviewed by the Building Official to ensure compliance with erosion and sediment control and stormwater requirements.



- d. Survey Standards: Each new Special Lot parcel shall be surveyed and shown on the plat. A survey of the residual parcel is not required, provided that the plat contains a notarized statement by the Divider and a certification by the surveyor that the residual parcel meets the requirements of this ordinance.

2. Special Lots for Cemeteries: The following provisions shall apply to any privately owned and maintained cemetery:
 - a. The extent of such cemeteries shall be measured to include only: (i) the area occupied at the time of the proposed division by grave sites, memorial monuments, structures indicating a place of interment; and (ii) any land adjacent to the above which may reasonably be needed for future expansion of the above uses.
 - b. Cemetery lots must be in compliance with current health department requirements.
3. Special Plat/Deed Requirements and Other Documents to be Submitted:
 - a. All plats containing special lots shall include the following language: "No special lot shall be used for dwelling or camping purposes."
4. Additional Information:
 - a. Stand-alone Special Lot Divisions and those in a minor division shall be reviewed by the Agent.
 - b. Any Special Lot that is part of a major division shall be reviewed by the Planning Commission.
 - c. Special Lots proposed for purposes of setting aside or preserving historical markers, historical buildings or other plots of land with historical significance shall only be eligible for approval if recognized by the Virginia Department of Historic Resources and designated in the Virginia Landmarks Register and/or the National Register of Historic Places.
5. Exemptions to Special Lot Requirements
 - a. The following entities are exempt from Special Lot requirements: (a) United States Government; (b) Commonwealth of Virginia; (c) The County of Floyd and any towns, or municipal corporations thereof, including without limitation any entity created pursuant to Virginia Code §§ 15.2-5100 *et seq.*; (d) public utilities as defined in §56-232 of the Code of Virginia (1950) as amended; (e) cable television systems and telecommunication service providers as defined in §56-466.1 of the Code of Virginia, 1950, as amended; and, (f) the Virginia Department of Transportation (VDOT), except that a plat must be prepared for the parcel created and containing a notation that the parcel is for qualified public use only and the lot cannot be used for other purposes at any time.
 - b. Plat Approval for Exemptions

The Agent is authorized to approve plats for Utility Lots.
6. Additional Requirements
 - a. If the proposed division is within 500 feet of an access point of the current public water and/or wastewater system, the PSA will review possible service, **if requested**

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by Divider. PSA consideration will include the number of parcels potentially served by the division.

- b. Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.
- c. Any plat that includes a Special Lot must designate which lot is proposed as the Special Lot and must include the intended use of the lot.

7. Approvals Required: Table 4-4-0 summarizes the required review process for Special Lot Divisions.

Table 4-4-0: Required Review Process for Special Lot Divisions							
Type of Plat	Agent	PC	VDOT	E-911	PSA	Health Dept.	Other Locality
Minor Standard Division	Yes	No	If 3 or more lots	Yes	If public water and/or public wastewater is/are proposed for reduced lot sizes, OR if the private centralized water system and/or private centralized wastewater systems are to be taken over by the PSA.	If private centralized water and/or private centralized wastewater is proposed for reduced lot sizes	If land lies in more than one (1) jurisdiction
Major Standard Division	Yes	Yes	Yes				

4-5 Family Division

Intent: The intent of a Family Division is to provide for the division of a lot or parcel for the purposes of sale or gift to a member of the immediate family of the parent parcel property owner. This Division is subject to any express requirements contained in the Code of Virginia and in this section. Property held in an Estate may not be eligible to be divided via a Family Division.

1. Requirements for a Family Division:

- a. Number of Parcels: Minor, Six (6) or less

 Major, Seven (7) or more

- b. Number of Divisions Allowed: For each parent parcel, one (1) division is allowed per immediate family member. An additional division per immediate family member is allowed after a period of five (5) years.

- c. Road Frontage/Access: Public road frontage is not required for a Family Division, provided that all lots lacking road frontage shall be served by a right-of-way at least 20 feet in width to a public road. The right-of-way required herein must be surveyed and shown on the plat.

 All construction within the right-of-way may be reviewed by the Building Official to ensure compliance with erosion and sediment control, and stormwater requirements.

- d. Lot Size, Depth and Width: All lots in a Family Division shall meet the applicable minimum lot size, depth and width requirements set forth in Tables 4-5-0 and 4-5-1, as applicable to the characteristics of the lot in question, in terms of utility access and road frontage.

 Lot sizes may be reduced where centralized water and/or centralized wastewater are available, and availability has been certified by the Floyd County PSA.

- e. Water and Wastewater: All division plats for Family divisions shall show existing private wastewater and private drinking water facilities. Planned private water and/or private wastewater systems need not be shown. In the event an existing private wastewater system and/or existing private water system, including a spring, are not to be retained on the same parcel as the lot or structure they are intended to serve, an easement for the private

wastewater system, including the drainfield, and/or the private water system must be shown and labeled on the plat.

f. Survey Standards

Each new Family parcel shall be surveyed. A survey of the residual parcel is not required, provided that the plat contains a notarized statement by the Divider and a certification by the Surveyor that the residual parcel is at least one (1) acre and meets the required Road Frontage/Access set forth in Tables 4-5-0 and 4-5-1. If the existing drainfield(s) and well are not on the same parcel as the structure they serve, a recorded easement for such facilities must be shown on the plat.

Table 4-5-0: Lot Size/Lot Width for Family Lots with Public Road Frontage:					
	Minimum Requirements				
	Lot Size	Road Frontage	Lot Depth	Width at Building Setback	Drainfield & Reserve Required
Lots with no public water, private centralized water, public wastewater, or private centralized wastewater	1 ac.	50 ft.	100 ft.	100 ft.	No
Lots with EITHER public water OR public wastewater	0.5 ac.	50 ft.	100 ft.	100 ft.	No
Lots served with BOTH public water AND public wastewater	0.25 ac.	50 ft.	75 ft.	75 ft.	No
Lots with EITHER private centralized water OR private centralized wastewater	1 ac.	50 ft.	100 ft.	100 ft.	No
Lots served with BOTH private centralized water AND private centralized wastewater	0.50 ac..	50 ft.	75 ft.	75 ft.	No

Table 4-5-1: Lot Size/Lot Width for Family Lots with NO Public Road Frontage					
	Minimum Requirements				
	Lot Size	Right-of-Way	Lot Depth	Width at Building Setback	Drainfield & Reserve Required
Lots with no public water, private centralized water, public wastewater, or private centralized wastewater	1 ac.	20 ft.	N/A	N/A	No
Lots with EITHER public water OR public wastewater	0.5 ac.	20 ft.	N/A	N/A	No
Lots served with BOTH public water AND public wastewater	0.25 ac.	20 ft.	N/A	N/A	No
Lots with EITHER private centralized water OR private centralized wastewater	1 ac.	20 ft.	N/A	N/A	No
Lots served with BOTH private centralized water AND private centralized wastewater	0.50 ac.	50 ft.	N/A	N/A	No

2. Additional Requirements

- a. If approval of reduced lot sizes is based on availability of public water and/or public wastewater, PSA certification of public utility availability, in the form of a valid availability form from the PSA, shall be required prior to plat approval. The availability form is valid for the length of time determined by the PSA and noted on the form. When a building permit is applied for, a letter from the PSA indicating continued availability must be provided. If PSA water and/or PSA wastewater is no longer available, VDH approval for a private well and/or private wastewater system must be submitted prior to issuance of a building permit.
- b. If the proposed division is within 500 feet of an access point of the current public water and/or wastewater system, the PSA will review possible service, **if requested by Divider**. PSA consideration will include the number of parcels potentially served by the division.
- c. Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water

systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.

3. Additional Requirements for Family Divisions of Property Not Held in Trust:

A division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family, provided that:

- a. At least one (1) grantee(s) must be an immediate family member of at least one (1) grantor;
- b. The divider (grantor) and all grantees shall execute an Affidavit for Family Division setting forth the qualifying family relationship and certifying that the newly created family lot/s shall not be conveyed to a person other than an immediate family member of the original grantor for a period of at least three (3) years from the date of recordation of the deed of conveyance from the original grantor to the grantee, except that the conveyance of a deed of trust or mortgage executed strictly for the purpose of financing purchase and /or improvements to the lot created shall not violate this section. The three (3) year holding period may be reduced in the event of unusual circumstances, such as found in subsection 8 of this section. The affidavit shall be recorded and its instrument number written on the plat. The affidavit and the plat shall be referenced within the original deed of conveyance and all subsequent deeds. The deed of conveyance of the newly created family lot/s shall not include any person whose name is not included on the approved plat or affidavit. The names of all grantors and all grantees must be the same on the plat, in the deed, and on the Affidavit for Family Divisions.
- c. There shall be a separate Affidavit for Family Division required for each Family division parcel to be conveyed.

4. Additional Requirements for Family Divisions of Property Held in Trust:

A division of a lot or parcel held in trust is permitted for the purpose of sale or gift to a member of the immediate family of the beneficiaries of the trust, provided that:

- a. Each trust beneficiary must be an immediate family member of each other trust beneficiary;
- b. Each grantee must be an immediate family member of each other grantee; and
- c. At least one (1) grantee(s) must be an immediate family member of at least one (1) trust beneficiary;
- d. Each beneficiary of the trust must agree that the land is to be subdivided;

- e. Each beneficiary of the trust must execute an instrument placing a restrictive covenant on the property prohibiting the transfer of the property to a nonmember of the immediate family of at least one (1) trust beneficiary for a period of fifteen (15) years from the date of recordation of the deed of conveyance from the original grantor(s) to the grantee(s). The fifteen (15) year holding period may be reduced in the event of unusual circumstances, such as found in subsection 8 of this section. The restrictive covenant shall be recorded with, and its instrument number written on, the plat. The plat and restrictive covenant shall be referenced within all deeds of conveyance. The deed of conveyance of the newly created family lot/s shall not include any person whose name is not included on the approved plat or affidavit.
- f. All trust beneficiaries and all grantees must sign the Affidavit for Family Divisions of Property Held in Trust.
- g. There shall be a separate Affidavit for Family Division of Property Held in Trust required for each parcel so divided.

5. Special Plat/Deed Requirements and Other Documents to be Submitted:

- a. The Owner’s Statement on each plat shall indicate the relationship between the Divider and the immediate family member.
- b. If the division includes any lot that does not have frontage on a public road, the plat shall include the following language: “The roads in this division do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the County approving the division and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.”

For any proposed lot that has not had soil percolation testing performed and approved by the Virginia Department of Health, the plat shall contain the following language: “Unless otherwise noted, no lots on this plat have been approved for a private water system or a private wastewater system.” Failure to include this statement on a plat, when applicable, will result in disapproval of the plat.

- 6. Approvals Required: All family divisions shall be reviewed in accordance with the table 4-5-2 below, and approval of each entity noted therein shall be a prerequisite to plat recordation and division approval.

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Table 4-5-2: Required Review Process for Family Divisions							
Type of Plat	Agent	PC	VDOT	E-911	PSA	Health Dept.	Other Locality
Minor Standard Division	Yes	No	If 3 or more lots	Yes	If public water and/or public wastewater is/are proposed for reduced lot sizes, OR if the private centralized water system and/or private centralized wastewater systems are to be taken over by the PSA.	If private centralized water and/or private centralized wastewater is proposed for reduced lot sizes	If land lies in more than one (1) jurisdiction
Major Standard Division	Yes	Yes	Yes				

7. Variation and Exceptions:

- a. The Planning Commission may allow a waiver of time requirements for family ownership when changed circumstances so require, including without limitation the event of an involuntary transfer due to any of the following:
 1. death;
 2. marital status change;
 3. condemnation by power of eminent domain;
 4. judicial sale;
 5. foreclosure; or
 6. bankruptcy.
- b. The Planning Commission procedure for waiver of time requirements shall be the same as the procedure for deciding an exception as specified in Section 9-3(1) and 9-3(2).

4-6 Lot Line Revision

Intent: The intent of a Lot Line Revision is to allow the owner(s) to adjust their parcel lines as desired, provided all resulting parcels meet the requirements of the underlying division type(s) or the proposed revision lessens the degree to which an existing parcel or parcels fail to conform to the requirements of this ordinance.

1. Requirements for a Lot Line Revision. Lot Line Revisions shall only be approved if they satisfy each of the following criteria:

- a. All parcels depicted on the plat of lot line revision shall meet each and every requirement of the underlying division type (Large Lot Division, Standard Division, Townhouse Division, Special Lot Division, or Family Division) with the exception of those parcels falling under subsection 4-7(2)(d) below;
- b. New or additional parcels shall not be created via Lot Line Revision;
- c. If the existing parcels conform to the current division regulations, a lot line revision may not cause any parcel to lose such conforming status or violate any requirement of the applicable division type;
- d. If an existing parcel is non-conforming:
 - 1) A lot line revision may be approved if the revision will reduce the non-conformity without bringing the parcel into full compliance;
 - 2) A lot line revision may not increase the degree to which an existing parcel is non-conforming with the requirements of this Ordinance;
 - 3) The lot lines of a non-conforming parcel may be revised if the revision will reduce the degree of non-conformity, and the resulting parcel includes at least part of the original parcel area.

2. Additional Requirements

- a. If approval of reduced lot sizes is based on availability of public water and/or public wastewater, PSA certification of public utility availability, in the form of a valid availability form from the PSA, shall be required prior to plat approval. The availability form is valid for the length of time determined by the PSA and noted on the form. When a building permit is applied for, a letter from the PSA indicating continued availability must be provided. If PSA water and/or PSA wastewater is no longer available, VDH approval for a private well and/or private wastewater system must be submitted prior to issuance of a building permit.
- b. If the proposed division is within 500 feet of an access point of the current public water and/or wastewater system, the PSA will review possible service, **if requested by Divider**. PSA consideration will include the number of parcels potentially served by the division.

PROPOSED REPLACEMENT OF FLOYD COUNTY SUBDIVISION ORDINANCE

- c. Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.
3. Approvals Required: Lot Line Revision plats shall be reviewed in accordance with table 4-6-0 below, and approval of each entity noted therein, if applicable, shall be a prerequisite to plat recordation and division approval.

Table 4-6-0: Required Review Process for Lot Line Revisions					
Type of Plat	Agent	PC	PSA	Health Dept.	Other Locality
Lot Line Revision Only	Yes	No	If public water and/or public wastewater is/are proposed for reduced lot sizes, OR if the private centralized water system and/or private centralized wastewater systems are to be taken over by the PSA.	If private centralized water and/or private centralized wastewater is proposed for reduced lot sizes	If the land lies in more than one (1) jurisdiction

4-7 Condominium Division

All condominiums shall comply with the division regulations applicable to a physically identical development held in any other kind of ownership, to the extent applicable under state law.

4-8 Parcel of Record and Boundary Survey

Every plat showing a boundary survey or parcels of record, and not including any division or lot line revision, shall contain the following language in the Certificate of Approval if it is to be signed by the Agent:

This plat is a parcel of record or boundary survey and approval by the Subdivision Agent is not required. No interior lot lines are being vacated.

Agent, Floyd County Board of Supervisors Date

SECTION 5

LOT CHARACTERISTICS AND IMPROVEMENTS

5-0 Applicability

No land may be divided within Floyd County except in strict compliance with this Ordinance. The owner or developer of any tract of land to be divided within the County, shall have a plat of the division made and recorded among the land records of the County prior to any conveyance thereof. Review and approval of said plat shall be a prerequisite to any such division, and such plat shall meet the minimum requirements contained in Section 4, and be prepared to the standards contained in this section.

5-1 Lot Characteristics

1. Distance Between Property Lines

Each lot created shall have a minimum of fifty (50) feet in width at the narrowest point.

2. For a corner lot, the plat shall designate one side as the front of the lot. Such lot shall meet the minimum setback requirements for both roads (public or private division).

3. No division shall create a lot remnant or non-conforming lot. All efforts shall be made to resolve pre-existing lot remnants during the process of platting proposed divisions of related parcels.

4. Lot Line Revision; Identical Ownership Required

No separate parcels shall be combined via a lot line revision, unless each such parcel is owned by the exact same party.

5. Reserve Strips

Reserve Strips controlling access to roads are prohibited. No division may be approved which includes Reserve Strips.

6. Boundary Markers

Iron pins/monuments shall be set for all corners, angle points, radial points, and at intermediate points along roads or boundary lines where monuments cannot readily be seen from one another. The monuments shall be installed per Code of Virginia requirements. Any monument removed, moved, or destroyed during the development of any property shall be replaced by the person responsible for the removal or damage, and face any pertinent penalties in the Code of Virginia or Federal Code.

5-2 Improvements

All required improvements shall be installed by the Divider at their cost, including improvements as may be required pursuant to §15.2-2400 through §15.2-2413 of the Code of Virginia, 1950, as amended.

1. Water and Wastewater Facilities

- a. Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.
- b. If the proposed division is within 500 feet of an access point of the current public water and/or wastewater system, the PSA will review possible service, **if requested by Divider**. PSA consideration will include the number of parcels potentially served by the division.
- c. Where a private centralized water system and/or a private centralized wastewater system is proposed, a copy of the plans will be sent to the PSA; however, unless the PSA will be taking over the system, their approval is not required. Any private centralized system shall be owned, operated, and maintained by a POA; and must be located on a Special Lot owned by the POA. For private centralized water systems, the minimum depth of the well shall be 320 feet. The division plat shall not be approved until sufficient capacity and the storage and distribution system has been designed and approved by VDH. Private centralized water systems must be tested annually by the VDH.

2. Fire Protection

The installation of adequate fire hydrants in a division shall be required where adequate centralized water is available and shall be provided and paid for by the Divider. Location of the hydrants shall be in compliance with PSA regulations and fire department requirements. Where there exists or is developed a pond, sizeable stream, or other source of water, the Divider shall make provisions of other means of fire protection, such as dry hydrants, and all such required improvements shall be indicated on the final plat.

SECTION 6

PUBLIC AND PRIVATE DIVISION ROADS FOR NEW LAND DIVISIONS

6-0 Intent and Applicability

Unless an exception applies which permits utilization of a right-of-way, all divisions shall be served by either public roads or private division roads, as provided in this ordinance. Public roads are those to be maintained by the Virginia Department of Transportation (VDOT). Private Division roads are those to be owned, constructed and maintained by a Property Owners Association (POA). Dividers utilizing private division roads shall have no expectation that such roads will be accepted into the state system of public highways or otherwise be eligible for public funds for maintenance or expansion thereof, nor shall they have any expectation that such roads will be constructed or maintained by Floyd County.

Floyd County requires a POA for ownership, construction, maintenance, and management of private division roads, private centralized water systems, private centralized wastewater systems, stormwater facilities, and common areas only. All other restrictions are created and enforced solely by the POA's membership, not by Floyd County.

6-1 Public Roads

1. General

- a. An approved public road shall provide primary access to no more than ten (10) parcels, not including special lots or private division road lots.
- b. For divisions proposing new public roads, it shall be the sole responsibility of the Divider to consult with VDOT at the conceptual stage to ensure that all VDOT requirements are met to enable construction of the road to VDOT standards. The acceptance for maintenance by VDOT of any proposed public road is not guaranteed. In the event of rejection by VDOT of any proposed road into the public road system, the Property Owner's Association (POA) for such division shall be solely responsible for maintenance of the road in perpetuity.
- c. All division plats which include proposed public roads must carry the following statement on the plat and in all deeds of parcels using the road:

“Recordation of this plat serves to transfer, in fee simple, land for the road(s) in this division to Floyd County. **The County is in no way responsible for the construction or maintenance of such road(s).** The Property Owner's Association (POA) established at the time of this division shall be solely responsible for the maintenance and construction of the road(s). The POA agreement providing for road maintenance, has been recorded in the Clerk's Office of the Circuit Court of Floyd County, with the instrument number _____.”
- d. Floyd County and VDOT shall have no obligation to pay for grading, paving, sidewalk, curb and gutter improvements, construction and/or maintenance, or any other costs associated with any proposed public road.

2. Ownership

- a. All new roads proposed to become public roads in Floyd County shall be dedicated to the County at the time of plat recordation. **The County shall not be responsible for construction or maintenance of such road(s).** If and when the proposed public road meets the VDOT Secondary System Acceptance Requirements, VDOT, in its sole discretion, may accept such road into the public road system for maintenance (not ownership). The POA shall be established by the Divider prior to final approval of any plat that includes a proposed public road. A POA created after the adoption of this ordinance, and for the purpose of proposed public road ownership and maintenance, cannot be dissolved until such time that its proposed public road(s) are accepted into the public road system. The POA agreement must include provisions ensuring valid legal existence, maintenance of roads, and vest the POA with power to assess fees and costs for road maintenance to individual property owners within the Division. The POA agreement must also include a statement that the POA will remain in perpetuity for proposed public roads unless the road is accepted into the State System of Highways by VDOT.
- b. The POA agreement shall be reviewed and approved by the County's legal counsel prior to the final approval of any plat containing proposed public roads. The POA agreement shall be recorded and returned to the Agent prior to final plat approval. It shall be referenced on the plat, on all subsequent plats, and within the deed and subsequent deeds of conveyance. The maintenance portion of the POA agreement shall provide for enforcement by the County, or by any parcel owner located on the road.
- c. The POA shall be solely responsible for all maintenance of the proposed public road, including the cost of such maintenance. Roads shall be maintained such that emergency vehicles and any other necessary traffic can reach all parcels with reasonable ease.

3. Road Names and Signage

All approved proposed public roads must be named according to County standards and approved by the County. The POA must pay for all road signs, including road names. This must be done during the plat review and approval process.

4. Developing Proposed Public Roads. Dividers proposing new public roads shall adhere to the process set forth in figure 6-1-1.

The requirements for developing a proposed public road are the following:

- a. The Divider shall have the property surveyed for proposed lots, including the road and utility easement; and shall have the road designed and obtain cost estimates for the performance bond application. Such survey, design and cost estimates shall be performed by a licensed Engineer. The performance bond estimate must include project management, inspection and a contingency percentage established by the

County as set forth in the Fee Schedule referenced in Appendix B of this Ordinance.

- b. The Divider shall submit the preliminary plat, road design, and performance bond estimate to the Agent and VDOT, and pay to the County all non-refundable review fees, including a non-refundable Engineering Review Fee. It will be the sole responsibility of the Divider to determine if VDOT also requires review fees. The Agent will distribute copies of the documents to the appropriate parties for review of Erosion & Sediment Control, Stormwater, and any other applicable agency/party.
- c. The Agent shall consult with VDOT to validate the road design, the estimated road cost and the performance bond amount. The Agent may, at the Agent's discretion, seek review of the designs and cost estimates by a licensed Engineer retained by the County at the Divider's expense. The Divider shall submit the draft POA agreement to the Agent for the County's legal counsel's review and approval. After approval of the POA agreement, the Divider, and all other owners, shall execute the POA agreement and submit the bond for the road. Bond documents shall be subject to review by the County's legal counsel.
- d. The Divider shall thereafter record the approved and executed POA agreement and furnish a copy to the Agent. The Divider shall submit the final plat and road performance bond to the Agent for approval.
- e. Upon receipt by the Agent of written documentation of approval from all appropriate parties, including but not limited to VDOT, Department of Environmental Quality (DEQ for stormwater), Skyline Soil & Water (for Erosion & Sediment Control), Virginia Department of Health (VDH, if proposing a centralized water system which must be built prior to final plat approval), and the PSA (for public water and/or wastewater), the plat shall be subject to final approval and endorsement by the Agent and/or Planning Commission as applicable. Only upon such final approval and endorsement shall the plat be recorded by the Divider. Upon plat recordation, the Divider may begin road construction. No lots may be sold or conveyed by the Divider until recordation of the approved plat. Building permits shall not be issued prior to such recordation of the approved plat. The performance bond will be released as required pursuant to §15.2-2241 of the Code of Virginia, 1950, as amended.
- f. The Divider must complete all road construction in full conformity with the approved plans within (5) years from the date of plat approval, or the performance bond or other security shall be forfeited to the County to the extent necessary to complete such road construction. In such event, the Agent may call upon an engineering firm and construction contractor retained by the County to oversee the completion of the road. The cost estimate for performance security shall be updated every year on the remaining work, and increased, if necessary.
- g. Upon completion of the proposed public road, which includes VDOT approval, it will be the responsibility of the Divider to submit a written request to the Board of

Supervisors to initiate the process of VDOT acceptance of the road for maintenance.

5. Erosion & Sediment Control and Stormwater Compliance

All proposed public road construction plans must be reviewed by the County Building Official to ensure compliance with erosion & sediment control and stormwater requirements. The POA is required to submit a stormwater agreement showing the POA as the sole party responsible for the construction and maintenance of all stormwater facilities. This agreement shall be separate from the POA document regarding road maintenance. Stormwater facilities shall be located on a Special Lot.

Figure 6-1-1: Process for Developing a Public Road.

Process for Developing a Public Road (for Dividers)

- ❖ Divider contacts VDOT about developing a public road.
- ❖ Divider submits sketch plat and sketch plat fee to Agent.
- ❖ Agent may require a pre-development meeting with other agencies.
- ❖ Surveyor develops preliminary plat with road.
- ❖ Divider develops POA Agreement document, which includes road maintenance agreement.
- ❖ Divider brings preliminary plat, plans, and draft POA agreement to Agent for review and approval. All remaining review fees are due at this time.
- ❖ Once approved, POA document is signed by the Agent, recorded by the Divider, and a recorded copy returned to the Agent.
- ❖ Divider provides cost estimates for the road construction, including 10% contingency.
- ❖ VDOT and the County review cost estimates and decide surety amount.
- ❖ Divider provides required surety.
- ❖ Divider submits the final plat (with all required corrections made).
- ❖ The final plat will be approved once the following requirements are submitted:
 - The recorded POA Agreement
 - Proof of Surety
 - Approval by VDOT, the Virginia Department of Environmental Quality (DEQ), Skyline Soil & Water District (Erosion & Sediment Control), plus any other applicable agencies (such as the PSA)

6-2 Private Division Roads

Divisions may be permitted on approved private division roads. To ensure public safety, including private, commercial, and public safety vehicle access, all proposed private division roads shall meet the following minimum design standards. Each approved private division road is a separate parcel. All contiguous private division roads proposed now or in the future shall be considered the same parcel.

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1. General

- a. An approved private division road shall provide primary access to no more than ten (10) parcels, not including special lots or private division road lots.
- b. Private division roads will have to be established as a separate parcel at the time of platting of the land division and will be designated ‘Private Division Road Lots’. Private Division Road Lots will require the approval of the Agent and will not be counted towards determining a Minor or Major land division. The Private Division Road Lot will be owned by the POA associated with the land division. The completion and recording of the POA will be required before any plat can be approved. The establishment of the private road as a Private Division Road Lot is necessary to clearly define the ownership of the road and the responsible party for the construction, maintenance, and possible upgrading of these Private Division Road Lots.
- c. All private division roads proposed for new land divisions must meet these minimum design standards to be approved. If a division is proposed on an existing private road, the private road may need to be upgraded to meet the standards for these types of divisions.
- d. All roads not fully built to VDOT standards must carry the following statement on the plat, in the construction plans, and in all deeds of parcels using the road:

“The private division roads in this division do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by VDOT or Floyd County. The private division roads shown on this plat shall be owned, constructed, operated, and maintained by a Property Owners’ Association (POA) in perpetuity. The POA agreement providing for road maintenance, has been recorded in the Clerk’s Office of the Circuit Court of Floyd County, with the instrument number _____.”
- e. All new private division roads that connect to a public road must meet VDOT entrance standards.
- f. **Neither Floyd County nor VDOT have an obligation to pay for grading, paving, sidewalk, curb and gutter improvements, construction and/or maintenance, or any other costs associated with any private division road.**

2. Ownership

- a. Approved private division roads shall be owned by a POA. The POA shall be established by the Divider prior to final approval of any plat that includes a private division road. A POA created after the adoption of this ordinance, and for the purpose of private division road ownership and maintenance, cannot be dissolved. The POA agreement must include statements addressing valid legal existence, maintenance of roads and stormwater facilities, and power to assess funds. The POA agreement must also include a statement that the POA will remain in perpetuity for common areas and private division road lots. The POA agreement must allow unrestricted access to all emergency service personnel and vehicles.

- b. The POA agreement shall be reviewed and approved by the County's legal counsel prior to the final approval of any plat containing private division roads. The POA agreement shall be recorded and returned to the Agent prior to final plat approval. It shall be referenced on the plat, on all subsequent plats, and within the deed and subsequent deeds of conveyance. The maintenance portion of the POA agreement shall provide for enforcement by the County, or by any parcel owner located on the road.
- c. The POA is responsible for all maintenance of the private division road, including the cost of such maintenance. Roads shall be maintained such that emergency vehicles and any other necessary traffic can reach all parcels with reasonable ease. The POA is also responsible for the maintenance of any stormwater facility needed in conjunction with the construction of the road. Stormwater facilities shall be located on a Special Lot.

3. Road Names and Signage

All approved private division roads must be named according to County standards and approved by the County. The POA must pay for all road signs, including road names. This must be done during the plat review and approval process. Private division road signs shall be color-coded as determined in the guidelines approved by the Board of Supervisors.

4. Options for Developing Private Division Roads for New Land Divisions

New private division roads for new land divisions may be developed in Floyd County using two different paths. Path A requires no road bond and Path B requires a road bond. The path chosen depends solely upon the Divider.

a. Path A

- 1) The Divider shall obtain a survey from a licensed surveyor for the proposed division, to include lots, roads and utility easements, as well as road design plans from a licensed engineer.
- 2) The Divider shall submit the plat and the road design plans to the Agent and pay the County all non-refundable review fees, including a non-refundable Engineering Review Fee. The Agent shall thereafter distribute copies of the documents to the appropriate parties for review of Erosion & Sediment Control, Stormwater, and any other applicable agency/party.
- 3) The Agent shall obtain review and verification of the road design from an Engineer retained by the County.
- 4) Upon receipt of written approval from all appropriate parties, including but not limited to VDOT, DEQ (for stormwater), Skyline Soil & Water (for Erosion & Sediment Control), VDH if proposing a centralized water system which must be built prior to final plat approval, and the PSA (for public water and/or

wastewater), the Agent or Planning Commission may conditionally approve the division contingent upon completion of the road and verification by the Agent. The Divider shall have five (5) years from the date of conditional approval to complete the road.

- 5) Upon receipt of verification of road completion satisfactory to the Agent which may include review by an Engineer retained by the County, the Agent shall verify recordation of the declaration of covenants for the approved POA agreement and shall thereafter approve and endorse the final plat for recordation. No building permits for structures on individual lots shall be issued until the plat has been approved and recorded, and no lots may be sold prior thereto.

b. Path B

- 1) The Divider shall obtain a survey from a licensed surveyor for the proposed division, to include lots, roads and utility easements, as well as road design plans and construction cost estimate from a licensed engineer. The performance bond estimate must include project management, inspection and a contingency percentage established by the County (see Fee Schedule.)
- 2) The Divider shall submit the preliminary plat, road design plans and performance bond estimate to the Agent along with the non-refundable review fees, including an Engineering Review Fee. The Agent shall thereafter distribute copies of the documents to the appropriate parties for review of Erosion & Sediment Control, Stormwater, and any other applicable agency/party.
- 3) The Agent shall obtain review and verification of the road design, estimated road construction cost and the performance bond amount verified by an Engineer retained by the County.
- 4) The Divider shall submit the draft POA agreement and declaration of restrictive covenants to the Agent for County's legal counsel review and approval as to form. After approval of the POA agreement and restrictive covenants, the Divider, and all other owners, shall execute and record the POA agreement and restrictive covenants, and submit the security bond for the road construction costs.
- 5) Upon receipt from the Divider of the security bond, as well as copies of the recorded POA Agreement and restrictive covenants, the agent may review and approve the final plat, provided that the Agent shall not grant final approval and endorse the final plat until the Agent has received written documentation of approval from all appropriate parties, including but not limited to VDOT, DEQ (for stormwater), Skyline Soil & Water (for Erosion & Sediment Control), VDH if proposing a private centralized water system which must be built prior to final plat approval, and the PSA (for public water and/or wastewater).

- 6) Upon approval and recordation of the final plat, the Divider may sell lots and obtain building permits for structures to be located upon individual lots within the division. Upon completion of the road, the Agent shall verify completion in consultation with an Engineer retained by the County. The performance bond will be released as required pursuant to §15.2-2241 of the Code of Virginia, 1950, as amended.
- 7) The Divider shall have five (5) years from the date of plat approval to complete the road. If road completion has not occurred within the permitted time, the County may proceed to enforce its right with regard to the performance bond, and may employ the services of construction and engineering firms to complete the construction of the road. The cost estimate shall be updated every year on the remaining work, and the bond increased, if necessary.

5. Private Division Road Construction Standards

For corner lots that are on both a private division road and a public road, the Divider shall specify on the plat which road shall be used for frontage purposes. Corner lots whose frontage is on a private division road shall count as a parcel served by the private division road. All roads greater than 10% grade must be reviewed and approved by the E-911 Coordinator/Director of Public Safety.

a. Minor and Major Divisions Private Division Road Construction Standards

- 1) The approved private division road will meet all the design standards specified in Table 6-2-1.
- 2) The minimum road right-of-way shall be fifty (50) feet in width for road construction and utilities.
- 3) For divisions that have more than one (1) private division road accessing a public road, the number of parcels may not exceed ten (10) times the number of private division roads with public road access (i.e. a division with two (2) private division roads each intersecting a public road may not exceed 20 parcels).
- 4) In a division that proposes one (1) or more private division roads, at least one (1) private division road shall intersect with a public road. All private division roads intersecting with a public road must meet VDOT's entrance standards.
- 5) All private division roads must be terminated in a cul-de-sac according to Figure 6-2-1 if they do not connect to another private division road or a public road on both ends.

- b. The foregoing road standards in this Section shall not apply to existing driveways, existing named driveways, or existing private roads unless there is a request for them to be recognized as private division roads for the purpose of dividing property.

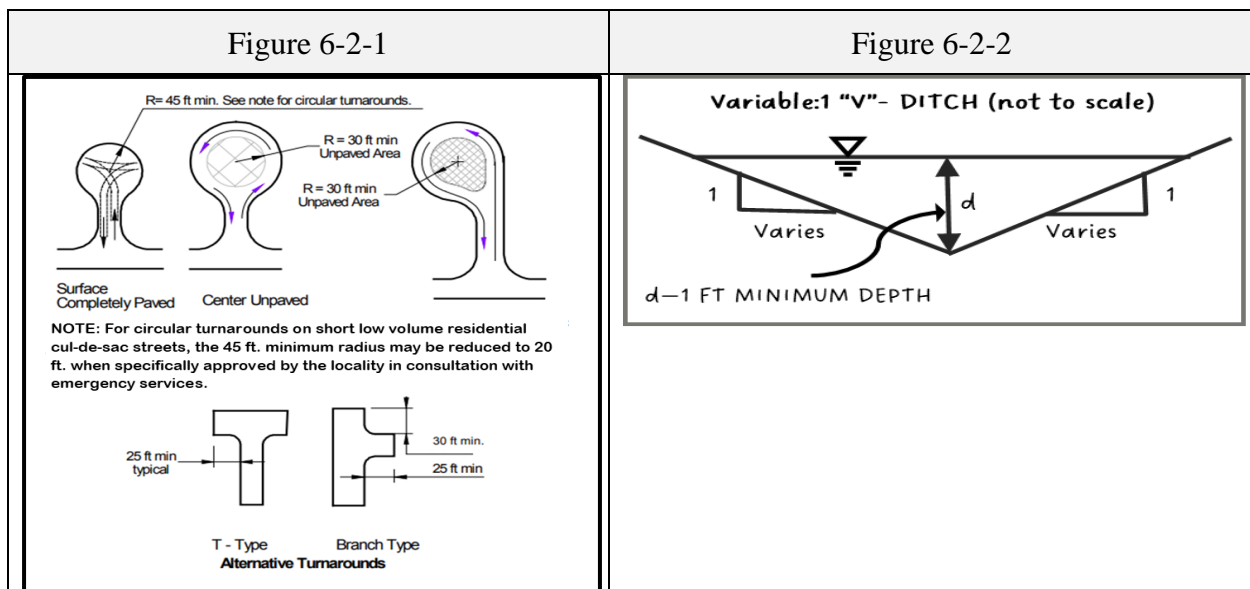
6. Erosion & Sediment Control and Stormwater Compliance

All private division road construction plans must be reviewed by the County Building Official to ensure compliance with erosion & sediment control and stormwater management requirements. The POA is required to submit a stormwater management agreement showing the POA as the sole party responsible for the maintenance of any required stormwater facilities. This agreement will be separate from the POA document regarding road maintenance. Stormwater facilities shall be located on a Special Lot.

7. Minimum Requirements for Approved Private Division Roads in Floyd County

- a. When a new division proposes to use an existing private division road, the number of lots using that road will be cumulative. Example: an existing private division road was approved and built to meet the standards for private division roads and serves six (6) parcels. An additional parcel is proposed using the same private division road. At that point, seven (7) parcels are proposed to use the private division road.
- b. The right-of-way width specified in Table 6-2-0 includes utilities.
- c. The Width of Travelway specified in Table 6-2-0 is exclusive of shoulders and side ditches.

Table 6-2-0 Minimum requirements for approved private division roads in Floyd County				
Right-of-Way Width (ft)	Width of Travelway ³ (ft)	Surface Treatment of Travelway	Shoulder Width (ft) on Each Side	Ditchline (ft) (Figure 6-2)
50	18	8-inches of stone (#21A)	2	1 ft in depth and variable width at bottom



6-3 Performance Guarantees

In this section, improvements refer only to either a proposed public road or a private division road. The purpose of this section is to ensure the appropriate and timely completion of improvements made in connection with a division, to provide resources to complete such improvements when the divider fails to provide them, to ensure that once accepted, the improvements are not defective, and to provide for the maintenance of such improvements until they are finally accepted by the appropriate public agency, if applicable.

1. Before any division plat will be given final approval, the Divider shall construct all required improvements in accordance with the approved plans and all applicable state and local requirements.
2. In lieu of construction, a performance agreement or performance agreements shall be executed between the County, POA, and Divider. The agreement or agreements shall be on forms supplied by the Agent and shall provide that all improvements shown on the final plat of division shall be completed within five (5) years from the date of approval. This provision includes the construction of all private division road(s) proposed for the division. All performance agreements shall require approval as to form by the County's legal counsel.
3. The performance agreement shall contain release provisions governing the complete release upon project completion, as well as provisions for the periodic partial release of any bond, escrow, or letter of credit or other performance guarantee. The release provisions shall provide for the complete or partial release of the performance guarantee within thirty (30) days after receipt of written notice by the Divider of completion of part or all of any improvement required to be constructed, unless the Agent or designee notifies the Divider in writing of any specified defects or deficiencies in construction and suggests corrective measures prior to the expiration of the said thirty (30) day period; however, the Agent or designee shall not be required to release any performance guarantee in an amount to exceed ninety percent (90%) of the actual cost of construction for which the guarantee was taken until the road has been completed, favorably inspected, and accepted, when applicable, by the appropriate public agency
4. The performance agreement shall be accompanied by surety to the County in an amount sufficient to provide for the improvements identified in the performance agreement. Surety shall consist of either (1) a certified check or cash escrow to the County in the amount of the estimated costs of construction or (2) a bank or savings and loan association's letter of credit to the County on certain designated funds in the amount of the estimated cost of construction, said letter of credit to be approved by the County's legal counsel, or (3) a personal, corporate, or property bond to the County with surety satisfactory to the County's legal counsel in an amount satisfactory for and conditioned upon the construction of such improvements or a contract for construction of such improvements and a contractor's bond to the County with like surety in the like amount and so conditioned.

5. Whenever the improvements required by an approved final division plat and identified in a performance agreement executed under this section have not been completed within the time limits established for such completion, the Agent shall move to obtain the funds or property provided as security under such agreement and shall cause such improvements to be completed. If any funds remain after all improvements are completed and accepted with all necessary fees paid, and no defects are found therein which must be repaired, such funds shall be returned to the Divider. In the event the Divider fails to complete the physical improvements in the time designated, the County may complete or cause the same to be completed, and the Divider, as principal, and/or the surety shall be jointly and severally liable to pay to the County the entire cost necessary to complete said improvements. In the event of default by the Divider as described above, the County may, at its option, collect the total cost for the completion of the improvements from the Divider as principal and/or the surety prior to the actual completion of same, which cost is to be determined by estimates prepared by or on behalf of the County. In the event the estimated cost is greater than the cost necessary to complete the improvements, the County will refund to the Divider and/or the surety the difference; in the event the estimated cost is less than the cost necessary to complete the improvements, the Divider as principal, and/or the surety shall furnish to the County upon demand an amount equal to the difference in cost. Such agreement shall comply with all provisions of this section and shall be accompanied by the required surety. The amount of the surety shall be adjusted to take into account the actual cost of the work remaining to be done and shall take into account any inflation in such costs. Once the time limit for completion of improvements has been extended through the execution of a new performance agreement, they shall not thereafter again be extended. Upon written request by the Divider, the Agent or designee or its designated administrative agency shall be required to make periodic partial releases of bond, escrow, letter or credit, or other performance guarantee in a cumulative amount equal to no more than ninety percent (90%) of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken. The Agent or designee may authorize partial release based on verified road completion and approval. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the improvements covered by any bond, escrow, letter of credit, or other performance guarantee. The Agent or designee or administrative agency shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period. Upon reported completion and favorable inspection of the road, the Agent or designee or administrative agency shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the Divider.

SECTION 7

PLATTING REQUIREMENTS

7-0 Applicability

The owner or developer of any tract of land to be divided within the County shall have a plat of the division made, with reference to known or permanent boundary markers/monuments. No division plat shall be recorded in the office of the Clerk of the Circuit Court without a certification from an authorized agent of the County that such plat has been approved as being in full compliance with the regulations set forth in this Ordinance.

7-1 Plat Standards

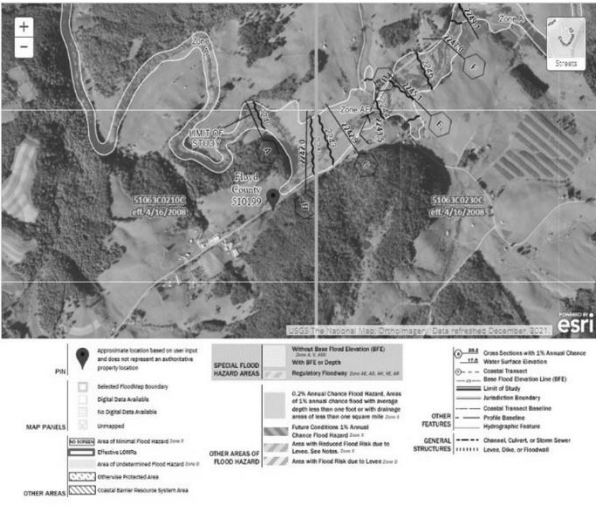
1. All plats (except sketch plats, whose requirements are in Section 8-1), regardless of type, shall contain the following minimum information:
 - a. The type of division, property owner(s), divider(s), tax map number(s), Surveyor or Engineer, date of drawing, and number of sheets;
 - b. Total acreage, location and dimensions (Width and Depth) of all proposed lots, acreage of subdivided Area (including any residual property), number and approximate Area and Frontage of all building sites, existing buildings within the boundaries of tract, names of owners, tax map parcel number(s) for existing parcels, and their property lines within the boundaries of the tract and adjoining such boundaries;
 - c. The Magisterial District in which the property is located;
 - d. The FEMA designated flood zone(s) in which the property is located and the associated Flood Insurance Rate Map. All land lying in the 100-year floodplain shall be identified on the plat by cross hatch or shading. For information regarding Flood Risk Areas, please see Table 7-1-1 and Figure 7-1-1 at the end of this section;
 - e. A north arrow, legend, scale (plats shall be to scale), and vicinity map (scale of not less than one-inch equals two thousand (2,000) feet);
 - f. A plat title block indicating type(s) of division(s), property owner(s) name(s), tax parcel number(s), and name each parcel involved and indicate any transfers of ownership involved;
 - g. Name of existing division in which the lots are located, if applicable;
 - h. The benchmark from which all measurements are taken (point of beginning);
 - i. All lot corners shall be marked by a Surveyor or Engineer, with rods of permanent material or 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;

- j. All existing, platted and proposed public roads or private division roads, and shared driveways, their names and dimensions; existing utility or other easements, public areas, common areas, and parking spaces; culverts, drains and watercourses, their names and other pertinent data;
- k. When the division consists of land acquired from more than one parcel, the outlines of the various tracts shall be indicated by dashed lines or an inset block, and identification of the respective tracts shall be placed on the plat;
- l. Location of any grave or structure marking the location of a human burial;
- m. Adjacent property tax map numbers, owners, and deed instrument numbers;
- n. All parcels dedicated for public use or as common area;
- o. Curve and line data and dimensions by bearings and distances of boundaries of all proposed and existing lot lines and rights-of-way or easements. The data of all curves along the road Frontage shall be shown in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings;
- p. Measurement error of not more than one (1) in ten thousand (10,000);
- q. Watercourses, their names, and any applicable information;
- r. Any road that adjoins the subject property. Each road is to be labeled as an existing or proposed public road, an existing or proposed private division road, a discontinued or abandoned VDOT road, or a shared driveway that has been named;
- s. Any existing or proposed easements located on the subject property;
- t. Any existing utilities located on the subject property, including fire hydrant(s) or dry hydrant(s);
- u. Existing wastewater systems or well locations, to include spring location(s);
- v. Existing shared wastewater system(s) or well locations and easements to the appropriate properties sharing the well or septic;
- w. Any existing development, including structures, located on the subject property;
- x. For all plats where the acreage of a parcel changes, a table shall be provided on the plat to show the acreage of each parcel before the lot line revision or division, and after such revision or division;
- y. Original seal from the Licensed Professional certifying the plat;
- z. A statement that the land boundary survey shown is based on a current field survey or a compilation from deeds, plats, surveys by others, or combination thereof. If the

PROPOSED REPLACEMENT OF FLOYD COUNTY SUBDIVISION ORDINANCE

land boundary shown is a compilation from deeds or plats, or a survey by others, the title of the plat shall clearly depict that the plat does not represent a current land boundary survey;

- aa. Source of the description of the land platted, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat, all adjoining property owners names, and the source and description of the land divided;
- bb. An oblong space at least 3” x 5” shall be reserved for the appropriate approval signatures;
- cc. The Agent or Planning Commission may require additional information to show the plat is in compliance with the ordinance. t.

Table 7-1-1		Figure 7-1-1	
<p>NOTE: Flooding can occur on any property, not just within high or moderate flood risk areas.</p>		<p>How to find out if your property may be in a Special Flood Hazard Area:</p> <ol style="list-style-type: none"> 1. Visit https://msc.fema.gov 2. Enter your address and click Search 3. A map and legend will be displayed 4. To print, click Dynamic Map 5. To download, click Map Image 	
High Flood Risk Areas			
Special Flood Hazard Area (SFHA)	The area that will be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. This area may also be referred to as a 100-year floodplain or the base flood.		All A and V zones (Zone A, Zone AO, Zone AH, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A, Zone V, and Zone VE)
Regulatory floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.		Within Zone AE
Moderate Flood Risk Areas			
Zone X (shaded)	The area between the limits of the 1 percent flood and the 0.2 percent annual chance flood. This area is also referred to as a 500-year floodplain.		
Low Flood Risk Areas			
Zone X (unshaded)	This area is outside the SFHA and higher than the elevation of the 0.2 percent annual-chance flood.		

2. Additional Plat Standards

- a. Plats should be a minimum of 17” x 22” in size and cannot exceed 18” x 24” in size. Plats shall be drawn to a scale not to exceed 1:100 unless agreed to by the Agent.
- b. Depending upon the complexity of the plat, the Agent may require additional sheets to be used. Where more than one sheet is necessary to show the entire plat, match lines shall be clearly indicated, and cover sheet(s) must be included.

- c. The font type and size must be clear and legible. Letters, numbers, and symbols must be properly spaced to avoid touching each other or “bleeding” together. Cursive, script, and scroll fonts will not be accepted.

7-2 Statements Required to be on all Plats

1. Owner’s Statement

- a. Every plat showing a division of land or lot line revision must contain a statement to the effect that:

“The above and foregoing division of the following described land (insert correct description of the land divided) or lot line revision as it appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any. I accept legal responsibility for these affirmations and understand that penalties may be imposed if this statement is incorrect. “

- b. If the plat shows a family division, the statement must include the name of the grantee(s) and must state the relationship of the grantor to the grantee that is qualified to receive a family lot. The statement must also certify that the residual parcel contains one (1) acre or more and has the required road frontage, lot width, and lot depth; or access easement of twenty (20) feet or greater in width.

Example:

“The above and foregoing family division of (Floyd County Tax Map xx-xx) as it appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any. I/we also certify that John D. Smith is the father of Julie Smith Johnson, the residual parcel contains one (1) acre or more and has the required road frontage, lot width, and lot depth; or access easement of twenty (20) feet or greater in width. I accept legal responsibility for these affirmations and understand that penalties may be imposed if this statement is incorrect.”

The statement must be signed by the owners, life estate holders, proprietors, and trustees, if any, whose signatures must be notarized prior to submittal of the plat for final approval and signatures. Notarization must be done on the same sheet as the signature(s).

2. Family Division Affidavit Statement

The following statement must be included on all family division plats and must be placed near the Certificate of Approval block. If there are multiple parcels created, there must be room to write the instrument number of each affidavit.


“See Family Division Affidavit Recorded Herewith as Instrument No. _____”

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3. Notary Block

A generic notary block should be made available for each person required to sign the plat.

STATE OF _____
COUNTY/CITY OF _____, to wit.
I, _____, a Notary Public of and for the a forementioned State and County do hereby state that _____ did appear before me on this _____ day of _____, 20____, and acknowledge the foregoing document by executing the same.
_____ Notary Public
My Commission Expires: _____



4. Certificate of Approval

- a. Every plat showing a division of land or lot line revision must contain the following language in the Certificate of Approval (signatures in *italics* are only needed on the plat if required for approval):

This plat is approved by the undersigned in accordance with the existing ordinances and regulations of the County of Floyd and may be admitted to record.	
Agent, Floyd County Board of Supervisors	Date
<i>Floyd County E-911 Coordinator</i>	Date
<i>Chair, Planning Commission</i>	Date
<i>Virginia Department of Transportation</i>	Date
<i>Virginia Department of Health</i>	Date
<i>Floyd-Floyd County Public Service Authority</i>	Date
<i>Town of Floyd (or an adjacent county involved)</i>	Date
<i>Signature line(s) for other required approvals</i>	Date

[This space left intentionally blank]

- b. Every plat showing a boundary survey or parcels of record, and not including any division or lot line revision, shall contain the following language in the Certificate of Approval if it is to be signed by the Agent:

This plat is a parcel of record or boundary survey and approval by the Subdivision Agent is not required. No interior lot lines are being vacated.	
Agent, Floyd County Board of Supervisors	Date

5. Recordation Statement

The following statement must be included on all plats, including lot line revisions:

“This plat must be recorded in the office of the Floyd County Clerk of Circuit Court within six (6) months from the date of Agent or Planning Commission Chair signature in order to remain valid.

The recordation of this plat does not constitute a conveyance of land. Any lot, parcel, or tract of land that is intended for sale and/or conveyance must be conveyed by a deed and said deed must be recorded in the office of the Floyd County Clerk of Circuit Court.”

6. Private Wastewater Statement

When no existing private wastewater system has been identified on a plat, the following statement must be shown on the plat:

“Unless otherwise noted, no lots on this plat have been approved for a private wastewater system.”

7. Public Water and/or Public Wastewater Statement

When a division plat is approved based on the availability of public water and/or public wastewater, the following statement must be shown on the plat:

“The approval of this plat is based on the availability of public water and/or public wastewater. The PSA availability form is valid for the length of time determined by the PSA and noted on the form. When a building permit is applied for, a letter from the PSA indicating continued availability must be provided. If public water and/or public wastewater is no longer available, VDH approval for a private well and/or private wastewater system must be submitted prior to issuance of a building permit.”

8. Private Centralized Water and/or Private Centralized Wastewater Statement

When a division plat is approved based on the availability of private centralized water and/or private centralized wastewater, the following statement must be shown on the plat:

“The approval of this plat is based on the availability of private centralized water and/or private centralized wastewater. A letter of approval for the private centralized water system and/or private centralized wastewater system from the VDH must be provided prior to the Building Official’s issuance of a building permit.”

9. Proposed Public Road Statement

When a proposed public road is shown on a plat, the following statement must be included on the plat:

“Recordation of this plat serves to transfer, in fee simple, land for the road(s) in this division to Floyd County. **The County is in no way responsible for the construction or maintenance of such road(s).** The Property Owner’s Association (POA) established at the time of this division shall be solely responsible for the maintenance and construction of the road(s). The POA agreement providing for road maintenance, has been recorded in the Clerk’s Office of the Circuit Court of Floyd County, with the instrument number _____.”

10. Private Division Road Statement

When a private division road is shown on a plat, the following statement must be included on the plat:

“The private division roads in this division do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by VDOT or Floyd County. The private division roads shown on this plat shall be owned, constructed, operated, and maintained by a Property Owners’ Association (POA) in perpetuity. The POA agreement providing for road maintenance, has been recorded in the Clerk’s Office of the Circuit Court of Floyd County, with the instrument number _____.”

11. Other Access Statement

When any road, driveway, right-of-way, or access easement shown on a plat is not maintained by VDOT, the following statement must be included on the plat:

“The roads in this division do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by VDOT or Floyd 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. Roads that are not constructed to meet the standards necessary for inclusion in the systems of state highways shall be privately owned, constructed, operated, and maintained.”

SECTION 8

CONSIDERATION OF PLATS

8-0 Applicability

To establish the process by which plats are accepted, reviewed, approved or disapproved, and appealed.

8-1 Sketch Plats

Whenever a new public road or a new private division road is proposed, the Divider shall submit a sketch plat of each proposed division for review by the Agent before preparing the engineered preliminary and final plats. The sketch plat for a minor division shall be submitted to the Agent for review and may be submitted to the Planning Commission for their review and advice. For a major division, the Agent shall submit the Sketch Plat to the Planning Commission for their review. The purpose of the sketch plat is to permit the Agent and/or Planning Commission to advise the Divider whether the plans are generally in accordance with the requirements of this Ordinance. A sketch plat not involving a proposed private division road or proposed public road may be submitted to the Agent if the Divider so chooses. The sketch submittal shall include the applicable review fee as set forth in the Fee Schedule referenced in Appendix B of this Ordinance.

1. Requirements of a Sketch Plat:

- a. Include the name, location, dimensions of all roads and rights-of-way (including width) entering the property, adjacent to the property, or terminating at the boundary of the property to be divided. Road route numbers, names, and status (prescriptive easement, maintained, discontinued, or abandoned) must be shown on the plat;
- b. Show the approximate location of natural features, such as slopes with approximate gradients, watercourses, etc.;
- c. Include approximate dimensions of existing and proposed property lines;
- d. Show existing utilities and easements (including width);
- e. Show the approximate acreage of each proposed tract;
- f. Show the general location and configuration, including terminus, of each road proposed within the development.

2. Sketch Plat Submitted to Virginia Department of Transportation (VDOT)

If applicable, the Divider shall submit the sketch plat to VDOT for review. The review by VDOT will advise the Divider of the standards that will be required for (1) any proposed public road associated with the division, and/or (2) any connection from a

proposed private division road to an existing or proposed public road. This information shall be provided to the Agent as soon as it is available to the Divider.

3. Part of Tract

Whenever part of a tract is proposed for platting and it is intended to divide additional parts in the future, a Sketch plat for the entire tract shall be submitted with the Preliminary Plat. This sketch is merely for informational purposes and is not binding on the Divider, the Agent, or the Planning Commission.

4. Number of Sketch Plat Copies and Format Required

For minor divisions, a minimum of one (1) paper copy and one (1) digital copy of each Sketch Plat shall be submitted to the Agent for review. For major divisions, ten (10) paper copies and one (1) digital copy of each Sketch Plat shall be submitted to the Agent for the Planning Commission to review. Paper copies of Sketch Plats should be a minimum of 17" x 22" in size and to-scale. The font type and size must be clear and legible. Letters, numbers, and symbols must be properly spaced to avoid touching each other or "bleeding" together. Cursive, script, and scroll fonts will not be accepted.

5. Deadline for Submittals to be Reviewed by the Planning Commission

In order for a plat to be reviewed by the Planning Commission at their regular monthly meeting, a complete application packet must be submitted no later than fourteen (14) calendar days prior to the meeting date.

6. Review

The Planning Commission and Agent shall have sixty (60) days to review and act on each Sketch plat submitted. The review period begins following acceptance of a complete application packet as determined by the Agent. After reviewing the proposed sketch, the Agent and/or Planning Commission may advise the Divider whether the plans are generally in accordance with the requirements of this Ordinance.

Agent or Planning Commission reviews of sketch plats are non-binding and subject to change upon receipt of clarification or additional information. No vested rights shall accrue to any Divider based upon review and feedback given concerning a Sketch plat.

8-2 Preliminary Plats

A preliminary plat is required to be submitted for all proposed divisions and lot line revisions. The purpose of the preliminary plat is to define the extent of the division of property and indicate that each division or lot line revision is a legal division or lot line revision and not an attempt to circumvent the requirements of this Ordinance. Preliminary plats must include the requirements of section 7-1. The preliminary plat submittal shall include the applicable review fee as set forth in the Fee Schedule referenced in Appendix B of this Ordinance.

1. Number of Preliminary Plat Copies Required

For minor divisions, a minimum of one (1) paper copy and one (1) digital copy of each preliminary plat shall be submitted to the Agent for review. For major divisions, ten (10) paper copies and one (1) digital copy of each preliminary plat shall be submitted to the Agent for the Planning Commission to review. Additional paper copies may be required dependent on the agencies that have to review the plat. Paper copies of preliminary plats should be a minimum of 17” x 22” in size and to-scale.

2. Deadline for Submittals to be Reviewed by the Planning Commission

For a plat to be reviewed by the Planning Commission at their regular monthly meeting, a complete application packet must be submitted no later than fourteen (14) calendar days prior to the meeting date.

3. Review Period

The Planning Commission and Agent shall have sixty (60) days to review and act on each preliminary plat submitted. The review period begins following acceptance of a complete application packet as determined by the Agent. After reviewing the proposed division, the Agent shall indicate necessary changes in writing and provide them to the Divider and/or surveyor. If the proposed division is denied, reasons for disapproval shall be made in writing and provided to the Divider and/or surveyor.

4. Other Agencies

All original preliminary plats submitted for review shall be forwarded to, where necessary, the Floyd County E911 Coordinator, Virginia Department of Transportation, and Floyd-Floyd County Public Service Authority. The Agent shall submit the plats to those entities, if required.

5. Failure to Act on Proposed Plat

If the Agent or Planning Commission fails to act on the proposed plat within the timeframe outlined in subsection 3 above, the Divider, after ten (10) days written notice to the Planning Commission, may petition the Circuit Court to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper.

6. Preliminary Plat Time Limits

a. Preliminary Plat Approval

Once a preliminary plat is approved, it shall be valid for a period of five (5) years, provided that the Divider:

- 1) Submits a final division plat for all or a portion of the property within one (1) year of approval; and thereafter

2) Diligently pursues approval of the final division plat. “Diligent pursuit of approval” means that the Divider has incurred extensive obligations or substantial expenses, including but not limited to road development, bonding, etc., related to the final division plat. After three (3) years of the preliminary approval of the plat, and upon 90 days written notice by certified mail to the Divider, the Agent or Planning Commission may revoke the approval upon a specific finding of facts that the Divider has not diligently pursued approval of the final division plat.

b. Preliminary Plat Returned With Comments

Once review comments on the preliminary plat have been given to the Divider or their surveyor, the Divider has no more than six (6) months to file an updated preliminary plat addressing comments from the Agent or Planning Commission. The Planning Commission may, on written request by the Divider and recommendation by the Agent, grant an extension of this time limit without occurring an additional fee as set forth in the Fee Schedule referenced in Appendix B of this Ordinance.

c. Preliminary Plat Disapproval and Appeal

Once official notification regarding the Agent’s disapproval of a preliminary plat has been made, and the Divider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary and capricious, he may submit a written appeal to the Planning Commission within ten (10) days of the date of the original written disapproval by the Agent and will be heard at the next meeting. The written appeal submittal shall include the applicable fee as set forth in the Fee Schedule referenced in Appendix B of this Ordinance. If such appeal is disapproved, the Divider may submit a written appeal to the Circuit Court of Floyd County within sixty (60) days of the date of the appeal disapproval by the Planning Commission. The Divider shall be responsible for all Court filing fees and service of process fees.

If the Planning Commission disapproves a preliminary plat and the Divider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary and capricious, he may submit a written appeal to the Circuit Court of Floyd County within sixty (60) days of the date of the original written disapproval by the Planning Commission. The Divider shall be responsible for all Court filing fees and service of process fees.

8-3 Final Plats

1. Deadline for Submittals to be Reviewed by the Planning Commission

In order for a plat to be reviewed by the Planning Commission at their regular monthly meeting, a complete application packet must be submitted no later than fourteen (14) calendar days prior to the meeting date.

2. Review Period

The Planning Commission and Agent shall have sixty (60) days to review and act on each final plat submitted. The review period begins following acceptance of a complete application packet as determined by the Agent. If the Planning Commission or Agent must forward the plat to one or more State Agency, or to the Floyd-Floyd County Public Service Authority for review, the Agent shall have thirty-five (35) days to review the plat after receiving approval from all agencies. The Planning Commission or agent shall have forty-five (45) days to review after a plat has been resubmitted after a previous disapproval. After reviewing the proposed division, the Agent shall indicate necessary changes in writing and provide them to the Divider and/or surveyor. If the proposed division is denied, reasons for disapproval shall be made in writing and provided to the Divider and/or surveyor.

3. Other Agencies

All original final plats submitted for review shall be forwarded to, where necessary, the Floyd County E911 Coordinator, Virginia Department of Transportation, and Floyd-Floyd County Public Service Authority. The Agent shall submit the plats to those entities, if required.

4. Final Plat Approval

Plat approval shall be indicated by signature of the Agent and, if applicable, the Chair of the Planning Commission, on the plat.

5. Final Plat Disapproval and Appeal

Once official notification regarding the Agent's disapproval of a final plat has been made, and the Divider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary and capricious, he may submit a written appeal to the Planning Commission within ten (10) days of the date of the original written disapproval by the Agent and will be heard at the next meeting. The written appeal submittal shall include the applicable fee as set forth in the Fee Schedule referenced in Appendix B of this Ordinance. If such appeal is disapproved, the Divider may submit a written appeal to the Circuit Court of Floyd County within sixty (60) days of the date of the appeal disapproval by the Planning Commission. The Divider shall be responsible for all Court filing fees and service of process fees.

If the Planning Commission disapproves a final plat and the Divider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary and capricious, he may submit a written appeal to the Circuit Court of Floyd County within sixty (60) days of the date of the original written disapproval by the Planning Commission. The Divider shall be responsible for all Court filing fees and service of process fees.

See Figure 8-1-1 at the end of this section.

6. How Long Final Plat Valid

An approved final division plat shall be valid for a period as provided in Article 6 of Chapter 22 of Title 15.2 of the Code of Virginia.

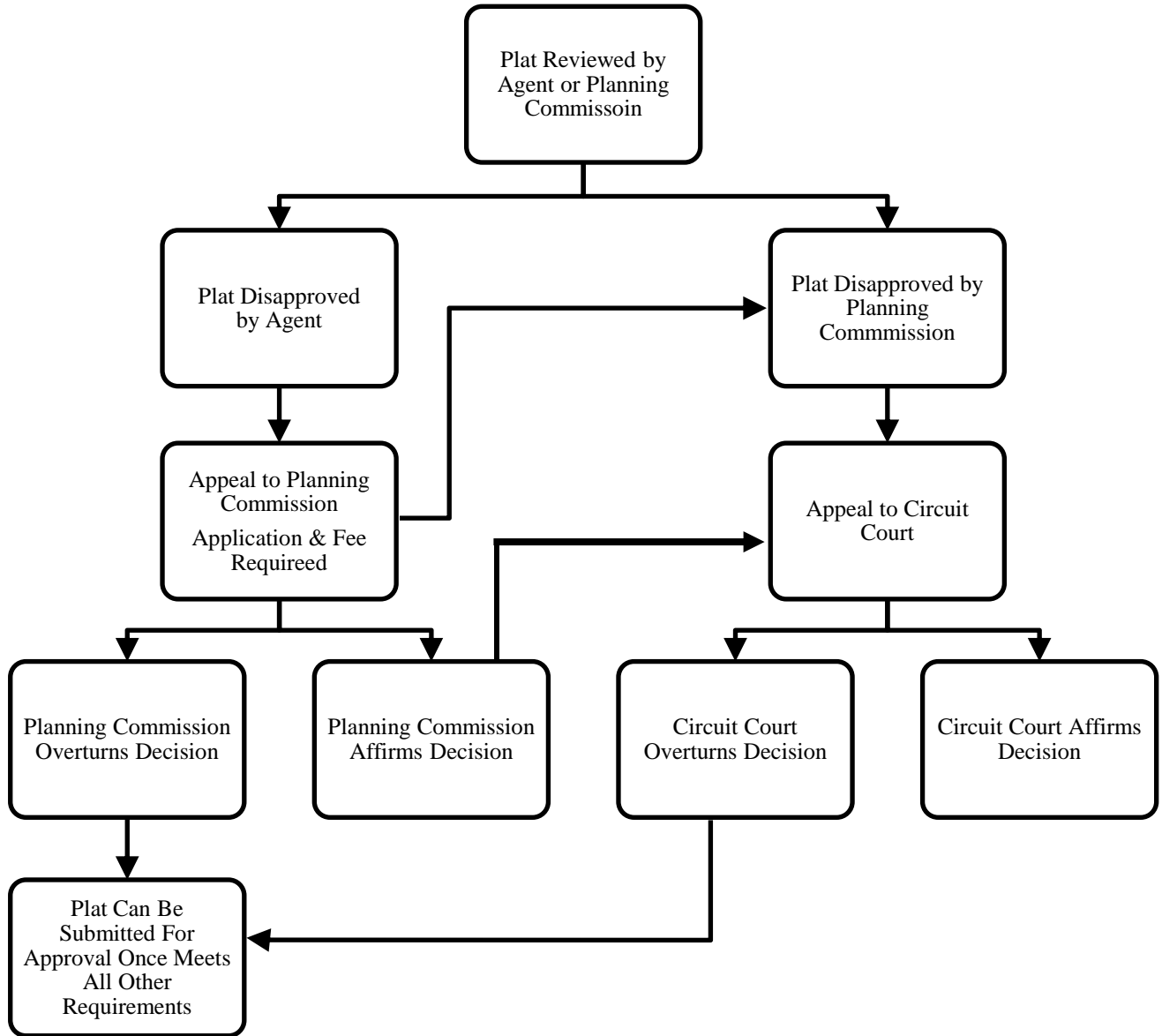
8-4 Time Limit on Recordation

The Divider shall have not more than six (6) months from the date of the Agent's or Planning Commission Chair's signature to record the final plat in the office of the Floyd County Clerk of Circuit Court. One (1) six (6) month extension may be granted if requested by the Divider in writing. If a plat is not filed for recordation within the time limit, such approval shall be withdrawn, and the plat marked void and returned.

In cases where construction of improvements to be dedicated for public use has been commenced pursuant to an approved plan or permit with surety approved by the governing body or its designated administrative agency, or where the Divider has furnished surety to the governing body or its designated administrative agency by certified check, cash escrow, or bond, the plat shall be valid for a period of five (5) years from the date of approval.

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Figure 8-1-1
Appeal Process



SECTION 9

EXCEPTIONS

9-0 Applicability

In cases where the Divider can demonstrate to the satisfaction of the Planning Commission, the Planning Commission may grant an exception to the requirements of this ordinance.

9-1 Procedure for Requesting an Exception

A Divider requesting an exception must file an application with the Agent. The application must include the following: (1) the particular section(s) of the Ordinance from which the exception is desired; and (2) the reason(s) for which the Divider wishes the exception to be granted. The application must be accompanied by either a preliminary plat or a preliminary sketch which meet the requirements of this Ordinance, and the applicable non-refundable filing fee. The request may be withdrawn by the Divider at any point in the process.

9-2 Procedure for Deciding Upon Exception

1. Planning Commission to Consider Request

Following the Agent's receipt of the request for exception, the Planning Commission shall consider the request. The Planning Commission shall have sixty (60) days during which to vote to approve, approve with conditions, or deny the request for exception; or it shall return the request to the Divider for clarification or provision of additional information. The Divider shall provide such clarification or additional information to the Agent at least fourteen (14) calendar days prior to the next scheduled meeting of the Planning Commission. At such meeting, the Planning Commission shall vote to approve, approve with conditions, or deny the request for exception.

2. Granting of Request for Exception

Should the Planning Commission vote to grant the exception, a preliminary plat must be submitted within six (6) months from the date that the exception was granted. The preliminary plat shall include a statement to include the date that the exception was granted, what section(s) of the Ordinance the exception(s) were granted for, and what, if any, conditions were placed upon the exception. The Divider shall have not more than twelve (12) months from the date that the exception was granted to submit the final plat for the Agent's and/or Planning Commission Chair's signature and to record the final plat in the office of the Floyd County Clerk of Circuit Court.

3. Denial of Request for Exception

Should the Planning Commission vote to not grant the exception, their decision may be appealed to the Board of Supervisors within thirty (30) days of the date of the Planning Commission decision. Within forty-five (45) days of receipt of such appeal,

the Board of Supervisors shall vote to approve, approve with conditions, or deny the exception.

Should the Board of Supervisors affirm the decision of the Planning Commission, their decision may be appealed to the Circuit Court within thirty (30) days of the date of the Board of Supervisor's decision.

9-3 Criteria for Deciding Upon Exceptions

The following criteria shall be used by the Planning Commission and the Board of Supervisors in reaching their decisions regarding requests for exceptions:

1. An unusual situation or when strict adherence to the general regulations would result in substantial injustice or hardship. Hardship is defined in physical terms and not in financial terms;
2. The authorization of the exception will not create a substantial detriment to adjacent or nearby property;
3. The situation is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as amendment(s) to this Ordinance; and,
4. The hardship is created by the physical character of the property or of the property immediately adjacent thereto. Personal, pecuniary (financial), or self-inflicted hardship shall not be considered grounds for the authorization of an exception. In accordance with Section 4-2-1, a waiver of the time requirements for a family division may be granted when changed circumstance so require.

9-4 Written Reasons for Approval or Denial of Exception

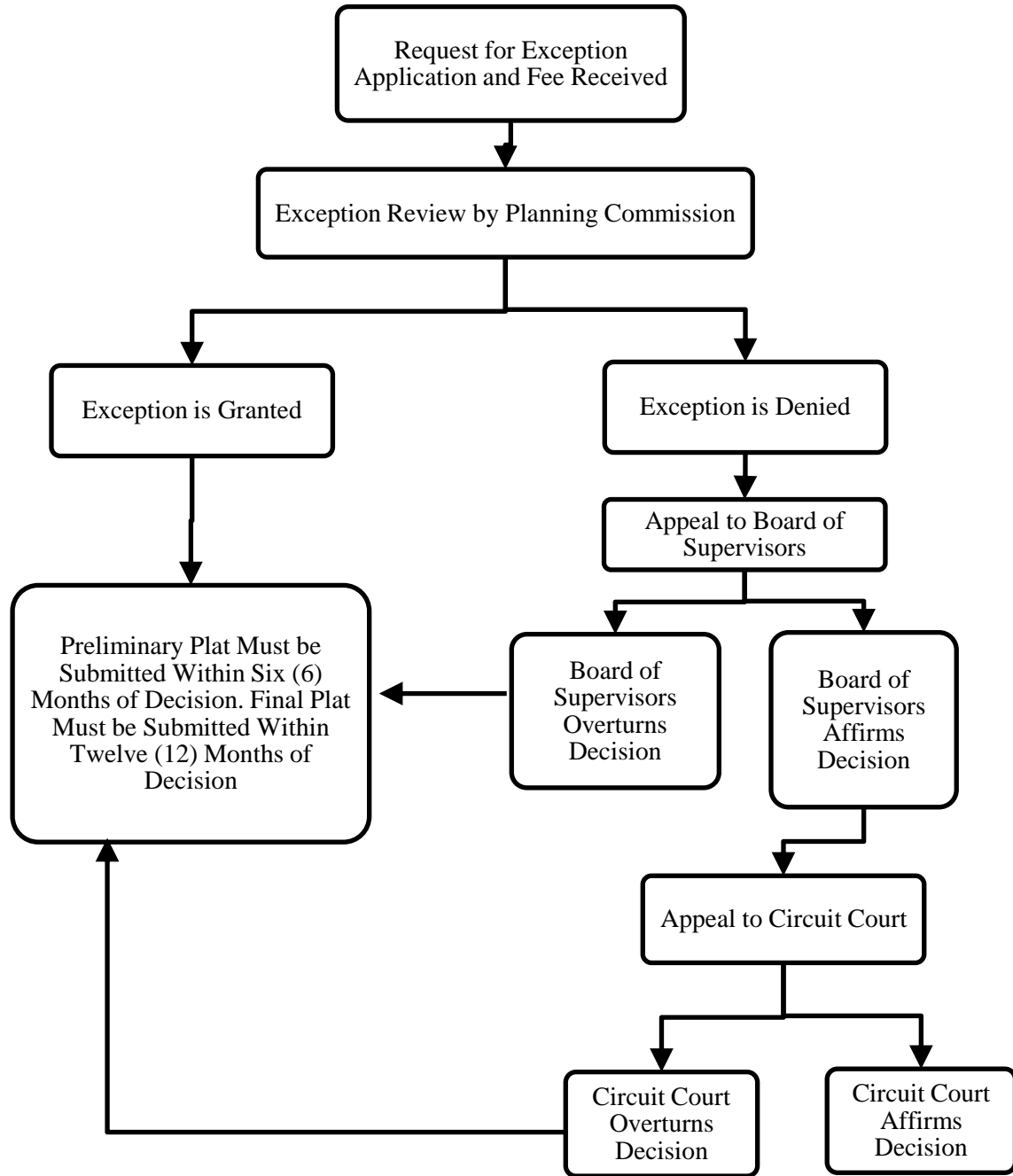
Any exception granted or denied by the Planning Commission and/or Board of Supervisors shall be stated in writing with the reasoning for the decision.

9-5 Conditions May be Attached

The Planning Commission or Board of Supervisors may attach such conditions and safeguards to the exception, as they deem necessary to protect the public interest.

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Figure 9-1-1
Request for Exception Process



SECTION 10

PERFORMANCE GUARANTEES FOR NON-ROAD IMPROVEMENTS

10-0 Performance Guarantees

The purpose of this section is to ensure the appropriate and timely completion of public and/or private centralized water and private centralized wastewater improvements made in connection with a division, to provide resources to complete such improvements when the divider fails to provide them, to ensure that once accepted, the improvements are not defective, and to provide for the maintenance of such improvements until they are finally accepted by the appropriate public agency, if applicable. Such improvements include, but are not limited to sidewalks, parks, and utilities.

1. Before any division plat will be finally approved, the Divider shall construct all required public improvements in accordance with the approved plans and all applicable state and local requirements.
2. In lieu of construction, a performance agreement or performance agreements shall be executed between the County and all parties, including the POA, to the division. The agreement or agreements shall be on forms supplied by the Agent and shall provide that all improvements shown on the Final Plat of division shall be completed within twelve (12) months from the date of approval. All performance agreements shall require approval as to form by the County Attorney.

Any performance agreements shall contain release provisions governing the complete and partial release of any bond, escrow, or letter of credit or other performance guarantee. The release provisions shall provide for the complete or partial release of the performance guarantee within thirty (30) days after receipt of written notice by the Divider of completion of part or all of any improvement(s) required to be constructed, unless the Agent or designee notifies the Divider in writing of any specified defects or deficiencies in construction and suggests corrective measures prior to the expiration of the said thirty (30) day period; however, the Agent or designee shall not be required to release any performance guarantee in an amount to exceed ninety percent (90%) of the actual cost of construction for which the guarantee was taken until such improvements have been completed, favorably inspected, and accepted by the applicable public agency.

The performance agreement shall be accompanied by surety to the County in an amount sufficient to provide for the improvements identified in the performance agreement. Surety shall consist of either (1) a certified check or cash escrow to the County in the amount of the estimated costs of construction or (2) a bank or savings and loan association's letter of credit to the County on certain designated funds in the amount of the estimated cost of construction, said letter of credit to be approved by the County Attorney, or (3) a personal, corporate, or property bond to the County with surety satisfactory to the County Attorney in an amount satisfactory for and conditioned upon the construction of such improvements or a contract for construction of such improvements and a contractor's bond to the County with like surety in the like amount and so conditioned.

3. Whenever the improvements required by an approved final division plat and identified in a performance agreement executed under this section have not been completed within the time limits established for such completion, the Agent shall move to obtain the funds or property provided as security under such agreement and shall cause such improvements to be completed. If any funds remain after all improvements are completed and accepted with all necessary fees paid, and no defects are found therein which must be repaired, such funds shall be returned to the Divider. In the event the Divider fails to complete the physical improvements in the time designated, the County may complete or cause the same to be completed, and the Divider, as principal, and/or the surety shall be jointly and severally liable to pay to the County the entire cost necessary to complete said improvements. In the event of default by the Divider as described above, the County may, at its option, collect the total cost for the completion of the improvements from the Divider as principal and/or the surety prior to the actual completion of same, which cost is to be determined by estimates prepared by or on behalf of the County. In the event the estimated cost is greater than the cost necessary to complete the improvements, the County will refund to the Divider and/or the surety the difference; in the event the estimated cost is less than the cost necessary to complete the improvements, the Divider as principal, and/or the surety shall furnish to the County upon demand an amount equal to the difference in cost. In unusual cases where the Agent finds that substantial progress has been made towards the completion of the improvements prior to the expiration of the limit and where the Agent finds that factors (other than general economic conditions) beyond the control of the Divider have contributed substantially to delay, and where the Agent finds that the improvements could be completed within an additional twelve (12) month period, the Agent may execute a new performance agreement requiring completion of all improvements within a twelve (12) month period. Such agreement shall comply with all provisions of this section and shall be accompanied by the required surety. The amount of the surety shall be adjusted to take into account the actual cost of the work remaining to be done and shall take into account any inflation in such costs. Once the time limit for completion of improvements has been extended through the execution of a new performance agreement, they shall not thereafter again be extended.

4. Upon written request by the Divider, the Agent or designee or its designated administrative agency shall be required to make periodic partial releases of bond, escrow, letter or credit, or other performance guarantee in a cumulative amount equal to no more than ninety percent (90%) of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the Agent or designee or its designated administrative agency based upon the percentage of improvements completed and approved by the Agent or designee, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the improvements covered by any bond, escrow, letter of credit, or other performance guarantee. The Agent or designee or administrative agency shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period. Upon reported completion and before acceptance of the improvements, and before the Agent or designee or administrative agency releases any remaining bond, escrow, letter of credit, or other performance guarantee to the Divider, the improvements must be verified as complete and favorably

inspected by the Agent or designee. For the purpose of final release, the term “acceptance” means: that the public facility is approved by and taken over for operation and maintenance by the state agency, local government, or other public authority.

5. For the purposes of this section, a certificate of partial or final completion of such improvements from a licensed Professional Engineer, as defined in and limited to §54.1-400, or from a department or agency designated by the locality may be accepted without requiring further inspection of such improvements.

SECTION 11

VACATION OF PLATS

11-0 Applicability

To establish the process in which plats may be vacated.

11-1 Vacation of a Plat Before Lots Have Been Conveyed

Where no lots have been conveyed, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. By Owner: If a plat has been recorded and no lots have been sold, the owners, proprietors, and trustees who signed the final plat may file a written instrument declaring said final plat to be vacated, with the consent of the Board of Supervisors. Such instrument shall be duly executed, acknowledged, or proved and shall be filed in the office of the Clerk of the Floyd County Circuit Court; or
2. By Board of Supervisors: If a plat has been recorded, but no lots have been sold, and the Floyd County Board of Supervisors determines it is in the best interest of the County to vacate the plat, an ordinance may be adopted vacating the plat. Such ordinance shall not be adopted until after notice has been given as required by Section 11-4 of this chapter. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the Clerk of the Floyd County Circuit Court.
3. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Floyd County Circuit Court. Upon such appeal, the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

11-2 Vacation of Plat Where Lots Have Been Conveyed

In cases where any lot has been conveyed, the plat or part thereof may be vacated according to either of the following methods:

1. By Owner: A plat may be vacated by written instrument agreeing to said vacation signed by all of the owners of lots shown on said plat, and also signed on behalf of Floyd County for the purpose of showing the approval of such vacation by the Board of Supervisors. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the office of the Clerk of the Floyd County Circuit Court;
2. By Board of Supervisors: A plat may be vacated by ordinance of the Board of Supervisors. Such ordinance shall not be adopted until after notice has been given as required by Section 11-4 of this chapter. Any person may appear at the public meeting for the purpose of objecting to the adoption of the ordinance. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld

on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the Clerk of the Floyd County Circuit Court.

3. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Floyd County Circuit Court. Upon such appeal, the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

11-3 Vacation of Interests Granted to the Governing Body as a Condition of Plat Approval

Any interest in streets, alleys, and easements, for public rights of passage, easements for public rights of passage, easements of drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the governing body or authorized agent of the locality where the land lies consents to the vacation. The instrument shall be recorded in the same Clerk's Office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the governing body; or,
2. By Ordinance of the governing body in the locality in which the property which is the subject of an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to §15.2-2241 through §15.2-2245 of the Code of Virginia, 1950, as amended, have been constructed.

The Ordinance shall not be adopted until after notice has been given as required by §15.2-2204 of the Code of Virginia, 1950, as amended. The notice shall clearly describe the interest of the governing body to be vacated by reference to the recorded instrument on which it was created and state the time and place of the meeting of the governing body at which the adoption of the Ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the Ordinance. An appeal from the adoption of the Ordinance may be filed within thirty (30) days of the adoption of the Ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal, the court may nullify the Ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the Ordinance is filed within the time above provided or if the Ordinance is upheld on appeal, a certified copy of the Ordinance of Vacation may be recorded in the Clerk's Office of any court in which the instrument creating the governing body's interest is recorded.

The execution and recordation of an Ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements, for a public utility as may be described in, and in accordance with, the Ordinance of Vacation.

11-4 Public Notice and Advertising

Specific applications are subject to public hearing notice requirements as set forth in this section. In addition to an application fee, the owner(s) shall be responsible for payment of the cost to advertise the public hearing notice and to mail letters to nearby property owners, if applicable.

Upon acceptance of an application that requires a public hearing, the Board of Supervisors shall fix a reasonable date and time for the public hearing. Notice of public hearing requirements shall, at a minimum, follow the Code of Virginia § 15.2-2204.

SECTION 12

DEFINITIONS

12-0: For purposes of this ordinance, certain words and terms shall be defined as follows:

1. Access Easement

See "Right-of-Way."

2. Accessory -Structure

A building or structure detached from a main building and used for purposes incidental to those of the main building. Examples include a picnic shelter, gazebo, and a building used to store landscaping and maintenance equipment for a townhouse development.

3. Affidavit for Family Division

A sworn statement attesting to the ownership of property and detailing the qualifying degree of family relations or kinship for purposes of dividing and conveying property to a qualifying immediate family member in accordance with Section 4-5 of this Ordinance.

4. Agent

The representative of the Board of Supervisors who has been designated to perform the duties described in this Ordinance, including reviewing and approving plats authorized herein. The Board may appoint assistants as deemed necessary. Such Agent and assistants shall have all authority, rights and responsibilities as provided by this Ordinance or the Code of Virginia.

5. Alley

A thoroughfare through middle of a block of real property giving access to the rear of buildings or lots. Alleys shall not be considered in determining lot frontage. New alleys created subsequent to the adoption of this Ordinance are not intended to be owned, operated, or maintained by VDOT or Floyd County, although VDOT review may be required for the entrance only if abutting a public road.

6. Approving Authority

The Floyd County Planning Commission or the Agent, depending upon the type of division in question.

7. Board (of Supervisors)

The elected officials who constitute the governing body of Floyd County and whose official title is the Board of Supervisors of Floyd County, Virginia.

8. Bridge
See "Road Structure".
9. Cemetery, Private
A family burying ground in which no lots are sold to the public.
10. Centralized Wastewater
A system where individual lots are connected to a common wastewater disposal system, rather than individual wastewater systems; this may be public wastewater, or a wastewater system that is privately owned and operated by a Property Owners Association.
11. Centralized Water
A system where individual lots are connected to a common water distribution system, rather than individual wells; this may be public water, or a water system that is privately owned and operated by a Property Owners Association.
12. Clerk
The Clerk of the Circuit Court of Floyd County, Virginia.
13. Common Area
An area of land in a development owned by a Property Owners Association, which is available for use by all tenants or property owners, their invitees and in some instances the general public.
14. Complete Application Packet
Packet containing all required fees, forms, plats, and other documents as required.
15. Condominium
"Condominium" means real property, and any incidents to or interests in such real property, lawfully subject to the Virginia Condominium Act, § 55.1-1900 of the Code of Virginia, 1950, as amended, by virtue of the recordation of condominium instruments pursuant to the provisions of such act. A condominium is a form of ownership whereby the undivided interests in the common elements are vested in the unit owners.
16. Conservation Easement
A deeded interest in real property to a qualified entity intended to conserve or protect the land or its resources.
17. Continuous
Forming an unbroken whole; without interruption.

18. Cul-De-Sac

A road with only a single means of ingress and egress and having a fifty (50) foot turnaround for a safe and convenient reverse traffic movement. The type of cul-de-sac can be circular, t-type, or branch type.

19. Culvert

A structure that allows water to flow under a road, trail, or similar obstruction from one side to the other side.

20. Developer

See “Divider.”

21. Divider

An owner or his/her agent of property being divided.

22. Division

The dividing of land as allowed by this ordinance.

23. Division, Family

The division of a parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner.

24. Division, Large Lot

A division of a parcel of land which is primarily intended to provide lots for farming, forestry, and agricultural activities and/or production, and/or to create buildable parcels of low density intended for single family residences.

25. Division, Major

The division of land into seven (7) or more parcels, excluding special lots and private division road lots, but including the residual lot.

26. Division, Minor

The division of land into six (6) or fewer parcels, excluding special lots and private division road lots, but including the residual lot.

27. Division, Special Lot

A parcel of land used exclusively for public or private utilities, publicly owned or operated facilities, publicly owned or operated parks (including publicly owned business parks or lots), storm water management facilities, cemeteries or required Townhouse Division common areas.

28. Division, Standard

A division of land which encourages the development of smaller parcels to accommodate growth, while maintaining tracts of larger acreage to preserve the County's rural character.

29. Division, Townhouse

The division of a parcel of land into four (4) or more parcels to support the construction of higher density residences.

30. Driveway

A private lane or access way used for local vehicular access to one or two structures.

31. Driveway, Named

A private lane providing access to three or more addresses, which must be named for emergency services purpose.

32. Dwelling

A building or place of shelter intended for human habitation, including, but not limited to, tents, yurts, and recreational vehicles.

33. E-911

Emergency services support provided by the local governing body.

34. Easement

A right given or sold by the owner of land to another person or entity for specific limited use of that land.

35. Fee Simple

Absolute ownership of real property.

36. Flood Insurance Rate Map (FIRM)

Official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs),

37. Frontage

The unbroken boundary line between a lot and the road onto which the lot fronts.

38. Grade

The slope (rise over run) of a road or other public way, specified in percentage (%) and shown on road profile plans as required by this Ordinance.

39. Health Officer (or Official)

The Environmental Health Specialist serving Floyd County, Virginia.

40. Immediate Family Member

An immediate family member is defined in § 15.2-2244, of the Code of Virginia, 1950, as amended, Examples are any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the owner.

41. Impervious

A surface or material which does not readily allow water to infiltrate or pass through.

42. Jurisdiction

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

43. Licensed Professional

Certified land surveyor, landscape architect, contractor, engineer, or any person properly licensed by the Commonwealth of Virginia to perform a service or task described in this Ordinance.

44. Lot

A numbered and recorded portion of a division intended for transfer of ownership.

45. Lot Depth

The distance from the front lot line to the rear lot line (at the deepest point) as measured perpendicular to road frontage or as near as practicable, thereto.

46. Lot Line Revision

A change of the boundary line of an existing parcel of property which will not create an additional lot.

47. Lot of Record

Any lot which was recorded prior to the adoption of all Floyd County Subdivision Ordinances or any lot which has been approved and recorded in accordance with the provisions of the applicable Floyd County Subdivision Ordinance. A building permit may be issued for any such lot of record provided the minimum requirements of the Virginia Statewide Building Code and the Virginia Department of Health are met.

48. Lot Remnant

A piece of property that does not conform to the minimum standards of any current lot division type.

49. Lot, Corner
A lot abutting upon two (2) or more roads at their intersection.
50. Lot, Double Frontage
An interior lot having frontage on two (2) roads.
51. Lot, Flag
A "flag" shaped lot with its widest point set back from the road, having a thin strip of land connecting to the road to provide access and frontage.
52. Lot, Illegally Created
A lot created in violation of with the Land Division Ordinance in effect at the time of lot creation.
53. Lot, Interior
A lot other than a corner lot.
54. Lot, Limited Access
A lot that is unable to meet the road frontage requirements of this Ordinance. This type of lot shall only be allowed as part of a Large Lot division.
55. Lot, Panhandle
See "Lot, Flag."
56. Lot, Pipestem
See "Lot, Flag."
57. Lot, Private Division Road
A parcel of land used exclusively for approved, private division roads.
58. Lot, Substandard
A legally created lot not meeting one (1) or more requirements of the current ordinance.
59. Master Tract
The total area of a townhouse development.
60. Non-Conforming
See "Lot, Substandard."

61. Parcel
See "Lot."
62. Parent Parcel
The parcel from which a division could be or has been made. Also called parent tract.
63. Park, Publicly Owned or Operated
- a) Land that is publicly owned or controlled for the purpose of providing recreation and/or open space for public use; or
 - b) Land that is publicly owned or controlled that is designed to have business offices or light industrial uses.
64. Parking, Onsite
Parking within the master tract of a townhouse development.
65. Person
Means individual, firm, corporation, association, etc.
66. Pervious
Surface or material which allows water to infiltrate or pass through without added pressure.
67. Planning Commission
The Floyd County Planning Commission.
68. Plat
A formal drawing depicting the boundaries of a parcel of land, which has been created by a Licensed Professional.
69. Plat, Final
The complete plat, suitable for recordation among the public land records, meeting all requirements of this Ordinance, containing all notes and changes required by the Agent and/or Planning Commission. This plat is ready for approvals and no changes are allowed.
70. Plat, Preliminary
A plat submitted for purposes of initial review and feedback from the Agent or Planning Commission, depicting a proposed division or lot line revision.

71. Plat, Sketch

An informal plan showing the existing features of a site and its surroundings and the general layout of a proposed division or lot line revision.

72. Prescriptive Easement, related to public roads

A right acquired by a public authority to use or control property for a designated public purpose. Apart from that public right, the landowner retains all other property rights.

73. Professional Engineer in consultation with an AOSE

Means that a Professional Engineer has communicated with an AOSE regarding the site and soil conditions present where the system is proposed, in a manner sufficient to assure compliance with the Department of Health regulations and policies implementing those regulations.

74. Property Owners Association (POA)

A private association legally formed to own, manage, and maintain property. Floyd County requires a POA for ownership, construction, maintenance, and management of private division roads, private centralized water systems, private centralized wastewater systems, stormwater facilities, and common areas only. All other restrictions are created and enforced solely by the POA's membership, not by Floyd County.

75. PSA

Floyd-Floyd County Public Service Authority which provides public water and wastewater services to certain areas of the County.

76. Public Facility

Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, controlled or funded by a governmental body or authorized public entity.

77. Public Wastewater

Any system of pipelines or conduits, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting or treating sewage, which is owned or controlled by the county or any authority or district created thereby, or any municipal corporation or other public entity created thereby located within the boundaries of the county, or which is owned and operated by a public utility as defined in Virginia Code section 56-265.1.

78. Public Water

Any system of pipelines or conduits, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for providing drinking water services, which is owned or controlled by the county or any authority or district

created thereby, or any municipal corporation or other public entity created thereby located within the boundaries of the county, or which is owned and operated by a public utility as defined in section 56-265.1 of the Code of Virginia.

79. Reserve Strip

A narrow strip of land between lot lines and roads, limiting access.

80. Re-Subdivision

The term "division" includes the re-subdivision of lots of record or the vacation of plats. The term shall apply either to the process of division or the land divided.

81. Residual Parcel

The leftover or held parcel of land after additional lot/s have been created; a residual parcel counts as a new parcel due to boundary line change.

82. Right-of-Way

Permanent easement for access or travel, unless otherwise noted.

83. Road

Any public or private travel way constructed for vehicular traffic excluding driveways.

84. Road Structure

Any structure underlying or supporting a road with an opening 32 square feet or greater. Includes bridges and culverts.

85. Road, Discontinued

A road for public passage that is no longer owned, operated, provided, or maintained by the Virginia Department of Transportation (VDOT), but remains open for use by the public unless and until the road is abandoned by the County. The County does not maintain such roads.

86. Road, Private Division

An approved road owned, operated, provided, and maintained by a Property Owner's Association.

87. Road, Public

A road for public passage that is maintained by the Virginia Department of Transportation (VDOT).

88. Setback

A line twenty-five (25) feet from, and generally parallel with the front property line where the lot is located on, or proposed to be on, a Public Road or approved Private Division Road. For roads that are prescriptive easements, the setback is measured at 60 feet from the centerline of the road. The width of the lot shall be measured at the setback line and shall be unbroken. No building or structure shall be constructed between the edge of the road and the setback line.

How to Determine Setback Line

Figure 12-1:
For Prescriptive Easements

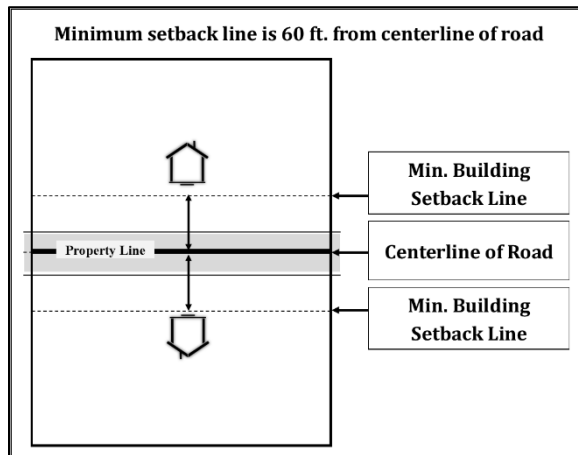
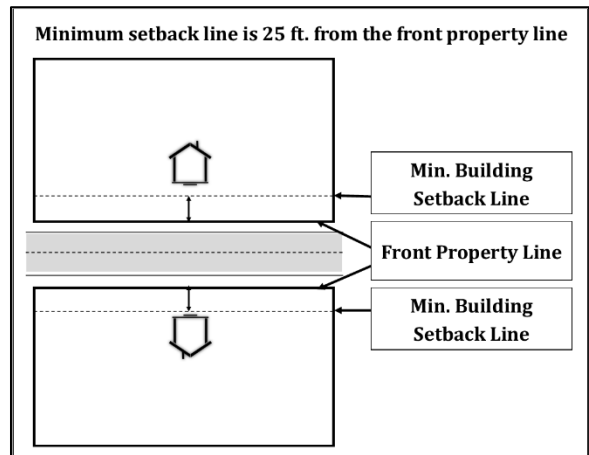


Figure 12-2:
Other Public or Private Division Roads



89. Special Flood Hazard Area (SFHA)

Land areas that are at high risk for flooding.

90. Street

See "Road."

91. Subdivision

See "Division."

92. Substandard

See "Lot, Substandard."

93. Townhouse Corner Lot

A townhouse end lot within a development abutting property not part of the overall townhouse development, or a townhouse lot on the corner of two (2) intersecting streets

94. Townhouse End Lot

A lot containing the end townhouse dwelling within a townhouse group structure,

which is interior to the development.

95. Townhouse Group Structure

The structure containing a series of three (3) to twelve (12) townhouse units.

96. Townhouse Interior Lot

Any lot other than a townhouse end or corner lot.

97. Townhouse Lot

Any townhouse corner lot, townhouse end lot, or townhouse interior lot.

98. Townhouse Master Tract

All land within or related to the development, including all townhouse lots and common areas.

99. Townhouse Open Space

Any parcel or area of land or water essentially unimproved prior to the townhouse request and set aside, permanently dedicated or reserved for common use or enjoyment of the residents of the development.

100. Townhouse Unit

A single-family dwelling unit constructed in a series of three (3) to twelve (12) attached units in which each unit extends from the foundation to roof. The lots or assigned land area, utilities and other improvements for each townhouse shall be designed to permit individual and separate ownership of such lots and dwelling units.

101. Townhouse, Common area

Land within or related to a townhouse development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the residents of the development. This includes open space and all easements.

102. Travelway

The portion of a roadway used by vehicular traffic.

103. Utility, Private or Public

Any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water, or any other similar commodity, including any emergency signal system or street lighting system, which directly or indirectly serves the public.

104. VDH Approval Letter

A letter issued by the Virginia Department of Health, in lieu of a construction permit, which identifies a specific site and recognizes the appropriateness of the site for an onsite wastewater disposal system and/or well-site location.

105. Wastewater System

An individual wastewater system that usually consists of a septic tank, piping, and a drainage field where there is natural biological decontamination as it is filtered through soil.

106. Watercourse

A natural channel having a well-defined bed and banks and in which water flows when it normally does flow. For the purposes hereof they shall be limited to rivers, creeks, streams, branches, and other watercourses which are non-navigable in fact and which are wholly within the jurisdiction of the Commonwealth.

107. Width

The minimum unbroken width of a lot (horizontal distance) between the side lot lines shall be measured at the Setback line, thirty-five (35) feet from the front property line where the road is a public road or a private division road or sixty (60) feet from the centerline of public roads for which a prescriptive easement is held.

APPENDIX B

FLOYD COUNTY PLANNING FEE SCHEDULE

The Plat and Planning Schedule of Fees is approved by the Board of Supervisors. The fee schedule will be reviewed and adopted annually during the fiscal year budget process, or as deemed necessary.