GRAYSON COUNTY SUBDIVISION ORDINANCE

ADOPTED JULY 1, 1977

Amended: 03/13/1978

Amended: 07/08/1986

Amended: 07/09/1996

Amended: 05/14/2009

Amended: 06/27/2012

Amended: 01/09/2014

Amended: 05/08/2014

PREPARED BY THE GRAYSON COUNTY PLANNING COMMISSION

APPROVED BY THE GRAYSON COUNTY BOARD OF SUPERVISORS

Subdivision Ordinance of Grayson County, Virginia

The Commonwealth of Virginia requires each locality to prepare and adopt a Subdivision Ordinance. Any property owner or developer who wishes to divide land should consult the Subdivision Ordinance for applicable regulations and procedures.

The Subdivision Ordinance pertains to the division of land within Grayson County. Property owners and developers who plan on developing buildable parcels in conjunction with the division of property should reference the Grayson County Zoning Ordinance prior to the development of subdivision plans. The Zoning Ordinance outlines the allowable uses for each zoning district and the land requirements necessary for the placement of structures.

Subdivision Classification determines both the design criteria and the type of review process. The subdivision will be Administrative Review or Planning Commission Review.

Administrative Review. The agent/administrator can review and approve certain land divisions including; Family divisions, Adjoining property and Lot line revisions, Single division of property into two parcels and Farm Divisions. The Subdivision Ordinance defines these division types and outlines the design criteria and requirements for administrative review and approval.

Planning Commission Review. Class I Subdivisions, Class II Subdivisions and Planned Unit Developments require approval by the Planning Commission. The Subdivision Ordinance outlines the design requirements and the process for this review.

It is strongly suggested that the landowner/developer consult with the subdivision agent/administrator prior to the development of division plans to ensure that the requirements for subdivision review are understood. It is the responsibility of the landowner/developer to adhere to the requirements as set forth in this document.

Resources. The Grayson County Subdivision Ordinance and the Grayson County Zoning Ordinance are both available on line at www.graysongovernment.com at the Department of Planning & Community Development Link. These documents are also available in the Department of Planning & Community Development at the Grayson County Courthouse. The Subdivision Agent is available to answer any questions that the landowner may have about subdivision in Grayson County and can be reached at the Department of Planning & Community Development at the Grayson County Courthouse.

TABLE OF CONTENTS

ARTICLE	TITLE	PAGE NUMBER
Article 1	Title, Authority and Jurisdiction	4
Article 2	Purpose	4
Article 3	Interpretation	4
Article 4	Definitions	5
Article 5	Execution of the Subdivision Ordinance	10
Article 6	Subdivision Classifications	11
Article 7	Procedure for Administrative Review & Approval/ Design	13
Article 8	Procedure for Planning Commission Review & Approval (Class I and Class II Subdivisions, Planned Unit Development)	18
Article 9	General Requirements and Minimum Design (Class I and Class II Subdivisions, Planned Unit Development)	21
Article 10	Planned Unit Development	30
Article 11	Fees	34
Article 12	Manufactured Home Parks / Recreational Vehicle Parks	35
Article 13	Requirements of Subdivision Plats for Review and Approval	35
Article 14	Re subdivision/Amendments to Class I & Class II Subdivisions	38
Article 15	Vacate of a plat	39
Article 16	Penalties	40
Article 17	Amendments to the Ordinance	40
Article 18	Legal Status Provision	40

ARTICLE 1 – TITLE, AUTHORITY AND JURISDICTION

1-1 **Title.** This ordinance, which shall be known and may be cited as the "Subdivision Ordinance of Grayson County, Virginia".

1-2 **Authority.** Adopted pursuant to the authority granted by Title 15.2, Article 6 of the Code of Virginia 1950, and amendments thereto and all other applicable authorities.

1-3 **Jurisdiction.** The provisions of this ordinance shall apply to all land within Grayson County, Virginia, which is not within the jurisdiction of the incorporated towns.

ARTICLE 2 – PURPOSE

2-1 The purpose of this ordinance is to establish subdivision standards and procedures for Grayson County, Virginia. It is part of a long-range plan to guide and facilitate the orderly growth of the county, and to promote the public safety, convenience, comfort, prosperity, and general welfare.

These standards and procedures provide guidance for changes which occur when lands become developed as a result of residential, commercial, or industrial development. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to developed areas must be provided. This ordinance assists the community in meeting these responsibilities.

The regulations included herein are designed to bring about the coordination of subdivision streets with other existing and planned streets; to provide for the safe and efficient circulation of traffic and to establish minimum construction standards for streets and other improvements.

Subdivision design should consider the following; appropriate locations, storm runoff and drainage; availability of water and sewer systems; alleviate impact from floods and other natural disasters, reduction of soil erosion and sedimentation, access for emergency services and design with natural systems and topography.

ARTICLE 3 – INTERPRETATION

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

1) The word "county" shall mean Grayson County, Virginia.

2) The Words "Board of Supervisors" shall mean the governing body of Grayson County, Virginia.

3) The words "Planning Commission" shall mean the Planning Commission of Grayson County, Virginia.

4) The words "VDOT" shall mean the Virginia Department of Transportation and/ or the approved agent of VDOT.

5) The word "subdivision" shall mean any division of property.

6) The word "lot" includes the words "plot" and "parcel".

7) The word "shall" is mandatory and not discretionary.

8) The word "may" is permissive and not mandatory.

9) All distances and areas refer to measurement in a horizontal plane.

10) Any reference to the ordinance includes all ordinances amended or supplementing the same.

ARTICLE 4 - DEFINITIONS

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

1) **Administrator or Agent:** The official designated by the Grayson County Board of Supervisors to administer and enforce this ordinance. Shall refer to the Subdivision Agent of Grayson County unless otherwise noted.

2) **Access Easement:** A means of access required for right of use of a property, granted by a property owner, for the purpose of ingress and egress.

3) **Agricultural Purpose:** The use of land for agricultural purposes including but not limited to; the storage, handling, production, or sale of agricultural, horticulture, floriculture, silviculture. May include nurseries, greenhouses, crops, pastures, tillage of soil and orchards. To include the sheltering, raising, handling, processing or sale of livestock, agricultural and animal products and may include the use, maintenance and storage of machinery or equipment as part of the agricultural operation.

4) **AOSE:** Authorized Onsite Soil Evaluator licensed as such in the Commonwealth of Virginia.

5) **Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or shore lines of waterways.

6) **Boundary Line Adjustment/Lot Line Revision:** Any revision or adjustment of a boundary line or the lines between adjoining parcels, when no additional lots are created and the purpose is to complement existing lots.

7) **Building:** A structure having one or more stories and a roof or other covering, designed built and/or used for the support, shelter, or enclosure of person, animal, chattel, or moveable property of any kind.

8) **Building Setback Line:** A line or lines within a lot or other parcel of land so designated on a recorded plat or otherwise established by law which establishes a distance from which a building or structure shall be erected.

9) **Certificate of Site Improvements:** Document required when performance bond or item of surety will be issued in lieu of installation of improvements before Planning Commission Final Review. Should include; detailed list of the infrastructure improvements to be installed, specifications for the improvements, anticipated completion date for the improvements and the total cost of the required improvements stated.

10) **Condominium:** A building or group of buildings, in which units are owned individually, and the structures, common areas, and facilities; which are owned by all the owners on a proportional, undivided basis. May include townhouses when applicable.

11) **Cul-de-sac:** A local public street having only one end open to traffic and the other end being permanently terminated by an appropriate turn-around for the safe and convenient reversal of traffic movement.

12) **Development:** The term development means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business, industrial, or residential purpose.

13) **Easement:** A grant by a property owner of the use of land for a specific purpose or purposes.

14) **Farm Division:** This type of subdivision defines the division of one (1) parcel into four (4) parcels or into a number which is less than four (4) parcels. Parcels must be ten (10) acres or more than ten (10) acres to qualify for this classification type. Administrative review and approval required.

15) **Family Division:** This type of subdivision is defined in accordance with §15.2-2244, State Code of Virginia, 1950 as amended; A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner.

16) **Final Plat:** The map or plan of a subdivision of land which meets all the requirements of this ordinance, including any accompanying material, as described in the requirements of this ordinance.

17) **Frontage:** The length of the property line of any lot, lots, or tract of land measured along a public street, road or highway, measured in feet the linear distance of the frontage of the property along such road, street, or lot.

18) **Floodplain:** Any land area susceptible to being inundated by water from any source. The FEMA designated Special Flood Hazard Area or Floodplain is delineated and reviewed prior to zoning permits and is regulated in the Grayson County Floodplain Ordinance.

19) **Homeowner' Association/Property Owner Association:** A homeowner' association or property owner association is a legal entity formed by a developer for the purpose of marketing, managing, and selling of homes and lots in a residential subdivision. The association is formed at the time of development before lots are sold and membership is a result of ownership in the development. An incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted pursuant to the Virginia Property Owners' Association Act, Code of Virginia 55-508, et seq., 1950, as amended.

20) **Improvements:** Public utilities, circulation and drainage facilities, including but not limited to; streets, storm and sanitary sewer systems; curbs and gutters; culverts; catch basins and other drainage structures; water lines and fire hydrants; sidewalks and street signs.

21) **Infrastructure:** Streets, utilities or other physical improvements necessary for development.

22) **Industrialized Building:** A combination of one or more sections or modules, subject to state regulations including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes shall not be considered industrialized buildings for the purpose of this code.

23) **Limited Access Parcel:** A parcel unable to meet the access requirements of the Grayson County Zoning Ordinance, **Article 3-7 a-e**, and approved by the Subdivision Agent as a Limited Access Parcel.

24) **Limited Access Parcel Division:** A single division of a parcel land that cannot meet the requirements of the Grayson County Zoning Ordinance, **Article 3-7 a-e.**

25) **Lot:** A unit within a subdivision or may include any single parcel of land.

26) **Lot on/of record:** Defines a lot or parcel which has been recorded in the Clerk of Circuit Court, Grayson County and which has received a tax map number from the Commissioner of the Revenue.

27) **Manufactured Home:** A structure subject to federal regulation, which is transportable in one or more sections; is eight (8) feet or more in width and forty (40) body feet or more in length in the traveling mode; or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

28) **Owner:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this ordinance.

29) **Permanent Living Facility:** The term permanent living facility shall mean any building permanently affixed to the land that can be used as living quarters for human beings, either on a part-time or year-round basis.

30) **Planned Unit Development:** A residential and/or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines as referenced in this ordinance. A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual basis.

31) **Plat:** A drawing, plan or map representing a parcel.

32) **Preliminary Plat:** The map or plan of a subdivision of land which meets all the requirements of this ordinance and intended to show the site plan.

33) **Principal Building/Structure:** A structure, or where the context so indicates, a group of structures in or on which is conducted the principal activity of the lot on which the structure is located.

34) **Private Street:** Street which is designated private and intended to be used as access for the property owners within said subdivision. Streets are not intended for public use and may include new or existing streets.

35) **Public Street:** Any thoroughfare or public way which has been dedicated for public use.

36) **Recreational Vehicle:** A vehicle which is built on a single chassis, is four-hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self propelled or permanently towable by a light-duty truck, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use. Recreational vehicles placed on sites shall either:

   a) be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or
   b) Meet the permit requirements for placement elevation and anchoring requirements for manufactured homes as stated in the Uniform Statewide Building Code.

   A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

37) **Re-subdivision:** An authorized change in property lines of a recorded subdivision. Re-subdivision shall follow the requirements for subdivisions as defined in this ordinance.

38) **Right of Way:** A piece or strip of land set aside for use as a street, utility easement or other public use.

39) **Road/Street Maintenance:** Maintenance of road or street in addition to the maintenance of curbs, gutters, drainage facilities, utilities or other street improvements, including the correction for defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

40) **Shoreline Access Subdivision:** Shoreline Access Subdivisions define a type of subdivision which was allowed prior to the adoption of the 2012 amended Subdivision Ordinance. Properties or lots which were created as part of a Shoreline Access Subdivision shall follow the standards specified

when the lot was created and/or the requirements of the Grayson County Zoning Ordinance.

41) **Single Division:** Defines a single division of one parcel into two parcels.

42) **Street:** A way for vehicle traffic, whether designated as a street, highway, or road. May be public or private as defined.

43) **Street Width:** Total width of the strip of land dedicated and reserved for public travel including roadways, curbs, guttering, drainage, easements and planting strips.

44) **Subdivider:** Any person, firm or corporation who divides a parcel of land.

45) **Subdivision:** Any division of a lot, tract or parcel of land for the purpose of transfer of ownership or development.

46) **Subdivision Class I:** The division of a parcel or parcels of land into fifteen (15) or more lots. Subdivision Class I development requires Planning Commission review and approval.

47) **Subdivision Class II:** The division of a parcel or parcels of land into a number of lots which is less than fifteen (15) lots and does not fit the classification standard for other subdivision types under administrative review. Subdivision Class II development requires Planning Commission review and approval.

48) **Substandard Lot:** Lot or parcel not suitable for building development or incompatible with the county's ordinances and requirements.

49) **Utility Easement:** Portion of land dedicated for utilities as shown on the plat or survey.

50) **VDOT Representative:** Designated official of the Virginia Department of Transportation serving Grayson County.

ARTICLE 5 - EXECUTION OF THE SUBDIVISION ORDINANCE

5-1 **Administration.** The administration and enforcement of local laws applicable to land subdivision and development and all subsequent amendments thereto shall be vested in the governing body. Except as otherwise set forth in this ordinance, The Grayson County Planning Commission shall review and approve or disapprove all subdivision plats in accordance with this Ordinance. The Subdivision Agent (agent) shall be considered the agent of the Planning Commission unless otherwise directed by the Grayson County Board of Supervisors.

5-2 **Duties.** The agent shall perform the tasks and duties as necessary for the execution of this ordinance and in accordance with the Code of Virginia. Information about the Subdivision Ordinance and affiliated processes shall be available in the Zoning Department of Grayson County, Virginia.

5-3 **Review and Approval.** The review of subdivisions shall fall under one of the following; Administrative review or Planning Commission review. **Administrative Review** pertains to the review and approval or disapproval of the subdivision by the appointed agent/administrator. **Planning Commission Review** pertains to the review and approval or disapproval of subdivisions by the Grayson County Planning Commission.

5-4 **Consultation.** The administrator/agent and/or the legislative bodies of Grayson County can/may consult with professional agents and/or State and Federal agencies including the Virginia Department of Transportation and the Virginia Department of Health, county officials and other professionals, to properly administer and act on behalf of this ordinance.

5-5 **Additional Authority.** The administrator/agent, along with the Grayson County Planning Commission and Grayson County Board of Supervisors may establish any reasonable procedures deemed necessary for the administration and execution of this ordinance.

5-6 **Transfer or sale of lots.** The final subdivision plat shall be recorded in the Clerk of Circuit Court, Grayson County, prior to any transfer, sale, or advertisement of lots in proposed subdivisions.

5-7 **Zoning and Building Permits.** No building or zoning permits shall be issued for new construction or placement of structures until subdivision plats are approved and recorded. Subdivisions in violation of this ordinance may not receive building or zoning permits until such violation is remediated.

5-8 **Mandatory Compliance.** No person shall divide any tract of land that is located within the unincorporated area of Grayson County, Virginia, except in conformity with the provisions of this ordinance.

ARTICLE 6 - SUBDIVISION CLASSIFICATIONS

6-1 **Classification Standards.** The division of property in Grayson County shall fall into a classification type based upon the characteristics of the parcel and the type of division. The classification type may be determined by the number of divisions, number of lots, size of parcels and/or the intended recipient or use of the property.

6-2 **Subdivision.** For the purposes of this ordinance a subdivision is classified as any division of property within the boundaries of Grayson County, which is not within the jurisdiction of the incorporated towns.

6-3 **Single Division.** Defines a single division of one parcel into two parcels. All lots created as a result of a single division must meet the requirements of the Grayson County Zoning Ordinance unless otherwise defined by this ordinance. Administrative review and approval for this division is required.

6-4 **Boundary Line Adjustment/Lot Line Revision.** Defines any revision or readjustment of lot lines between adjoining property owners or the adjustment of lot lines for parcels under single ownership. Shall not create additional lots, but merely compliment existing lots. All adjusted lines/lots shall be absorbed by the parent parcel and shown by current survey. Line adjustments shall not create substandard lots. When the revision may impact existing easements or covenants, approval by those affected shall be shown by signature on the face of the plat. Revisions shall not cause non-conformance of existing structures to the Grayson County Zoning Ordinance, or Grayson County Building and Fire Codes. All plats to be approved and recorded must be signed by the property owners affected. Boundary Line Adjustments and Lot Line Revisions require administrative review and approval.

6-5 **Family Division.** This type of subdivision is defined in accordance with §15.2-2244, State Code of Virginia, 1950 as amended; A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this ordinance. Immediate family member is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece or nephew, to the owner of the lot or parcel under review.

All lots created as a result of a family division should meet the minimum design requirements as set forth by the administrator/agent including the ability to conform to applicable sections of the Grayson County Zoning Ordinance. The family division will require administrative review and approval.

The burden of proof for family relationship will lie with the applicant and must be provided at the time of the subdivision application.

A statement shown on the survey plat and in the legal deed of transfer shall include the following; the division is a family division as allowed for by the Subdivision Ordinance of Grayson County and shall be used for the transfer of property to a member of the immediate family.

6-6 **Farm Division.** This type of subdivision defines the division of one (1) parcel into four (4) parcels or a number less than four (4) parcels. The purpose of this division shall be to create buildable parcels of low density intended for use by one household per lot. Minimum lot size for each parcel in the Farm Division, including the parent parcel, shall constitute a minimum size of ten (10) acres for each lot. Division of a parcel into lot sizes of less than ten (10) acres will be considered a separate classification standard as defined by this ordinance and shall not be considered a Farm Division. All Farm Divisions require administrative review and approval or disapproval.

6-7 **Limited Access Parcel.** A parcel unable to meet the access requirements of the Grayson County Zoning Ordinance **Article 3-7 a-e** and approved by the Subdivision Agent as a Limited Access Parcel.

6-8 **Limited Access Parcel Division**. The division of a parcel unable to meet the access requirements of the Grayson County Zoning Ordinance. Limited Access Parcel Divisions shall meet the design criteria listed in Article 7.

6-9 **Planned Unit Development**. Planned Unit Developments require Planning Commission review and approval. The design of Planned Unit Developments shall be in accordance with **Article 10** and the design standards listed for the design of Class I Subdivision when fifteen (15) or more lots is proposed for the Planned Unit Development or Class II Subdivision when less than fifteen (15) lots is proposed.

6-10 **Subdivision Class I.** The division of a parcel or parcels of land into fifteen (15) or more lots. Subdivision Class I development requires Planning Commission review and approval.

6-11 **Subdivision Class II.** The division of a parcel or parcels of land into a number of lots which is less than fifteen (15) lots and does not fit the classification standard for other subdivision types defined by this ordinance. Subdivision Class II development requires Planning Commission review and approval.

ARTICLE 7- PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPROVAL INCLUDING DESIGN REQUIREMENTS

7-1 **Purpose.** The purpose of administrative review is to assist landowners with proper design and division of property to achieve appropriate land use and development in accordance with the Zoning Ordinance and the Comprehensive Plan of Grayson County.

7-2 **Procedure.** Administrative review shall be permitted for Family Divisions, Boundary Line Adjustments/Revisions, Single Division of property and Farm Divisions, in accordance with the provisions of this section, at the fair and reasonable discretion of the administrator/agent of the county. A typical review will consist of the following steps:

1. Property owner or developer will review the Grayson County Subdivision Ordinance for standards. Subdivision application and/or supporting information will be submitted to the administrator/agent to determine the classification type and design standards. Property owner or developer shall provide a site plan which accurately represents the property along with information deemed necessary for the review. The proposed division lines shall be shown on the face of the site plan. There is no fee for the administrative review of subdivisions.

2. Once the review has indicated that a planned division can be achieved, the applicant shall have a legal survey prepared which represents the division or lot line revision.

3. All surveys presented for review and approval shall include the following items.

a. Name of property owner(s) and adjoining property owner(s)
b. Legal description of the transfer in title chain
c. Tax map numbers for parent parcel(s) and all adjoining properties
d. Type of subdivision classification as defined by this ordinance and space for signature by the agent is to be provided on the plat.
e. All roads, including primary access roads, right of ways and private streets. Right of ways must show a legal description and width reflected in feet. Legal names of all streets and roads, in existence or planned, given by the county 911 coordinator. In situations where unusual or potentially problematic state road entrances are involved prior approval by the representative of VDOT may be required.
f. Easements, restrictions and covenants in relationship to the transfer of the property including the formation of Homeowners Associations or other mechanisms for property and infrastructure maintenance. References to legal documents or deeds on record when applicable.
g. Locations of existing or intended wells, septics, water and sewer services. When there is no guarantee of water and sewer services this should be stated on the plat. The approval of a Health Department Official or use of an AOSE may be required when the site is located in a floodplain or other area of concern for water and sewer services.
h. Location of existing or intended structures when known.
i. Whether or not any portion of the property is in the flood plain, flood plain elevations when required and other information when required by

the Grayson County Flood Plain Manager. When applicable, should include the shading or crosshatching of land within the floodplain.

j. Other documentation when deemed necessary for proper review and approval by the administrator/agent or the legislative bodies of Grayson County.

4. Agent/Administrator will process subdivision reviews in a timely manner. Applicants are advised to allow at least seven (7) days for this review.

5. Approval shall be given as shown by the signature of the administrator/agent on the face of the plat. When a plat is disapproved the subdivision plan or plat will not be signed and the reasons for such shall be provided to the applicant.

6. Appeals of the Subdivision Agent's decision in regards to the approval or disapproval of Subdivision Plats shall be processed in accordance with Section 15.2-2259, Code of Virginia, 1950, as amended.

7. All approved subdivisions shall be recorded in the Clerk of Circuit Court, Grayson County within six (6) months and shall not be valid unless recorded.

7-3 Design Requirements for Subdivisions under Administrative Review. The subdivision classification types, under administrative review (excluding Class I and Class II Subdivisions, Planned Unit Developments) may be subject to the following reviews and as such, the applicant should include these considerations into the design;

1) **Floodplain review.** Any parcel located within a flood plain may require a floodplain review. The floodplain review shall determine if the potential for a buildable site exists and to review the site in relationship to; Federal Emergency Management Agency (FEMA), Grayson County Flood Plain Ordinance, Grayson County Building Codes, Grayson County Zoning Ordinance and Virginia Department of Health requirements for construction in a floodplain.

2) **Road Access.** All subdivisions shall provide proof of adequate ingress/egress access to each created parcel. When needed a legal access easement of sufficient width shall be granted in conjunction with the transfer of property affected. Access easements shall be reflected in the legal deeds and documents on record. Properties which may become land locked as a result of any division may require that the proper access easements are granted prior to agent approval. Access requirements are determined by the standards set forth in the Grayson County Zoning Ordinance and/or the requirements of the Department of Transportation when new access to state roads is planned. Limited Access Parcels and

Limited Access Divisions are subject to design standards listed for these classifications.

Road design shall consider the long term maintenance of all access roads and new private streets. Language describing the maintenance agreements of easements and new private streets or the lack of any maintenance agreements shall be included on the plat. All new entrances to state maintained roads will require a separate VDOT permit process as specified by VDOT. Administrator/agent reserves the right to require an independent VDOT or an engineered review prior to approval when the review is considered necessary. The ability for safe ingress and egress of fire and emergency vehicles will be considered when new streets or right of ways are reviewed.

3) **Hydrolic Features.** Where travel over hydrolic features are involved, including stream crossings, a review and compliance with local, state or federal agencies may be required prior to approval. Where a review has not occurred a statement shall indicate a lack of this review on the plat.

4) **Lot Size.** The minimum lot size for all parcels created as a result of a subdivision shall meet the minimum lot size requirements for a primary structure as defined in the Zoning Ordinance. This shall include the lot size which may be necessary to achieve the required setback and yard distances for structures as defined in the Grayson County Zoning Ordinance. When lot line revisions are proposed all remnants of lots below minimum lot size must be absorbed into the new lot area whenever possible and non-conforming lots shall not be created.

5) **Water and Sewage.** Lots should have the capacity to provide water and sewer. The availability of water and sewer services or the fact that services have not been determined shall be noted on the face of the plat. In flood prone areas, AOSE review may be required prior to approval.

6) **Utility Access.** Where utility access is known to exist this shall be noted on the plat. Where utility access has not been determined this shall be noted on the plat.

7) **Soil Disturbance.** In some areas, soil disturbance, grading, and/or resurfacing are required for the construction of access roads and infrastructure. All projects shall conform to the Grayson County Erosion and Sediment Control Ordinance and/or local and state Stormwater Management Program.

8) **Family Divisions and Lot Line Revisions.** The administrator/agent may require evidence that these divisions are legitimate. Description of the division classification type and a signature line for the agent shall be provided on the plat.

9) **Limited Access Parcel Classification.** This classification may be necessary for parcel(s) on record unable to meet the access requirements of the Zoning Ordinance. The subdivision agent will review and approve this classification. To achieve this classification a legal survey of the parcel(s) to be classified, shall be prepared and the signed Limited Access Parcel agreement shall be shown on the face of the plat. The survey shall be recorded in the Clerk of Court, Grayson County along with any deed of transfer.

Limited Access Parcel designation restricts the future division of property in accordance with this ordinance or until such time that the classification is removed .To remove the Limited Access Parcel Classification from a property; a legal survey showing the required access for principal structures as listed in the Grayson County Zoning Ordinance, must be presented and approved by the Subdivision Agent and recorded in the Clerk of Court, Grayson County.

10) **Limited Access Division.** The division of a parcel unable to meet the access requirements of the Grayson County Zoning Ordinance, **Article 3-7 a-e**. The requirements for this division include;

- **a.** The parent parcel on record and the parcel created by the division are unable to provide the minimum access requirement listed in the Grayson County Zoning Ordinance, **Article 3-7 a-e**, due to issues beyond the control of the property.
- **b.** The property(s) shall meet all other requirements of the Grayson County Zoning and Subdivision Ordinance.
- **c.** A legal survey shall be drawn that classifies both the parent and created parcel as Limited Access Parcels. The Limited Access Parcel Agreement as shown in subsection (f) must be signed on the survey by the owner(s) of the parcels and the survey must be recorded in the Clerk of Court, Grayson County, and reference any deed of transfer.
- **d.** To provide access from properties under control of the owner, a legal access meeting the minimum width requirement of **Article 3-7** Grayson County Zoning Ordinance, shall be provided, from the owner's property line to any created parcel and this access must be shown on the survey and legally deeded to the new parcel.

e. **Limitations** - Each parent parcel(s) on record (as of January 9, 2014) is restricted to one (1) Limited Access Parcel Division per year. The aggregate number of Limited Access Parcel Divisions, of the original parent parcel on record (as of January 9th, 2014) shall not exceed two (2) Limited Access Parcel Divisions. The maximum number of created parcels shall be four (4).

f. **Limited Access Parcel Agreement** - The parcel(s) shown here have been classified Limited Access Parcel(s) in accordance with the Grayson County Subdivision Ordinance. The parcel(s) have been classified with the understanding of the property owner(s) and any listed proposed owner(s) that further division of this parcel(s), as shown on this plat, may be restricted until such time that proper access is provided in accordance with the Grayson County Zoning Ordinance. Limited Access Parcel(s) are created with the understanding that only one principal structure is allowed on each parcel in accordance with the Grayson County Zoning Ordinance. The owner and any proposed owner(s) as listed below fully understand that this type of parcel may be limited in use; due to the limited access of this parcel(s). _____: Owner

ARTICLE 8– PROCEDURE FOR PLANNING COMMISSION REVIEW AND APPROVAL OF CLASS I SUBDIVISIONS, CLASS II SUBDIVISIONS & PLANNED UNIT DEVELOPMENTS

8-1 Application.

This section shall apply to the review of Class I and Class II Subdivisions, Planned Unit Developments and/or reviews which are not considered Administrative Review by the Subdivision Agent.

Pre-Consultation. The developer/owner shall schedule a pre-consultation meeting with the administrator/agent to review a preliminary sketch and review the project, in relationship to the requirements of the Subdivision Ordinance.

Consultation with the local Erosion & Sediment Control and/or Stormwater Management Agent will also be required.

Required Application and Fee. To place the review of the subdivision on the agenda for the Planning Commission meeting; the developer shall submit the required application, signed by the landowner, five (5) copies of the preliminary plat meeting the requirements of this ordinance, and the required fee to the administrator/agent. This application shall be submitted at least seven (7) days

prior to the meeting of the Planning Commission for the item to be considered at the next meeting date.

8-2 Preliminary Plat Review and Approval by Planning Commission.

Presentation of Application. The developer shall submit five (5) copies of the preliminary plat. The plat shall represent the proposed division, designed in accordance with the requirements of this ordinance and submitted to the administrator/agent before the meeting date. The developer or a representative shall attend the Planning Commission meeting to present the application.

Notification. The Planning Commission shall take action on the proposed subdivision plat, within sixty (60) days of the meeting date, by either approving or disapproving the plat, and submit in writing to the applicant the results of the subdivision review. The letter will inform the applicant of preliminary approval or disapproval, and list specific changes, if any, that are required for final review and possible approval. If for any reason the plat is disapproved, the reasons for disapproval shall be in writing and submitted to the developer and/or applicant.

8-3 Infrastructure Improvements and Performance Bond or Surety.

The cost of streets/infrastructure for the subdivision shall be paid by the owner/developer unless otherwise agreed to by the Planning Commission. If the installation of streets/ infrastructure is not completed prior to the filing of an application for final plat approval, the subdivider shall execute an agreement and post a performance bond or other source of surety to Grayson County.

In preparation for the performance bond the developer shall submit a document referred to as a Certificate of Site Improvements. The Certificate of Site Improvements shall include the following; a detailed list of the infrastructure improvements to be installed, specifications for the improvements, anticipated completion date for the improvements, line item costs, and the total cost of the required improvements stated. The site improvements shall be shown in the design of the final plat. The Certificate of Site Improvements shall be certified by a licensed engineer and submitted to the agent/administrator at least two (2) weeks before the final review by the Planning Commission.

The agent/administrator shall review the Certificate of Site Improvements and advise the developer within thirty (30) days of necessary changes along with the requirement for the performance bond or other items of surety required by the county for the completion of the improvements.

Prior to the final plat review by the Planning Commission, the developer shall issue a performance bond for the total amount needed to complete all infrastructure improvements plus 10% to cover potential administration and inflationary costs.

The County shall hold the bond for a period of eighteen (18) months, or of less time if the improvements covered by said bond or check are completed and approved by the County. If improvements have not been completed after eighteen (18) months have expired and no lots have been sold, the subdivider may be given an opportunity to ask the Board of Supervisors to vacate said plat and release the bond. If a request for a return is not made and infrastructure improvements are not complete within eighteen (18) months of Planning Commission approval, or if lots are sold in the subdivision, the County shall then cash the performance bond or other source of surety and proceed with the completion of the remaining improvements for the subdivision.

8-4 Submittal of Final Plat to the Planning Commission.

The developer shall, within eighteen (18) months after official notification of the approval of the preliminary plat by the Planning Commission, apply in writing for a formal review of the final plat by the Planning Commission. Owner/developer shall submit five (5) copies of the final plat as prepared in accordance with this ordinance. The final plat shall reflect the requirements of the Virginia Department of Health and the requirements of the Virginia Department of Transportation for their approval, as shown by their signatures on the face of the final plat.

Where required a completed and approved Erosion and Sediment Control Plan and when required, a Stormwater Management Plan, should be submitted prior to final plat review by the Planning Commission.

The request for final plat review shall be submitted at least seven (7) days prior to the meeting of the Planning Commission for which it is to be considered. Phased developments will be independently reviewed and approved as presented. If a developer requires more than eighteen months (18) between preliminary and final plat review, the developer shall request an extension at least one (1) month prior to the expiration date of the application. Time extensions may be granted by the Planning Commission and the failure on the part of the developer to extend the application or the inability to achieve the final approval for the subdivision within eighteen (18) months will nullify the application.

8-5 Final Plat Approval by the Planning Commission.

The Planning Commission shall, within sixty (60) days act on the final plat by either approving or disapproving the subdivision and shall submit the results of this review to the applicant in writing. Approval of the final plat by the Planning Commission shall be shown on the face of the plat by the signature of the Chairman.

The record of this approval shall be noted in the official minutes of the Grayson County Planning Commission. The approval of the plat shall not be finally effective until the sub-divider has completed the improvements which were presented and agreed upon by the developer and noted either in writing, as the Certificate of Site Improvements or with representation on the final plat.

Performance bonds or other items of surety for improvements shall be issued prior to the date of the scheduled review by the Grayson County Planning Commission (when surety is required). The items of surety shall not be released until a final inspection is conducted and approval is given by the County Administrator to release the item of surety.

The signatures of representatives from The Virginia Department of Transportation and the Virginia Department of Health shall be shown on the face of the subdivision plat prior to final approval by the Planning Commission.

The appeal of any Planning Commission decision shall be submitted in accordance with Section 15.2 - 2259 of the Code of Virginia, 1950 as amended.

8-6 Recordation.

All approved subdivisions shall be recorded in the Clerk of Circuit Court, Grayson County. This shall be completed within six (6) months of the date in which the plat was approved by the Grayson County Planning Commission. The plat shall be recorded before any lots are sold or marketed in said subdivision. Pursuant to section 15.2-2241 of the Code of Virginia, 1950, when construction of facilities for public use and bond for said construction has been provided, a time period of one year may be given to properly record the plat and may only apply when public facilities are planned. Failure to properly record the subdivision plat within the time frames required by this ordinance shall null and void any subdivision approval.

ARTICLE 9 – GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR CLASS I / CLASS II SUBDIVISIONS/ PLANNED UNIT DEVELOPMENTS (PUD)

9-1 Subdivisions are reviewed for the minimum standards of design which are necessary for public health, safety and convenience. Not all areas are suitable for development and the purpose of this review is to identify those areas suitable for subdivisions.

1) **Suitability of Land.**

When and If the Planning Commission determines that land is unsuitable for development because of vulnerability to flooding, poor drainage, topography, or other features likely to be harmful to the safety, welfare or health of the public, this development may not be permitted unless adequate methods to correct all such hazards are devised. In determination of which land is suitable for development, the following guidelines may be used to identify areas where building development may or may not occur.

a) Wetlands, swamps, etc

b) Areas critical to the provision of water sources (i.e. springs, fragile watersheds, etc

c) Areas subject to geological hazards including faults and areas prone to landslides or sinkholes

d) Areas subject to flooding which may include 100 year flood plains or other natural drainage way

e) Areas having steep topography or grade

f) Areas within 150 feet of any waterways (streams, swamps, etc.) where close proximity may endanger water quality.

g) Areas or lots where access from the State road or other primary access, is such that, access to the site cannot be readily obtained due to topography, grade and/or inability to achieve entrance requirements as set forth by VDOT. Access situations unsuitable for emergency vehicles and areas which may cause undue burden or congestion on public roads or infrastructure.

h) Natural sites and unique features, including sites and buildings having historic and aesthetic value or rare natural sites or features unsuitable for development.

9-2 Design Standards for Lots in Class I and Class II Subdivisions.

1) The size, shape, and orientation of lots shall be appropriate for the location, natural features of the land, intended use of the land and for the ability to egress and ingress the subdivision and the individual lots. Lot size, shape and orientation shall be designed to accommodate required

utility, water, sewage and street access requirements for the lot. Consultation from the Virginia Department of Health and/or the Virginia Department of Transportation may require larger lot sizes when projected needs dictate that larger lot sizes may be necessary.

2) Lot Size - Except as provided herein, residential lots for single family detached dwellings shall have a minimum width at the building line of 100 feet. The lot shall have the dimensions necessary to achieve a minimum lot size of thirty thousand (30,000) square feet or .688 acre and should meet the lot standards of the Grayson County Zoning Ordinance. Satisfaction of lot dimension or area requirements shall not be achieved by areas covered by water, flowage easements, flood plain areas, street access easements or other unusable areas for building development.

3) Road frontage – Unless otherwise required by VDOT, the minimum road frontage requirements for any lot shall be; a one hundred (100') foot wide road frontage on a state dedicated road or one hundred (100') foot wide road frontage on a county approved subdivision street, or when frontage is not available, a forty (40) foot wide legal right of way connecting the lot to a state designated road or approved subdivision street.

4) Side lot lines shall be designed with right angles, radial to the street or in other formats suitable for proper layout.

5) Corner lots shall have extra width as necessary to meet building line and setback requirements for both streets and to provide proper site line distance at the access to the street.

6) Lots for townhouses or condominiums shall have a minimum width of twenty (20) feet. Condominium and townhouse developments may require a greater standard for road access and/or water and sewer services resulting from the higher density development. Applicants who are interested in this type of development will work with the agent/administrator to develop minimum standards of design.

7) Parcels designed for commercial and industrial purposes shall be of adequate size necessary to provide for off-street delivery service and parking facilities. A requirement of five (5) parking spaces per one thousand (1,000) square feet of building floor space is required, unless otherwise approved by the Planning Commission. Lot size, frontage requirements, and street requirements for commercial and industrial purposes will be determined based upon the proposed services and uses of the lots. Applicants will work with the agent/administrator to develop minimum standards of design for these subdivisions. Land intended for industrial or commercial purposes shall conform to the

requirements of the Grayson County Zoning Ordinance and may need to be rezoned prior to development.

8) Where the land covered by a subdivision includes two (2) or more parent parcels in separate ownership, and the proposed subdivision may present a situation where a property ownership line divides the subdivision or one or more of the proposed lots; every parcel owner involved with the planned subdivision shall submit the parcels for review in tandem with each other and upon approval; the subdivision shall be recorded and reflected as one subdivision plan.

9-3 **Design Standards for Lots in Planned Unit Developments.** Planned Unit Development lots and design shall meet the requirements listed in **Article 10**.

9-4 **Land Disturbance.** Common plans of development may require Erosion & Sediment Control and Stormwater Management Plans as determined by local and/or state codes and ordinances and the amount of disturbed area.

Subdivision plans that minimize the total area of disturbed land, design for Best Management practices and minimize the amount of impervious area may benefit from appropriate design. Developers are required to consult with the local Erosion & Sediment Control and Stormwater Management agent (when required) prior to application. Approval of E&S and/or Stormwater Management plans may be required prior to/or part of the Planning Commission review of Subdivision Projects.

9-5 **Design for Utilities, Water and Sewer, Easements, Monuments.**

1) Easements necessary for proper development and for critical infrastructure shall be dedicated and shown as such on all subdivision plans. Easements necessary for private streets, access to streets, electric and gas utilities, water and sewer requirements and/or any other potential services identified by the agent or consulting agencies shall be provided in the layout of the subdivision. Maintenance plans of all easements and common areas shall be decided upon prior to submission for approval and the maintenance for these areas shall be shown as a maintenance statement on the subdivision plats.

2) The location of easements shall follow guidelines determined by the appropriate agency or service provider and when possible should travel near lot lines or property boundaries and in a location where future uses are not probable.

3) Easements for planned streets shall include the total width and dimension necessary for all components. This shall include components necessary for the drainage of storm water, street shoulder and curb requirements, land required for street signage, and entrances and other public uses.

4) Water and sewer requirements for Class I and Class II Subdivisions are determined on a case by case basis, dictated by the site location, existing and planned public services when available and by the proposed needs of the development. The appointed agent of the Virginia Department of Health shall review and approve the design for water and sewer services prior to review and approval by the Planning Commission. Currently, the use of an AOSE consultant is required prior to the Health Department review. All proposed sites shall have adequate capacity for water and sewer services when intended for development. Lot size requirements may increase when an increase in size is necessary for septic drain fields if required. Location of all septic drain fields and or other water infrastructure shall be located on the same lot or parcel of intended use by a single owner, unless proper legal agreements are obtained and/ or otherwise approved as reflected on the plat and in the affiliated legal documents.

5) Where a public water supply is reasonably accessible, the sub divider shall connect with the public supply and shall provide water mains and suitable water connections at each lot. In the event that a public water supply is within the vicinity of the property but outside of the property boundary, conditions for approval may require an extension of the property boundary to allow connection.

6) Where a public sanitary sewerage system is reasonably accessible, the subdivision system shall connect therewith and shall provide a connection for each lot. In the event that a public sanitary sewage system is within the vicinity of the property but outside of the property boundary, conditions for approval may require an extension of the property boundary to allow connection.

7) The subdivision shall be designed and constructed to meet fire and safety requirements for emergency access; to include the ability to properly ingress/egress the subdivision and serve the functions necessary for public safety. This may include the installation of fire hydrants when public water services are available or deemed necessary by fire standards.

8) Monuments, to serve as permanent reference points, shall meet these minimum requirements and shall be installed by the developer/owner prior to the final inspection of the subdivision by the administrator/agent.

   a. At least one corner of the subdivision shall be designated by bearing and distance tie from a readily discernible reference marker. If a corner is within 2,000 feet of a U. S. Coast and Geodetic survey station or a station of the state coordinated grid system, then this corner shall be marked with a monument designated by computed coordinates to an accuracy of 1:10,000, and such monument shall be identified on the final

subdivision plat. Where such reference station is not available, the tie shall be made to some permanent and readily identifiable landmark.

b. Monuments shall be placed in the ground at all corners and at angle points in the boundary lines of the subdivision, and include points of angles and curvature defining the right-of-way lines. Each lot within the subdivision shall be defined and marked at each corner.

c. The monuments shall be designated as control points and shall be of stone or pre-cast concrete, with minimum dimension of four (4) inches square or four (4) inches in diameter and at least thirty inches long. Or the monuments shall be steel or wrought iron pipe not less than one-half (1/2) inch or more in diameter and at eighteen (18") inches long. The monument shall be flush with the finish grade.

9) The proper name(s) of all subdivision streets and addresses (when applicable) shall be approved or designated by the Grayson County 911 Coordinator, and these streets shall be shown on the subdivision plats.

9-6 Design and Construction of Streets.

Grayson County is committed to the development of streets which are sufficient for the transportation needs of the subdivision.

The standards below shall be used as minimum design standards for the development of streets and the county welcomes any effort on the behalf of the developer to exceed these design standards. **Class I Subdivision streets** are intended for inclusion into the VDOT state system of roads, these design standards will mimic the needs for inclusion into the VDOT system. **Class II Subdivision streets** will use the local standards and the AASHTO design standards when geometric, sight distance, bridge standards or other design features come into play.

1) Design and Construction Standards for Subdivision Class I and Class II Streets and Planned Unit Developments (PUD)

a) **Class I Subdivision streets** must use the design and construction standards set forth by VDOT's **Secondary Street Acceptance Requirements (SSAR)**, including VDOT's Road **Design Manual** (latest edition) and Pavement **Design Guide for Subdivision and Secondary Roads in Virginia** (latest edition) These guidelines should be used in conjunction with the instructions by VDOT or the VDOT Official, for the design of roads capable of inclusion into the

VDOT system. All necessary steps to request acceptance into the VDOT system shall be completed by the applicant and the county in partnership with each other. Maintenance of the street, either short term or long term, should be determined early in the process. The maintenance plan shall be noted on the plat. Streets planned for acceptance in the VDOT system shall be maintained at a VDOT standard until such time that they are accepted.

b) **Class II Subdivision Streets** may choose to follow the Class I standard as defined in **Article 9.6-1a** (above) or follow a standard suitable for low density development. **AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (latest edition)** will be used for geometric design in the development of these roads. Where the AASHTO Guidelines will focus mainly on geometric design issues, the design for streets in Class II Subdivisions must satisfy local standards to include the following;

1. Legal easement for private street/access right of way must be at least forty (40') feet in width. Private street/right of way must join a designated state road and achieve the entrance permit to a state road, as required by VDOT.
2. Minimum surfaced road width of twenty (20') feet, which may include shoulders or other passable surfaces. This width is necessary for fire apparatus and other emergency vehicles.
3. Subdivision streets must not exceed a 17% grade.
4. An approved Erosion and Sediment Control Plan, when disturbed area includes ten-thousand (10,000) square feet or more, which depicts the appropriate methods for drainage and storm water management, shall be presented in tandem with the street plans. Where an Erosion and Sediment Control Plan is not necessary (under 10,000 square feet disturbed) the agent/and or a consultant will work with the developer to ensure appropriate drainage needs are met.
5. The road surface shall include a minimum standard of six inches (6") depth of #1 course aggregate applied immediately after grading. In situations where slopes exceeding 10% and/or where heavy traffic situations are anticipated the aggregate should be laid at a depth of eight to ten inches (8-10") inches to avoid excessive dissipation of the stone and to prevent maintenance needs. In situations where the street is to be paved, the requirements of the **VDOT Pavement Design Guide (latest edition)** shall be used.
6. Statement shall be included on the face of the subdivision plat that school bus, mail service and/or other public services may be restricted on the private street.

7. There shall be a maintenance plan for the easements or streets, to include a Homeowners Association or another agreed upon mechanism to facilitate the maintenance of the streets, easements and/or public areas. A statement regarding maintenance shall be included on the face of the plat and in the impacted deeds. Where streets will not be maintained by VDOT or designed to the VDOT standards for acceptance into their system, this shall also be noted on the plat.

c) **Planned Unit Developments (PUD).** Planned Unit Developments that propose 15 lots or more shall meet the Class I Subdivision Standard for streets. Those developments that propose less than 15 lots will use the Class II Subdivision Standard for streets as listed in this section.

2) **General Standards for all Class I /Class II Subdivision Streets and PUD**

a. Streets shall be coordinated with the existing street system and design shall be made for continuity of principal streets as appropriate.

b. Private streets shall be laid out to discourage through traffic where through traffic is unintended and undesired. This may include reducing the speed limit and the use of traffic slowing devices where necessary.

c. All dead-end streets, or cul-de-sacs, shall terminate in a turnaround having a minimum right-of-way diameter of 100 feet or other approved mechanism for turn around.

d. Street width shall be designed in consideration for necessary improvements, curbs, gutters, drainage, signs and sidewalks when required.

e. Where a proposed subdivision is adjacent to a public road with a high vehicle traffic count and/or other parameters that affect safe access, internal street(s) with a single access to the public road may be required.

f. Screen planting of vegetation may be required to reduce traffic glare, noise or other impacts from close proximity to public roads and easements may be required.

g. Street lighting shall be designed to reduce the visual impact to the community.

h. Streets shall be planned in harmony with existing topography and avoid steep grades.

i. Streets shall intersect at right angles or as nearly as practicable.

j. Street jogs or off sets at intersections shall be avoided.

k. Intersections with primary highways shall be at least 1,000 feet apart, measured from centerline to centerline.

l. Property lines at street intersections shall be rounded with a radius to facilitate safety concerns.

m. Where the location of a subdivision is planned at the end of a public street/road, an independent review by VDOT may be required.

n. Streets shall be designed for the adequate drainage of surface and storm water. The storm water drainage system shall be designed in conjunction with the street plans.

o. Streets shall be designed with consideration for long term maintenance. Private streets shall be designed for maintenance by a Homeowners Association or other agreed upon mechanism as shown on the face of the plat. Public streets which are intended for acceptance into the VDOT State Road System and which are planned for maintenance by VDOT shall be designed and maintained at that standard and this shall be shown on the face of the plat.

p. Streets shall be designed for the safe ingress and egress of fire apparatus and emergency vehicles as determined by the latest fire codes.

3) <u>Design Standards for Blocks</u>

The length, width, and shapes of blocks shall be determined with regard for available building sites and the infrastructure requirements for the sites. Block design shall consider the convenience and safety of vehicular and pedestrian circulation and shall consider access to adjacent neighborhoods including the community at large.

1) The length of residential blocks shall generally not exceed sixteen hundred (1,600') feet nor be less than three hundred (300') feet.

2) The provision for pedestrian walks across blocks may be required by easement or dedication when they are determined to be essential by the Planning Commission and necessary to provide convenient public access to facilities such as schools, parks, and water areas.

3) Blocks shall have a minimum width of two hundred (200) feet and shall accommodate two rows of lots, except in instances where topography or other natural features may not permit this standard.

4) **Street/Improvements Review Process.**

1) The developer/owner shall complete all street improvements/infrastructure or submit a performance bond or other item of surety according to the requirements of this ordinance, prior to final subdivision approval.

2) The developer/owner shall be responsible for all costs associated with the review or final inspection of streets /infrastructure by VDOT and/or other consultants when the review or inspection is deemed necessary for final approval of the subdivision or release of an item of surety.

3) A final review of the subdivision infrastructure/streets, stamped by a professional engineer may be required to ensure conformance to the agreed upon standards. Where basic design standards may allow a representative of the county to review the improvements, the county may complete this review to assist the developer with the financial costs associated with review.

4) Streets/infrastructure shall be designed to the standards set forth in this ordinance and failure to construct streets to this standard, before, during or after; approval shall warrant necessary actions on behalf of the county to bring the streets/improvements to the agreed upon standards.

5) No lots shall be sold in any subdivision until all streets/ infrastructure are completed and until the final review and approval of the street/improvement has occurred and shown by the signature of the agent.

ARTICLE 10 - PLANNED UNIT DEVELOPMENT SUBDIVISION

10-1 **Planned Unit Development (PUD).** Planned Unit Development (PUD) is used for the establishment of specialized mixed use development or cluster type development which is based on a master plan. The PUD Subdivision Classification is based on the principle that smaller residential lots can be allowed when planned common areas are designed to meet communal needs, for open space, efficient design of infrastructure and for the encouragement of natural areas and buffers.

10-2 **Location**. Planned Unit Development Subdivisions are permitted in the Rural Farm Zone District and the Rural Residential Zone Districts in Grayson County. Planned Unit Developments can be approved where the proposed tracts are suitable in location, area and character for the uses and structures proposed and where the development can be planned and developed on a unified basis. This type of development is intended to permit construction in accordance with a master plan of cluster-type development and mixed use development with individual dwelling units available for sale or rent and with open space and common areas under one (1) ownership or control for use by all invested in the development.

Within such communities, the location of all improvements shall be controlled in such a manner as to permit a variety of housing accommodations in an orderly relationship to one another, with the greatest amount of open area and the least disturbance to natural features.

10-3 **Commercial Uses Allowed**. A PUD may include light commercial facilities to serve the specified needs of the particular planned development and commercial uses/structures shall not be submitted as part of the PUD application when designed or constructed to serve those needs that are un-related to the residents of the PUD development.

10-4 **Recreational Vehicles and Camping Units**. For the purposes of this Article, a PUD may consist of lots or parcels upon which recreational vehicles are to be located provided all requirements of this Article are met and the individual lots or parcels contained in the PUD are sold by the developer to individuals or entities not controlled by the developer and not rented to others by the developer. In a PUD designed and approved for recreational vehicles the provision in this Article which address "dwelling units" shall be interpreted to include "recreational vehicles" provided, however, that recreational vehicles shall not be used as year round or permanent residences and each recreational vehicle must be maintained and moved from the PUD under its own power at least once a year or more often if required by the terms of the specific special use permit for the PUD. PUD shall conform to the Virginia Condominium Act, § 55-79.39 through 55-79.103, Code of Virginia

10-5 **Design Standards**. The Design of Planned Unit Development Subdivisions shall meet the requirements as listed below.

A. Area regulations. The total land area required for any PUD shall be five (5) contiguous acres. Additional land area may be added to an existing PUD if it is adjacent (except for public roads) thereto and forms a logical addition to the existing PUD and is under the same type of ownership or control as the original PUD. The procedure for an addition shall be the same as if an original application were filed.

B. Water/Sewer. A PUD shall be allowed in areas served by public water and sewage disposal systems or a self-sufficient central water and sewer system, conforming to state regulations.
C. Density. The permitted density, in dwelling units per gross acre, shall not be more than ten (10) dwelling units per gross acre.
D. Required open space. The open space shall not be less than fifty percent (50%) of the total gross area of the PUD. The required developed recreation space shall not be less than ten percent (10%) of the total gross of the PUD.
E. Management of open space/common areas and infrastructure in PUD developments.

1. There shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property or dwelling units within the planned development to ensure the maintenance of open spaces.

2. When the development is to administer open space through a nonprofit association, corporation, trust or foundation, said organization shall conform to the following requirements:

a) The developer must submit the organizations Bylaws, Restrictive Covenants and/or applicable Organizational Documents to the Planning Commission as part of the application and review process of the Planned Unit Development Subdivision.
b) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community, and said organization shall not discriminate in its members or shareholders.
c) The organization shall manage all open space, private driveways, parking and recreational and cultural facilities serving the development; shall provide for the maintenance, administration and operation of said land and improvements and any other land within the planned community; and shall secure adequate liability insurance on the land.
d) The organization shall conform to the Condominium Act, §§55-79.39 through 55-79.103, Code of Virginia 1950, as amended.

F. **Maximum Height**. The maximum height of any building, structure, or dwelling unit in a PUD District shall be thirty-five (35) feet, subject to the provisions of this Article and subject to approval by the governing body.

G. **Streets**. The design of Planned Unit Development streets shall be in accordance with **Article 9-6** of this Ordinance.

H. **Utilities.** Within a PUD, all utilities, including telephone, television cable, and electrical systems shall be installed underground. Appurtenances to these systems which require aboveground installations must be effectively screened and thereby may be exempted from this requirement.

I. **Planning Commission Review.** The Grayson County Planning Commission will review applications for Planned Unit Developments in accordance with the standards listed for Planning Commission Review in **Article 8** and associated articles that address Planning Commission Review of Subdivisions.

1. The intent of the site plan review is to provide for a review of the project's compatibility with its environment and with other land uses and buildings in the surrounding area; the ability of the project's traffic circulation system to provide for the convenience and safe internal and external movement of vehicles and pedestrians; the quantity, quality, use, size, and type of the project's open space and the plans for the maintenance and upkeep of said open space; the quantity, quality, use, size, and type of the project's recreational elements; the impacts upon the existing natural environment; the proposed landscaping improvements; and the project's compliance with this chapter and other applicable ordinances of the county and state.
2. The site plan shall be reviewed by the Planning Commission and as required by the Subdivision Ordinance, shall act to fulfill the preliminary plat review requirements of the Subdivision Ordinance. Administrative procedures for the site plan review shall be the same as the review procedures for Planning Commission Review of Class I and Class II Subdivisions.
3. In addition to the required content of preliminary and final plats as required by the Subdivision Ordinance, the following shall be submitted for site plan review:

    a) Existing zoning and zoning district boundaries on the property to be developed and on immediately adjacent properties.
    b) The boundaries of the property involved, all existing property lines, setback lines, existing streets, buildings, watercourses, and other existing physical features in or adjoining the project.
    c) The topography of the project area at contour intervals of two (2) feet.
    d) The location of all proposed buildings and structures, accessory and main, showing the number of stories and height, dwelling type, outside dimensions and main excavations by proposed use.

e) The proposed location and character of nonresidential uses, accessory and main.
f) The proposed location, dimensions, and use of all proposed open space, other amenities and improvements, if any, and suitable documentation of the ownership and responsibility for such open space.
g) The proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating the proposed treatment of points of conflict.
h) The proposed treatment of the site's periphery, including materials and techniques to be used, such as screens, fences and/or walls.
i) The location and screening materials for solid waste containers and other outdoor trash receptacles.
j) The site plan shall show wooded areas, which shall be designated by symbols coincident with the area of trees, and an indication of which trees are to be retained.
k) The proposed location, dimensions and treatment of the required off-street parking facilities for each individual unit.
l) A tabulation of the total number of acres in the project and the percentage of acreage thereof proposed to be allocated to residential units, any nonresidential uses, off-street parking, open space, streets and other reservations.
m) A tabulation of the total number of dwelling units, by type, in the project and the overall project density, in dwelling units per gross acre.
n) A schedule exhibiting the time frame for project development and completion.

ARTICLE 11 – FEES

11-1 **Fees.** There shall be a charge for the examination and review of every subdivision plat submitted to the Planning Commission. This fee shall be fifteen Dollars ($15.00) for each subdivision plat plus two dollars ($2.00) for each lot contained in the subdivision. This fee shall be paid to the Treasurer of Grayson County at the time an application is made for the subdivision.

ARTICLE 12- MANUFACTURED HOME PARKS AND RECREATIONAL VEHICAL PARKS

12-1 **Manufactured Home Parks and Recreational Vehicle Parks.** The establishment of manufactured home parks and recreational vehicle parks is determined by the Grayson County Zoning Ordinance.

ARTICLE 13 – REQUIREMENTS OF SUBDIVISION PLATS FOR PLANNING COMMISSION REVIEW

13-1 The Planning Commission review of subdivisions require that a subdivision plat be created. The plat shall serve as an official representation of the subdivision plan and shall be created from a legal and true survey of the parcel. The following conditions shall apply;

1) No lot shall be marketed or sold to the public until final approval is given and the recordation of the subdivision has occurred.

2) Every plat submitted for recordation shall be prepared by a certified professional engineer or land surveyor licensed by the State of Virginia, who shall endorse upon each such plat a certificate signed by him and shall include the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat represents land acquired from more than one source of title, the outlines of these tracts shall be indicated upon such plat.

3) Every such plat shall contain a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any". The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgement of deeds.

4) When applicable; the recording of the final plat shall operate to transfer to the County or State, in fee simple, such portion of the premises as represented on the plat to be set apart for public streets or other public use and shall serve to transfer to said County or State, any easement indicated on the plat to create a public right or passage.

13-2 **Plat requirements.** The sub-divider shall submit to the Planning Commission five (5) copies of the plat, at a scale of one hundred feet (100') to the inch of a

dimension at least 22 X 17 inches. Where more than one sheet is required to show the entire subdivision, match lines shall be clearly indicated

All dimensions, both linear and angular, shall be determined by an accurate control survey which must close and balance within a limit of one (1) foot in (5,000) five thousand. A bearing and distance tie between at least two permanent monuments on the interior boundary of the subdivision and a bearing and distance tie to a corner of the subdivision from an outside reference marker, in accordance with this ordinance, shall be made and shown on the plat.

13-3 <u>Content of the subdivision plat shall include the following;</u>

1) Proposed subdivision name and location.

2) Tax Map number for the parent parcels and adjacent parcels.

3) Names and addresses of the owner of record, developer when applicable, the person who prepared the plat, and holders of any easements affecting the property.

4) The names of any Class I or Class II subdivisions immediately adjacent to the property and/or the names of the owners on record of adjacent property.

5) Flood plain areas in shaded detail and flood plain elevations when applicable

6) Date of drawing, true north point, and scale.

7) Location of monuments and property markers.

8) Tract boundary lines, right-of-way lines of streets or other easements, and property lines of lots. Bearings shall be shown to the nearest ten seconds and dimensions to the nearest hundredth of a foot. Data of all curves shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, chord bearing and degree of curve.

9) Significant natural landscape features, including rock outcrops and large trees.

10) Location, width and names of all existing or platted streets within or adjacent to the subdivision. The location of existing buildings, easements, railroad rights-of-way, utility lines and drainage ways.

11) Preliminary plans for all utilities, including but not limited to: the proposed method of accomplishing surface drainage, water supply, and sewage disposal. Preliminary designs for any bridges and culverts that may be required.

12) Location and dimensions of proposed streets, lots, building lines, and easements. Identify lots by number and streets by name.

13) Location, dimensions and purpose of all easements.

14) Abutting streets and roads, with names and right-of-way widths.

15) Reference numbers or symbols for all lots and blocks.

16) In the case of re-subdivision of existing recorded lots, existing lot lines shall be shown by dotted lines and the re-subdivision by full lines.

17) Purpose for which sites, other than residential lots, are dedicated or reserved.

18) Proposed use of all lots under review.

19) Designation of all parcels of land proposed to be dedicated or reserved for public use and the conditions, if any, of such dedication.

20) Where temporary turnarounds are required by this ordinance, they shall be sown on the plat and the following notation shall be made on the plat: "Any area on this plat designated as a temporary turnaround shall be constructed and used as other streets in the subdivision until such time as (insert here the name of the street) is extended to join another street and the cul-de-sac ceases to exist. Thereupon the land in the temporary turnaround area which extends beyond the normal right-of-way line of the street will be vacated for street purposes and will revert to adjoining lot owners".

21) The plat shall include a vicinity sketch map at a scale of 2,000 feet to the inch, showing the relationship of the subdivision to its environs. This map shall encompass an area extending at least one mile on each side of the subdivision and shall identify roads, political boundaries, other subdivisions, and important landmarks and natural features.

22) **The following shall be provided on the face of the plat;**

a. A statement regarding conformance to the provisions of the Grayson County Erosion and Sediment Control Ordinance.
b. Private restrictions or covenants.
c. Subdivision classification type.
d. Street or access easement description. Statement to include planned ownership and maintenance and whether or not the street is intended for acceptance into the VDOT system.
e. Statements from the consulting agencies, The Virginia Department of Health and The Virginia Department of Transportation, which are necessary for subdivision approval and a signature line provided and signed by the representative of the agency.
f. Approval from the Grayson County Planning Commission as shown by a provided signature line and signed by the Chairman.
g. Signature line for the Subdivision Agent and approval signature.
h. Owners Statement and primary contact information for the owner.
i. Notary Public statement and signature line or area to be stamped.
j. Circuit Court statement and signature line or area to be stamped.
k. Flood Plain area statement when area is in a flood plain.
l. Seal and Statement from licensed surveyor.
m. Contact information of licensed surveyor who prepared the plat.

ARTICLE 14 - RESUBDIVISION AND CHANGES/AMENDMENTS TO CLASS I, CLASS II SUBDIVISIONS & PLANNED UNIT DEVELOPMENTS

14-1 **Re-subdivision of lots and Lot Line Revisions**. The re-subdivision of any previously approved subdivision will be considered when executed with the consent of the landowners affected by the re-subdivision and when it can be conducted in accordance with § 15.2-2275 Code of Virginia. The lots must meet the minimum design standards and the approval for the re-subdivision shall follow the same procedures for review and approval of any subdivision as defined in this ordinance. Where the subdivision plat must be vacated the requirements for vacation shall follow

A Lot Line Revision between lots of any approved subdivision shall be allowed when the consent of both owners can be shown on the face of a new survey in accordance with § 15.2-2275, Code of Virginia. To be approved, the lots shall meet the minimum design standards and shall not affect other owners in the subdivision.

14-2 **Subdivision Amendment/Changes prior to sale**. When the amendments to a previously approved subdivision, do not affect lot lines and when no lots have been sold. The changes/amendments shall be reflected on a new site plan when changes to the site plan have been proposed and the changes to the organizational documents/bylaws and covenants when applicable, shall be made and submitted. The developer shall submit the previously approved subdivision documents and the new standards under review. The same procedure for Planning Commission review and approval of subdivisions will apply. Where the subdivision plat must be vacated the requirements for vacation shall follow.

14-3 **Subdivision Amendments/Changes when sale of lot(s) has occurred.** Approved subdivisions in which any lot has been sold or transferred, who shall later seek an amendment or change to the subdivision and when such change is unrelated to lot lines, shall follow the requirements for "vacate of plat after sale of lot" as listed in § 15.2-2272 Code of Virginia.

ARTICLE 15- VACATE OF PLAT

15.1 **Procedure.** The procedure for the vacate of a plat is dictated by the Code of Virginia, 1950, § 15.2-2270 - § 15.2-2272.

15.2 **Application.** The application and fee for vacate of a plat must be submitted to the agent/administrator. Any fee for the vacate of a plat shall reflect the costs incurred by the county for the required public hearing notices in the paper when required, fee shall not exceed $150.00. When required, a public hearing and review by the Board of Supervisors will be scheduled by the agent for the next available meeting.

15.3 **Vacate of the plat.** When required, the Grayson County Board of Supervisors must issue the ordinance to vacate a plat after the required public hearing. If the Board of Supervisors determines that the vacate is allowed, an ordinance to vacate shall be drafted and approved. When affected lots have been sold or transferred to separate owners, the procedure shall follow that listed in § 15.2-2272, **Code of Virginia**. A new plat with the required components and signature lines for consulting agencies (when the original required same signature lines and approval) shall be drafted. The new plat shall be recorded in the Clerk of Court, Grayson County to replace the vacated plat.

15.4 **Record of Vacate.** Vacate of the plat shall not be complete until the new plat and/or documentation of the consent and approval is recorded in the Clerk of Court, Grayson County.

ARTICLE 16 – PENALTIES

16-1 Any owner, or proprietor of land who subdivides land in violation of this ordinance shall be subject to the fine of five-hundred dollars ($500) for each lot or parcel of land subdivided.

16-2 Land which is illegally subdivided may not receive zoning or building permits for development.

16-3 The Board of Supervisors may institute appropriate actions or proceedings to prevent violation or attempted violation, or to prevent any act which would constitute such a violation of this ordinance.

ARTICLE 17 – AMENDMENTS

This ordinance may be amended when deemed necessary by the Grayson County Board of Supervisors and by due process for ordinance amendment as defined by the State Code of Virginia, 1950, as amended.

ARTICLE 18 – LEGAL STATUS PROVISION

18-1 **Certified Copies of Ordinance.** Certified copies of this ordinance and all amendments thereof shall be filed in the office of the County Administrator, Zoning Department, and in the county records.

Separability. Should any section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining part of the ordinance.

Effective Date. The Grayson County Subdivision Ordinance and subsequent amendments to the ordinance will take effect and be in force from and after July 1, 1977.

The Grayson County Subdivision Ordinance was first approved and recorded on July 1, 1977. Subsequent amendments have occurred on the following dates; March 13, 1978, July 8, 1986, July 9, 1996, May 14, 2009, June 27, 2012, January 9, 2014.The latest edition of the Subdivision Ordinance was amended by the Grayson County Planning Commission and approved by the Grayson County Board of Supervisors on May 8th, 2014.

I, Jonathan Sweet, Clerk to the Grayson County Board of Supervisors, certify this to be a true and exact copy of the Subdivision Ordinance of Grayson County, Virginia as amended by the Grayson County Board of Supervisors on May 8th, 2014.

Jonathan Sweet, County Administrator