

Vol. 15
April 1987

AN ORDINANCE TO REGULATE THE SUBDIVISION
AND DEVELOPMENT OF LAND IN RUSSELL COUNTY,
VIRGINIA, AND TO ESTABLISH CERTAIN
SUBDIVISION STANDARDS AND PROCEDURES FOR
RUSSELL COUNTY, VIRGINIA, OR SO MUCH THEREOF
AS COMES UNDER THE JURISDICTION OF THE
GOVERNING BODY OF RUSSELL COUNTY, VIRGINIA,
AS PROVIDED BY THE 1950 CODE OF VIRGINIA,
AS AMENDED

SECTION 1: Purpose

This ordinance is intended to guide and facilitate the orderly and beneficial growth of Russell County, and to promote the public health, safety, convenience, comfort, prosperity and general welfare of the county. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained. This ordinance assists the community in meeting these responsibilities.

SECTION 2: Title

This ordinance is known and is to be cited as "Sub-division Ordinance of Russell County, Virginia".

SECTION 3: Authority

(a) This ordinance is adopted pursuant to the provisions and under the authority of Title 15.1, Chapter II, Article 7, of the 1950 Code of Virginia, as amended.

(b) Platting Required from and after the first day of adoption of this ordinance. Any owner or developer of any tract of land situated in Russell County, Virginia, or as much of it as comes under the jurisdiction of the Board of Supervisors of Russell County shall cause a plat of such subdivision, with reference to known or permanent monuments to be made and recorded in the Office of the Clerk of the Circuit Court of Russell County, Virginia. No such plat of a subdivision shall be recorded unless and until it shall have been submitted, approved and certified in accordance with the regulations set forth in this ordinance.

SECTION 4: Definitions

(a) Subdivision. The division of a parcel of land into four or more lots or parcels for the purpose of transfer of ownership or of building development, including all changes in street or lot lines and the creation of any new street or easement. The following shall not be considered a subdivision.

1. The sale or exchange of adjacent property between adjoining lot owners, where such sale or exchange does not create additional building sites, or
2. A division of agricultural land for agricultural purposes or for a building site for members of the immediate family owning such agricultural land. However, if any new easements or streets are created by the above division, it shall be subject to review by the Planning Commission and approval by the governing body, or
3. A second home or recreation development approved by the Board after study and recommendation by the Planning Commission, or
4. A summer, hunting or seasonal cabin for members of the immediate family.

23912
(b) Street. The principal means of access to abutting properties.

1. Street or Alley, Public Use Of. The unrestricted use of a specified area or right of way for ingress and egress to two or more abutting properties.
2. Street, Major. A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding five hundred (500) vehicles a day.
3. Street, Other. A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
4. Street, Service Drive. A public right of way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right of way by providing safe and orderly points of access to the highway.
5. Street Width. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

(c) Resubdivision. Further division of any lot, tract or parcel of an approved subdivision, whether or not by the original developer, shall also be considered to be a subdivision.

SECTION 5: General Regulations

(a) No lot shall be sold in any such subdivision before the final plat shall have been recorded.

(b) Draw and Certify: Every such plat shall be prepared by a licensed surveyor or engineer, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided 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 plats, within an inset block, or by means of a dotted boundary line upon the plat.

(c) Owner's Statement: Every such plat, or the deed of dedication to which plat is attached, shall contain in addition to the surveyor's or engineer's certificate, a statement to the effect that "the above and foregoing subdivision of (here insert the correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any" which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the Office of the Clerk of the appropriate court, and indexed under the names of the landowners signing such statement and under the name of the subdivision.

d. No One Exempt: No person shall subdivide any tract of land that is located within Russell County as defined in Article 7 of the Virginia Planning Act except in conformity with the provisions of this ordinance.

e. Private Contracts: This ordinance bears no relation to any private covenant, easement, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contract, the provisions of this ordinance shall control.

3. Neither Public Water Nor Sewer. Residential lots served by neither public water nor public sewer systems shall be 100 feet or more in width and 20,000 square feet or more in area. Any additional improvements required in subdivision containing lots of this size shall be in accordance with the minimum requirements and specifications and standards which have been established by the Virginia Department of Transportation, the Virginia Department of Health or any other state or local body having authority over such installation.

(o) Bond: Before any subdivision plat will be finally approved by the Board of Supervisors or its designated agent, the subdivider shall furnish a bond in an amount determined by the Board or its designated agent to secure the required improvements in a workmanlike manner, and in accordance with specifications and requirements under this ordinance, which bond shall be payable to and held by the governing body of this county.

(p) Plans and Specifications: Three (3) blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by a surveyor or engineer and shall be submitted to the Board of Supervisors or its designated agent for approval or disapproval within 45 days of receipt by the Board of Supervisors or its designated agent of comments from the Virginia Department of Transportation. If approved, 1 copy, bearing certification of such approval, shall be returned to the subdivider with reason for disapproval in writing. In the event that no action is taken in 45 days, such subdivision shall be deemed approved.

(q) Lots: In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied.

1. Shape. The lot arrangement, design and shape shall be such that all lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
2. Location. Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street.

If the existing streets are not 50 feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of 50 feet.
3. Corner Lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as determined by the Board of Supervisors or its designated agent.
4. Side Lines. Side lines of lots shall be approximately at right angles or radial to the street line.
5. Remnants. All remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots or otherwise disposed of rather than be allowed to remain as unusable parcels.
6. Business or Industrial. Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery services and facilities.

2390

(f) Necessary Changes: No changes, erasure or revision shall be made on any preliminary plat or final plat nor any accompanying sheets after approval of the agent has been endorsed in writing on the plat or sheets unless authorization for such changes has been granted in writing by the agent.

(g) Streets and Alleys: All streets and alleys shall be installed by the subdivider at his own proper costs. All streets and alleys shall be designed and constructed in accordance with the minimum requirements and specifications and standards which have been established by the Virginia Department of Highways and Transportation or which may hereafter be established by the Virginia Department of Highways and Transportation.

(h) Minimum Widths: The minimum width of proposed streets measured from lot line to lot line shall be: Not less than 50 feet wide. Alleys not less than 20 nor more than 28 feet wide.

(i) Cul-de-sacs: Terminal streets (cul-de-sacs), designed to have one end permanently closed, must be terminated by a turn around of not less than 100 feet in diameter.

(j) Private Streets and Reserve Strips: There shall be no private streets platted in any subdivision. All subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.

(k) Monuments: As required by this ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of the subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the Board of Supervisors or its designated agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Board of Supervisors or its designated agent before any improvements are accepted by the governing body.

(l) Location - Concrete: Reinforced concrete monuments 4 inches in diameter or square, 3 feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade of lot line.

(m) Location - Iron Rods: All other corners shall be marked with iron rods not less than 3/4 inch in diameter and 24 inches long and driven so as to be flush with the finished grade of lot line. When rock is encountered, a hole shall be drilled 1 inch deep in the rock, into which shall be cemented a steel rod 1/2 inch in diameter, the top of which shall be flush with the finished grade of lot line.

(n) Lot Size:

1. Public Water and Sewer: Residential lots served by both public water and public sewer systems shall be a 100 feet or more in width and 10,000 square feet or more in area. Additional improvements required in subdivisions containing lots of this size shall be in accordance with the minimum requirements and specifications and standards which have been established by the Virginia Department of Highways and Transportation, the Virginia Department of Health and any other state or local body having authority over such installation.
2. Public Water or Sewer: Residential lots served by only one of public water or public sewer systems shall be 100 feet or more in width and 15,000 square feet or more in area. Additional improvements required in subdivisions containing lots of this size shall be in accordance with the minimum requirements and specifications and standards which have been established by the Virginia Department of Highways and Transportation, the Virginia Department of Health and any other state or local body having authority over such installation.

- 257E
7. A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets together with proposed grade lines connecting therewith.
 8. A location map tying the subdivision into our present road system, either by aerial photographs or topographic maps of the U.S. Department of Interior.
 9. Proposed connections with existing sanitary sewers and existing water supply.
 10. All parcels of land to be dedicated for public use and the conditions of such dedication.
 11. All plats shall be accompanied by an approved Soil Erosion and Sediment Control Plan.

(c) Procedure: The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance. After receiving comments from the Virginia Department of Transportation, the subdivider shall then be advised in writing within 45 days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat.

(d) No Guarantee: Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

(e) Six Months' Limit: The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this ordinance. Failure to do so shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

(f) Final Plat: The subdivision submitted for final approval by the governing body and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of 100 feet to the inch on sheets having a size of 22 by 28 inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

1. A blank, oblong space 3" x 5" shall be reserved for the use of the approving authority.
2. Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
3. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds.
4. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash lines, and identification of the respective tracts shall be placed on the plat.

239F

SECTION 6: Approval of Plats

(a) Preliminary Sketch: The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of this ordinance. The Board of Supervisors or its designated agent, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The agent shall mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the Board of Supervisors or its designated agent with the preliminary plat. The preliminary sketch shall be as follows:

1. Drawing and Scaling. It shall be drawn on white paper or on print of a topographic map of the property. It shall be drawn to a scale of 100 feet to the inch. It shall show the name, location and dimensions of all streets entering the property adjacent to the property or terminating at the boundary of the property to be subdivided and shall include the approximate dimensions.
2. Part of Tract. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the governing body.

(b) Preliminary Plat: The subdivider shall present to the Board of Supervisors or its designated agent three (3) prints of a preliminary layout at a scale of one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

1. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.
2. Location of proposed subdivision by an inset map at a scale of not less than 2 inches equal 1 mile showing adjoining roads, their names and numbers, towns, subdivision and other landmarks.
3. The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred: total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract adjoining such boundaries.
4. All existing, platted and proposed streets, their names, numbers and widths, existing utility or other easements, public areas and parking spaces, culverts, drains and water courses, their names and other pertinent data.
5. The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage.
6. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.

- 239 H.
5. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits, including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
 6. Distances and bearings must balance and close with an accuracy of not less than 1 in 10,000.
 7. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

(g) Conditions: The plat shall not be approved until

the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements to the satisfaction of the Board of Supervisors or its designated agent. Approval of the final plat shall be written on the face of the plat by the Board of Supervisors or its designated agent. The subdivider shall record the plat within 60 days after final approval; otherwise, the Board of Supervisors or its designated agent shall mark the plat "void" and return same to the subdivider.

SECTION 7: Advertising Standards

A subdivider when advertising a subdivided tract of land for sale shall be specific as to the following items:

(a) Whether officially approved water and sewage facilities are provided or not.

SECTION 8: Effectual Clauses

(a) Exceptions: Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to and where because of topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the agent with the reasoning on which the departure was justified set forth. No such variance may be granted by this ordinance which is opposed in writing by the county or highway engineer or health official.

(b) Penalties: Any person violating the foregoing provisions of this ordinance shall be subject to a fine of not more than ONE HUNDRED DOLLARS (\$100) per month for each lot or parcel of land so subdivided or transferred or sold until said person shall have complied with the provisions as set forth in this ordinance. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

(c) Validity: Should any article, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the subdivision ordinance as a whole or any part thereof other than the part so

2. An instrument, in proper form, shall be recorded in the land records so as to be reflected in the chain of title of each lot setting forth that the construction, repair and maintenance of the roadway connecting such lot to the public road is not the responsibility of the county or the state or any other governmental entity and establishing a legally binding responsibility for the parties who are responsible for any construction, repair or maintenance, including snow removal, and all pertinent details. The agreement shall be between the owner of the lot, the contract purchaser and other parties if pertinent to the purpose of the agreement.
3. All private road subdivision plats shall be presented to the Planning Commission and the Board of Supervisors for approval prior to the sale of any lot therein.
4. Private road subdivisions shall conform to all provisions of Section 6 of this ordinance, with the exception of Paragraph 6(c).

(c) Before the development of any private road, the developer shall file with the County Building Official 3 copies showing a plan and profile of the proposed roadway, prepared by a surveyor or engineer duly certified to perform such services.

The plan shall show drainage facilities, curvature and profile of roadway, right of way, pertinent topographical features, typical section, sketch of boundary lines and lots or tracts fronting on said private road.

(d) All tracts or lots shall abut on the centerline of said private road, shall have a minimum width of 125 feet and shall contain a minimum of 25,000 square feet, exclusive of area within said street.

(e) Upon completion of the work on said private road and upon acceptance of the same by the County Building Official, he shall be furnished 2 copies of the final plat, on which he shall certify that all work is in accordance with this section. If certification is withheld, the Building Official shall provide to the developer a specific statement of the reasons for withholding same.

(f) The subdivider shall erect, within 25 feet of the point where the primary access road to the subdivision joins a state maintained road, a permanent sign, clearly visible from the state maintained road, containing the following statement in block letters no less than 3 inches high:

THE ROADS IN THIS SUBDIVISION WILL NOT BE
PAVED OR MAINTAINED AT PUBLIC EXPENSE.

Such sign shall be maintained by the subdivider in clearly visible condition for at least 5 years from the date the first such lot is sold.

(g) The declaration on the plat shall be read at the beginning of all auction sales and repeated at least 2 times with the use of a remote speaker system. All advertisements shall include the statement "This is a private road subdivision".

(h) It shall be the responsibility of the owner or proprietors to include the above declaration within the body of each deed of conveyance to initial grantees.

(i) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than ONE HUNDRED DOLLARS (\$100) per month for each lot or tract transferred or sold until said person shall have complied with the provisions as set forth herein.

(j) The Building Official shall collect from the developer a fee of TWENTY DOLLARS (\$20) per 100 linear feet of road platted under this section.

This ordinance effective May 1, 1987.

LEBANON BY-PASS PROJECT

Motion by R. L. Settle, second by Kenneth Mutter, and duly passed by the Board of Supervisors that County Administrator reply to J. L. Corley, District Engineer, letter of April 14, 1987, in which the Federal Highway Administration has requested a reassessment of environmental impacts or any information as to public opposition or any other concerns regarding the Lebanon Bypass Project.

The Vote was:

Aye: Dr. Roy R. Smith
R. L. Settle
Kenneth Mutter
John Bryan

Abstain:

Michael Ball

Absent:

Kelly Chafin

Nay: None

JERRY HESS HEADS DELEGATION

Jerry Hess came before the to follow up on highway and other matters discussed with the Board at previous meeting. Consensus of Board was that Russell County Highway and Safety Commission take a look at the road needs at intersection of 67/635 (Maple Gap) and make request for funds from the Governor's Discretionary Fund and the Board of Supervisors would support request of the Commission to the Governor.

Jerry Hess also requested that pilot trucks be required to be used by Maymead Lime Co. in the Cold Spring Area because of the narrow road. County Attorney is to write letter and correspond with Jerry Hess.

PUBLIC HEARING

ON PROPOSED AMENDMENT TO SUBDIVISION ORDINANCE

Public hearing was held pursuant to law, having been advertised for two successive weeks in the Lebanon News. Public comments were heard after which Chairman declared public hearing closed.

RESOLUTION TO ADOPT PROPOSED AMENDMENT
TO
SUBDIVISION ORDINANCE

Motion made by Kenneth Mutter, second by Richard Settle, and duly passed by the Board of Supervisors that proposed amendment to the Russell County Subdivision Ordinance be approved as advertised with the expectation that under Section 9 Private Road Subdivision (a) 2., that words "have access" be changed to "adjoin a State maintained road".

The Vote was:

Aye: R. L. Settle
Kenneth Mutter
Michael Ball

Nay: John Bryan
Dr. Roy R. Smith

Absent:

Kelly Chafin

(See Attached Subdivision Ordinance in total.)