

**CHAPTER 18**  
**SUBDIVISION**  
**(Repealed)**  
**CHAPTER 18-1**  
**SUBDIVISION REGULATIONS**  
**ARTICLE 18-1**  
**AUTHORITY AND ENACTMENT**

Section 18-101.00 AUTHORITY TO ESTABLISH SUBDIVISION REGULATIONS

Whereas, by act of the General Assembly of Virginia as recorded in the Code of Virginia, 1950, as amended, as Article 7, Section 15.1-465 through 15.1-485 requires the Council of Floyd, Virginia to adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the Town, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity including reasonable regulations and provisions that apply to or provide:

Section 18-101.01 For size, scale, and other plat details.

Section 18-101.02 For the coordination of streets within and contiguous to the subdivision with other existing or streets within the general area as to location, widths, grades, and drainage.

Section 18-101.03 For adequate provisions for drainage and flood control and other public purposes, and for light and air.

Section 18-101.04 For the extent to which and the manner in which streets shall be graded, graveled, or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed.

Section 18-101.05 For the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or improvement, financed or to be financed in whole or part by private funds only if the owner or developer: (1) certifies to the Governing Body that the construction costs have been paid to the person constructing such facilities; or (2) furnishes to the Governing Body a certified check or cash escrow in the amount of the estimated costs of construction or personal, corporate, or property bond, with surety satisfactory to Governing Body, in an amount sufficient for, and conditioned upon, the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned or furnishes to the Governing Body a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Governing Body as to the bank or savings and loan association, the amount and the form;

Section 18-101.06 For monuments of specific types to be installed establishing street and property lines.

Section 18-101.07 That unless a plat be filed for recordation within six months after final approval thereof or such longer period as may be approved by the Governing Body such

approval shall be withdrawn and the plat marked void and returned to the approving official.

Section 18-101.08 For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated.

Section 18-101.09 For payment by a sub-divider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the sub-divider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewer and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each sub-divider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the sub-divider or developer; provided, however, that in lieu of such payment the Governing Body may provide for the posting of a personal, corporate, or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.

Section 18-101.10 For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any express requirements contained in the Code of Virginia. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purpose of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.

Section 18-101.11 For the partial or complete release of any bond, escrow, letter of credit, or other performance guarantee required by the Governing Body under this section within thirty (30) days after receipt of written notice by the sub-divider or developer of completion of part or all of any facilities required to be constructed hereunder unless the Governing Body notifies said sub-divider or developer in writing of any specified defects or deficiencies in and suggested corrective measures prior to the expiration of said thirty (30) day period; provided, however, that the Governing Body shall not be

required to release such bond, escrow, letter of credit, or other performance guarantee in an amount to exceed ninety (90) percent of the actual cost of the construction for which the bond was taken until such facilities have been completed and accepted by the Governing Body or State agency. For the purposes of this subsection, a certificate of partial or final completion of such facilities from a duly licensed engineer or from a department or agency designated by the local government may be accepted without further inspection of such facilities.

#### Section 18-102.00 ENACTMENT

Therefore be it ordained by the Council of the Town of Floyd, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22, of the Code of Virginia, as amended that the following be adopted as the Land Development Regulations of the Town of Floyd, Virginia, be adopted as the Town of Floyd Zoning Ordinance, as amended, and Subdivision Ordinance - Town of Floyd, Virginia, as amended.

### **ARTICLE 18-2 PURPOSES OF THE REGULATIONS**

#### Section 18-201.00 PURPOSES

The Floyd/Floyd County Planning Commission and Town Council have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public and accomplish the objectives of Section 15.2-2283 by reasonable restrictions on those property rights. Further, to comply with the provisions of Section 15.2-2283, et. seq. the purposes of these regulations are:

Section 18-201.01 To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.

Section 18-201.02 To reduce or prevent congestion in the public streets.

Section 18-201.03 To facilitate the creation of a convenient, attractive, and harmonious community.

Section 18-201.04 To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.

Section 18-201.05 To protect against destruction of, or encroachment upon, historic areas.

Section 18-201.06 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers.

Section 18-201.07 To encourage economic development activities that provide desirable employment and enlarge the tax base.

Section 18-201.08 To establish certain subdivision standards and procedures to assure the orderly subdivision of the land and its development for the Town of Floyd, Virginia.

Section 18-201.09 The subdivision standards and procedures are part of a long-range plan to guide and facilitate the orderly and beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs where land and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate, and efficient manner.

Section 18-202.00 NON-EXCLUSIONARY INTENT

It is not the intent of these regulations to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the Town of Floyd; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Floyd of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purpose outlined in Section 18-201, herein.

**ARTICLE 18-3  
DEFINITIONS OF TERMS USED IN THIS ORDINANCE**

Section 18-301.00 GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Section 18-302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

Section 18-302.01 Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded plats.

Section 18-302.02 Administrator, The. The official charged with the enforcement of the zoning ordinance. He (The Administrator) may be any appointed or elected official who is by formal resolution designated to the position by the Floyd Town Council. He (The Administrator) may serve with or without compensation as determined by the Town Council.

Section 18-302.03 Alley. A platted service way providing a secondary means of access to abutting properties.

Section 18-302.04 Alteration. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

- Section 18-302.5 Basement. A story having part but not more than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations
- Section 18-302.6 Board. The Board of Zoning Appeals as established under this Ordinance.
- Section 18-302.7 Building. Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- Section 18-302.8 Building Code. The Uniform Statewide Building Code under Section 36-97 of the Code of Virginia, as adopted by Floyd County.
- Section 18-302.9 Building, Height of. The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof, if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- Section 18-302.10 Building Inspector. The building official for the Town and the County who administers and enforces the provisions of the Building Code, or his designated representative or agent.
- Section 18-302.11 Building, Main. A building which is utilized as the main or principal use of the lot on which said building is situated.
- Section 18-302.12 Clerk. The Clerk of the Circuit Court having jurisdiction in Floyd County.
- Section 18-302.13 Commission, The. The Town of Floyd/Floyd County Planning Commission.
- Section 18-302.14 Common Elements. All portions of a cooperative other than the units.
- Section 18-302.15 Conditional Use. A use which may be allowed for a specific lot in a district if the use is listed as a Conditional Use for the district and if the Town Council, after a public hearing and a recommendation by the Planning Commission, deems it appropriate. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.
- Section 18-302.16 Conditional Use Permit. A permit which indicates the conditions of use for a specific lot in a district which has been approved for Conditional Use by the Town Council.
- Section 18-302.17 Conditional Zoning. The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Council to accept the proffered conditions, the proposed project must give rise to the need for the

conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the Town.

Section 18-302.18 Condominium. A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.

Section 18-302.19 Convenience Store. A store designed for ease of access which primarily offers for

Section 18-302.920 Cooperative Interest. A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.

Section 18-302.21 Cooperative Organization. Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.

Section 18-302.22 Cooperative Unit. A physical portion of the cooperative designed for separate tenancy.

Section 18-302.23 Cul-de-Sac. A circular turning area at the end of a dead-end street.

Section 18-302.24 Curb Grade. The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the Zoning Administrator shall establish such curb grade (utilizing the Virginia Uniform Statewide Building Code).

Section 18-302.25 Developer. An owner of property being subdivided, whether or not represented by an agent.

Section 18-302.26 Development. A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain two or more single-family or two-family residential dwelling units or buildings which are devoted to multi-family dwelling, commercial, recreational, or industrial use. The term "development " shall not be construed to include any property which will be devoted principally to agricultural production.

Section 18-302.27 District. A section of the Town of Floyd within which the zoning regulations are uniform as referred to in the Code of Virginia, Section 18 15.1-486.

Section 18-30228 Driveway. Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.

Section 18-302.29 Dump Heap (Trash Pile). Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Section 18-302.30 Dwelling. Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.

- Section 18-302.31 Dwelling, Multi-Family. A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.
- Section 18-302.32 Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.
- Section 18-302.33 Dwelling, Two-Family (Duplex). A building designed for, or occupied exclusively by, two (2) families living independently of each other.
- Section 18-302.34 Dwelling Unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- Section 18-302.35 Easement. A right granted by a property owner to another party for specific limited use of that land, such as a utility easement which allows use of private property for the installation and maintenance of utility lines and facilities.
- Section 18-302.36 Efficiency Apartment. A unit in a multifamily dwelling that generally consists of one or two rooms with a bathroom. This type of unit is interchangeable with the term Studio Apartment.
- Section 18-302.37 Engineer, Civil. An engineer registered by the Commonwealth of Virginia.
- Section 18-302.38 Floating Zone. A district classification which is not "anchored" to a particular area on the initial zoning map but is available for any parcel of property with the following qualifications: the plans for the parcel must meet both the ordinance requirements and those other requirements of the Town Council which ensure that the classification is compatible with the surrounding properties and districts.
- Section 18-302.39 Flood. A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.
- Section 18-302.40 Flood Hazard Area. The maximum area of the floodplain that has a 1% chance of flooding each year or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development's Flood Hazard Mapping or Rate Study Mapping as appropriate. (Building encroachment permissible with approved permit from the Administrator).
- Section 18-302.41 Floodplain. An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.
- Section 18-302.42 Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.
- Section 18-302.43 Floodway. The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one-hundred (100) year flood. Building encroachment is not permitted.

Section 18-302.44 Floor Area. The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.

Section 18-302.45 Frontage. The length of the property line of any lot, lots, or tract of land measured along a public street, road or highway against which that land abuts.

Section 18-302.46 Garage Apartment. A dwelling unit constructed in or above an existing private garage.

Section 18-302.47 Garage, Private. Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.

Section 18-302.48 Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor-driven vehicles.

Section 18-302.49 Governing Body. The Town Council of Floyd, Virginia.

Section 18-302.50 Highway Engineer. The official designated by the Virginia Department of Highways and Transportation to inspect subdivision streets and alleys, and other public ways.

Section 18-302.51 Historical Area. An officially designated area containing or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. Such areas are officially designated at the local, state, or national level.

Section 18-302.52 Jurisdiction. The area or territory subject to the legislative control of the Town of Floyd.

Section 18-302.53 Land Use Plan. The Land Use Plan of the Town of Floyd, as amended.

Section 18-302.54 Loading Space. A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

Section 18-302.55 Lot. A numbered and measured portion or parcel of land separated from other portions or parcels by description in a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.



- Section 18-302.56 Lot Area. The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of the lot.
- Section 18-302.57 Lot, Corner. A lot abutting upon two (2) or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets, except as defined for mobile home subdivisions in Section 18-707.06.
- Section 18-302.58 Lot Coverage. The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- Section 18-302.59 Lot, Depth of. The average horizontal distance between the front and rear lot lines.
- Section 18-302.60 Lot, Double Frontage (Through). An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- Section 18-302.61 Lot, Interior. Any lot other than a corner lot.
- Section 18-302.62 Lot of Record. A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of Floyd County at the time of the adoption of this Ordinance.
- Section 18-302.63 Lot, Width. The average horizontal distance between side lot lines.
- Section 18-302.64 Non-Conforming Lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- Section 18-302.65 Non-Conforming Use of Structures. The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- Section 18-302.66 Non-Conforming Structure. A structure existing at the time of building or structure that does not conform to the lot coverage, height, yard, dimensions or other requirements or regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- Section 18-302.67 Non-Conforming Use of Land. A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.
- Section 18-302.68 One Hundred Year Flood. A flood that has a 1% chance of occurrence each year.
- Section 18-302.69 Parks, Playgrounds, and Outdoor Recreation Areas. Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.

- Section 18-302.70 Plat. A drawing or map which has been reviewed and approved by the Town Council of the Town of Floyd, the Public Service Authority, and the Virginia Department of Transportation which depicts a lot or lots which are the result of the subdivision of land. Appropriate signature blocks shall be attached to all Plats. When used as a verb "plat" is synonymous with "subdivide".
- Section 18-302.71 Prefabricated Building. The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials; and in which service equipment may be either prefabricated or at-site construction.
- Section 18-302.72 Property. Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- Section 18-302.73 . Public Service Facility. Public or governmental buildings and uses, including schools, police station, fire stations (volunteer or otherwise), parks, parkways and playgrounds.
- Section 18-302.74 Public Water and Sewage Systems. Public Water is defined as 15 or more connections and 25 or more customers for 60 or more days per year. Sewerage system means a sewage collection system consisting of pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.
- Section 18-302.75 Public Utilities. Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, communications, related services to the general public.
- Section 18-302.76 Refuse. Items that are discarded to be collected for the purposes of disposal including but not limited to: Trash, rubbish, recyclables, and garbage. Collection of refuse by the Town of Floyd shall be confined to public streets and roadways, all private streets and roadways shall not be served by the Town in this capacity unless mitigated with Town Council.
- Section 18-302.77 Required Open Space. Any space required in any front, side, or rear yard.
- Section 18-302.78 Residential Use. Any place, building, or establishment used in whole or in part as a dwelling.
- Section 18-302.79 Right-of-Way. The land upon which a street, road, highway, or transportation route is located and the land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.
- Section 18-302.80 Right-of-Way Line. The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

- Section 18-302.81 **Setback.** The minimum distance from which any building structure must be separated from the lot line(s).
- Section 18-302.182 **Setback Line(s).** A line generally parallel with and measured from the lot line(s), defining the limits of a yard in which no building or structure may be located above ground.
- Section 18-302.83 **Site Plan.** A drawing or map depicting the dimensions and property line monuments of the lot to be built on, the location and size of existing and proposed structures, easements (public and private), water courses, fences, street names and street right of way lines, driveways, and all other information required which indicates compliance with this Ordinance.
- Section 18-302.84 **Story.** That portion of a building, other than the basement, included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- Section 18-302.85 **Story, Half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds of the floor area is finished off for use.
- Section 18-302.86 **Street.** The principal means of access to abutting properties.
- Section 18-302.87 **Street Centerline.** A line generally parallel to the right-of-way lines that equally divide the street right-of-way.
- Section 18-302.88 **Street, Half.** A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- Section 18-302.89 **Street, Internal.** A private street providing access to lots within a development, but not including driveways.
- Section 18-302.90 **Street Line.** The dividing line between a street or road right-of-way and the contiguous property.
- Section 18-302.91 **Street, Major.** A heavily traveled thoroughfare or highway that carries a large volume of through traffic.
- Section 18-302.92 **Street, Other.** A street that is used primarily as a means of public access to the abutting properties.
- Section 18-302.93 **Street (Road).** Any public thoroughfare which affords the principal means of access to abutting property.
- Section 18-302.94 **Street, Service Drive.** A public right-of-way generally parallel and contiguous to a major highway, primarily designated 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.
- Section 18-302.95 **Street Width.** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways.

- Section 18-302.96 **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- Section 18-302.97 **Studio.** A room or rooms in a building or a building devoted to use by one or more professional artists, musicians, or dancers for individual or group practice or instruction. Dance-exercise studios are included in this definition. A Studio Apartment is a one room unit with a bathroom.
- Section 18-302.98 **Sub-divider.** Any individual, corporation or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- Section 18-302.99 **Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building development. The term "subdivision" includes "resubdivision" of lots of record or the vacation of plats. The term shall apply either to the process of subdividing or to land being subdivided.
- (a) The term "to subdivide" does not include divisions of land into parcels of five acres or more not involving any new street or easement of access.
  - (b) The term "to subdivide" does not include the transfer of ownership of a lot, tract or parcel of land to the owner of adjacent land, except that the owner of land so transferred must comply with the provisions of the Town of Floyd Ordinance before any improvements are erected on the land so transferred.
- Section 18-302.100 **Surveyor.** A land surveyor certified by the Commonwealth of Virginia.
- Section 18-302.101 **A single-family dwelling forming one of a group or series of three or more attached single family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.**
- Section 18-302.102 **Townhouse Development.** One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.
- Section 18-302.103 **Use, Accessory.** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- Section 18-302.104 **Variance.** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, parking, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

Section 18-302.105 Yard. A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

Section 18-302.106 Yard, Front. An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. On corner lots, the depth of the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Section 18-302.107 Yard, Rear. An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard.

Section 18-302.108 Yard, Side. An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

**Article 18-3**

**SUBDIVISION REGULATIONS**

**Section 18-301.00 SUBDIVISION REGULATIONS**

Under the authority to establish subdivision regulations recorded in Article 18-1, Section 18-102, and the purposes outlined in Article 18-2 at Section 18-201.08 and 201.09, the regulations established herein constitute minimum requirements which shall apply to all subdivision, except as hereinafter provided.

**Section 18-302.00 STATUTORY PROVISIONS**

Under the authority to establish subdivision regulations and the purposes, the regulations established herein constitute minimum requirements, which shall apply to all subdivision, except as herein provided.

Section 18-302.01 No person shall subdivide land without making a plat of such subdivision, recording it in the office of the Circuit Court of Floyd County and without fully complying with the provisions of this article.

Section 18-302.02 No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local commission or by the Governing Body or its duly authorized agent of the Town of Floyd wherein the land to be subdivided is located.

Section 18-302.03 No person shall sell or transfer any land of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto or bona fide divisions in accordance with the authority referenced in Article 18-1 Section 18-102.10.

Section 18-302.05 Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred (500) dollars for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

Section 18-302.05 No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by section 17.1-223 of the Code of Virginia shall apply to any failure to comply with the provisions of the subsection.

**Section 18-303.00 PLATTING REQUIRED**

Whenever the owner or proprietor of any tract of land within the Town of Floyd desires to subdivide the same, he or she shall submit a plat of the proposed subdivision to the Town of Floyd through the designated Agent. The administrative process for the "Subdivision Regulations - Floyd" are found in

Article 18-8 Section 18-810. No such plat of a subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the Agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded by the Floyd County Clerk of the Court.

Section 18-303.01 Draw and Certify. Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or licensed Land Surveyor, who shall endorse upon each such plat a certificate.

Section 18-303.02 No One Exempt. No person shall subdivide any tract of land that is located within the Town of Floyd, except in with the provisions of this Ordinance and the applicable provisions of the Code of Virginia, 1950 as amended.

Section 18-303.03 Mutual Responsibility. There is a mutual responsibility between the subdivider and the Town of Floyd to divide the land so as to improve the general use pattern of the land being subdivided.

Section 18-303.04 Land Must be Suitable. The Town Council shall not approve the subdivision of land if from adequate investigation conducted by the public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

Section 18-303.05 Improvements. All required improvements shall be installed by the subdivider at his or her cost. Specifications and requirements set forth in this regulation shall be followed. The Subdivider's performance bond shall not be released until construction has been inspected and approved by the appropriate official:

Section 18-303.05.1 The subdivider or developer shall pay a pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by such designee but necessitated or required, at least in part, by the construction or improvement of such designees subdivision or development; provided, however, that no such payment shall be required until such times as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owners or controlled by the subdivider or developer is located. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest bearing account for the benefit of the subdivider or developer; in lieu of such payment other methods of performance guarantee satisfactory to the Governing Body shall be posted conditioned on payment at the commencement of such construction.

Section 18-303.06 Necessary Changes, No change, erasure or revision shall be made on any final plat, nor on accompanying data sheets, unless authorization for such changes has been granted in writing on behalf of the Council.

Section 18-303.07 Private Contracts. This regulation bears no relation to any private easement, covenant, 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 public contract, the provisions of this Ordinance shall control said contract.

**Section 18-304.00      General Requirements**

The general specifications and requirements set forth in this section shall be followed:

- Section 18-304.01    Lot Size. The minimum lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is located as prescribed in Article 18-7 of the Land Development Regulations.
- Section 18-304.02    Lot Shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to the topography, and conform to the requirements of these regulations. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage by adding area which would be unusable for normal purposes.
- Section 18-304.03    Lot Side Lines. Side lines of lots shall be approximately at right angles, or radial to the street line.
- Section 18-304.04    Lot Shall Abut on a Street Dedicated to Public Use. Each lot shall abut on a street dedicated by the subdivision plat, or an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be constructed as to permit the widening by dedication of said roads or streets to a width of fifty (50) feet. If the existing streets do not extend to the abutting property lines axis termination point
- Section 18-304.05    Remnants. Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots, or become the property of a homeowners association rather than allowed to remain as unusable parcels.
- Section 18-304.06    Block Length. The maximum length of blocks shall be twelve hundred (1200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
- Section 18-304.07    Block Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
- Section 18-304.08    Block Orientation. Where a proposed subdivision adjoins an arterial road, and/or where a potential traffic hazard would be created if driveways serving such subdivisions lots were to intersect such thoroughfare, the Town may require that the greater dimension of the block shall front or back upon such thoroughfare to avoid unnecessary ingress or egress.



- Section 18-304.09 Street Design and Standards. For all residential subdivisions, all streets shall be constructed in accordance with the Virginia Department of Transportation road standards and approved by the Virginia Department of Transportation;
- Section 18-304.09.1 All street and alleys shall be graded to their full width to the cross section and grade approved by the Town Council with embankment slopes lying outside the right-of-way, with regards to subdivisions utilizing existing streets that are to be extended.
- Section 18-304.09.2 Concrete curbs and gutters shall be installed on both sides of all streets shown on the subdivision plat in accordance with applicable specifications of the Virginia Department of Transportation. In the case of newly platted streets, to not include the extension of existing streets, curb and gutter is not required but the development plan must provide storm drainage satisfactory to Town Council;
- Section 18-304.09-3 Concrete sidewalks shall be provided on at least one side of all newly created or redeveloped streets to meet Virginia Department of Transportation specifications;
- Section 18-304.09-4 The subdivider shall construct and surface all platted streets. Curbs, and gutters shall be provided for existing streets that are to be extended. Sidewalks shall also be constructed at the subdivider's expense on existing streets that are to be extended;
- Section 18-304.09-5 Curbs, gutters, and sidewalks shall be constructed such that there will be a driveway entrance for each lot.
- Section 18-304.09-6 Alternative Transportation Access and Connectivity. Subdivisions within the Town should enable the use of Alternative Transportation and incorporate access points to these streets, paths, and/or trails.
- Section 18-304.09-7 Traffic Impact Analysis. A Subdivision Plat that substantially affects transportation on state-controlled highways as defined by regulations promulgated by the Virginia Department of Transportation shall include a Traffic Impact Analysis or similarly approved traffic analysis.
- Section 18-304.10 Street Alignment and Layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Town, it is desirable to provide for street access adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the Agent.
- Section 18-304.10 Street Alignment and Layout. Alleys should be avoided whenever possible, if permitted the right-of-way will be not less than twenty (20) feet.

- Section 18-304.12 Cul-De-Sacs. Streets designated to have one end permanently closed must be terminated by a turn-around adequate to support Emergency Service Vehicles.
- Section 18-304.13 Reserve Strips. There shall be no reserve strips controlling access to public streets.
- Section 18-304.14 Street Names. The Subdivider shall name all streets, in coordination with the emergency services. Names shall be sufficiently different in sound and in spelling from other road names in Floyd County so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name. Street names shall be indicated on the preliminary and final plats, and shall be approved by the Town. Names of existing streets shall not be changed except by specific approval.
- Section 18-304.15 Street Identification Signs. Street identification signs of an approved design shall be installed at all intersections.
- Section 18-304.16 Monuments. Upon completion of subdivision streets and other improvements, the subdivider shall make certain all monuments required by this ordinance are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Agent before any improvements are accepted:
- Section 18-304.16.1 Location – Concrete or other Approved Permanent Materials. Concrete or other approved permanent material monuments four (4) inches in diameter or square, 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 be set flush with the finished grade.
- Section 18-304.16.2 Location – Iron Pipe or other Approved Permanent Materials. All other lot corners shall be marked with approved permanent material or iron pipe not less than three-fourths (3/4) inch in diameter and twenty four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.
- Section 18-304.17 Reservation of Land for Public Purposes. The Town may require Subdividers of land for residential use to set aside land for parks, playgrounds, schools, libraries, municipal buildings, and similar public and semipublic uses, subject to the following regulations:
- Section 18-304.17.1 Subdividers shall not be required to dedicate land for parks or playgrounds, exclusive of street and drainage without reimbursement by the Town. Where land is required in excess of this amount, the reimbursement by the Town shall be based on a proportionate share of the: 1) cost of raw land; 2) cost of improvements, including interests or investments; 3) development costs; plus 4) not more than ten (10) percent profit on the total of such costs.
- Section 18-304.17.2 Subdividers shall not be required to reserve land for public purposes other than streets, drainage, sidewalk, sewer system, water systems or other utility

systems or site improvements required for vehicular, to include bicycle paths, ingress and egress, public access, structures necessary to ensure stability of critical slopes, or for stormwater management facilities, except on a reimbursement basis. The costs of other lands for public purposes shall be reimbursed by the Town or agency requiring the land. The amount of reimbursement shall be determined as previously stated. The subdivider shall not be required to hold land longer than eighteen (18) months following the recording of the plat for such purchase. If the land is not purchased within the said eighteen (18) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible sale of reserved land as separate lots, the Subdivider shall show on the final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.

Section 18-304.17.3 The Floyd Town Council shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the Subdivider will not be required to reserve an unusable portion of his subdivision.

Section 18-304.17.4 Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the Zoning Ordinance.

### **Section 18-305.00 UTILITY REQUIREMENTS**

Section 18-305.01 Plans and specifications for Utility Fixtures and Systems to be Submitted for Approval. If the owners of any such subdivision desire to construct in, on, or under any streets or alleys located in such subdivision any gas, water, sewer, or electric light or power works, pipes, wires, fixtures, or systems, they shall present plans or specifications therefore to the Governing Body of the Town of Floyd or it's authorized Agent for approval. The Governing Body shall have sixty (60) days in which to approve or disapprove the same. In the event of the failure of the Governing Body or its agent, to act within such period, such plans and specifications may be submitted, after ten (10) days notice to the Town, and to the Judge of the Circuit Court having jurisdiction within the Town for approval or disapproval, and approval thereof shall, for all purposes of this article, be treated and considered as the approval of the Town. All Utilities shall be underground.

Section 18-305.02 Septic Tanks. The Governing Body shall not approve any subdivision where sanitary sewers are not provided unless it shall receive in writing from the Health Department, a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that approval by the Governing Body is only with the understanding that where septic tanks are to be installed, they must be approved on an individual basis by the Health Department.

Section 18-305.03 Public Water and/or Sewer. Where public water and/or sewer is available the service shall be extended to all lots within a subdivision by the developer.

Section 18-305.04 Private Water and/or Sewer. Where public water and/or sewer is not available, nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewerage collection and treatment facilities, provided, however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulations having authority over such installations.

Section 18-305.05 Fire Protection. Fire hydrants shall be installed according to the specifications of the Public Service Authority where public water supply is available and extended.

Section 18-305.06 Flood Control and Drainage. If any portion of the proposed subdivision is determined by the agent to be in the 100 year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the 100 year floodplain was considered in the layout of the subdivision. The subdivider shall also provide the plans for meeting the statewide stormwater management criteria, or alternate criteria adopted by Town Council. The Flood Control and Drainage information shall include a properly certified engineer's statement that such improvements, when properly installed will be adequate to meet the criteria as applied to the proposed development.

Section 18-305.07 Utility Easements. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines, phone, fiber-optic (internet/television) and other utilities to serve the subdivision.

Section 18-305.07 Utility Easements. Nothing herein shall be construed as creating an obligation upon the Town to pay for grading or paving, or for sidewalks, sewers, water systems, curb and gutter improvements, or any other construction.

### **Section 18-306.00 RELATION TO EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT LAWS**

The General Assembly has determined that the lands and waters comprising the watersheds of the State are great natural resources which are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control law to control erosion and sedimentation from land disturbing activities.

Section 18-306.01 Subdivision Development Included as Land disturbing Activity. The Code of Virginia includes the term subdivision development along with activities disturbing 10,000 or more square feet of land for commercial or noncommercial uses.

Section 18-306.02 Erosion and Sedimentation Plan Required. At the time of filing the preliminary plat, an erosion and sedimentation control plan will also be filed in accordance with the Town Code and the provisions of the Virginia Erosion and Sediment Control Handbook.

Section 18-306.03 Stormwater Management. All applicable Stormwater Management Laws and Regulations, in relation to the Subdivision Ordinance, shall be satisfied by the subdivider or their agent prior to approval.

**Section 18-307.00 PLAT REQUIRED – APPROVAL BEFORE SALE**

Section 18-307.02 The Subdivider shall present to the Agent four (4) copies of a preliminary layout at an appropriate Engineering Scale (1:10, 1:20 e.g.). The preliminary plat shall include the following information:

Section 18-307.02.1 Name of subdivision, owner, subdivider, licensed surveyor or engineer, date of drawing, number of sheets, north point, and graphic scale;

Section 18-307.02.2 Location of proposed subdivision by an inset map at a scale of not less than 1 inch equal to 2,000 feet showing adjoining roads, their names and number, towns, subdivisions, and other landmarks;

Section 18-307.02.3 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, and adjoining such boundaries;

Section 18-307.02.4 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;

Section 18-307.02.5 All parcels of land to be dedicated for public use and the conditions of such dedication;

Section 18-307.02.6 Topography at an appropriate interval;

Section 18-307.02.7 Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith;

Section 18-307.02.8 Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply;

Section 18-307.02.9 Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required;

Section 18-307.02.10 Preliminary Plat Procedure. The Town Council and Agent shall discuss the preliminary plat with the Developer in order to determine whether or not the preliminary plat generally conforms to the requirements of this ordinance. The Developer shall then be advised in writing within sixty (60) days, which may be by formal letter or by legible markings on a copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and notice of the performance guaranty which will be required to be submitted as a

prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance guaranty, the Agent shall require a bona fide estimate of the cost of improvements to be furnished by the Subdivider;

Section 18-307.02.11 No Guarantee. Approval by the Town Council and Agent of the preliminary plat does not constitute guarantee of approval of the final plat;

Section 18-307.02.12 Six Month Limit on Approvals. The Subdivider shall have not more than six (6) months after the date of approval of the preliminary plat to file a final subdivision plat in accordance with this section with the Agent. 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.

### **Section 18-308.00 FINAL PLAT**

Four (4) copies and the original of the final plat shall be submitted to the Agent, one of which shall be reduced to eleven inches by seventeen inches. The original of the subdivision plat submitted for final approval by the Town Council and subsequent recording shall be clearly and legibly drawn in ink upon stable based material at an appropriate engineering scale, i.e. one hundred (100) feet to the inch, on sheets measuring no larger than 18 inches by 22 inches and no smaller than 11 inches by 17 inches in size. Plats shall further comply with all of the requirements imposed by law for recordation standards. Current recordation standards may be obtained from the Clerk of the Circuit Court. When a subdivision cannot be platted on sheets of this size, it is suggested that it be platted in sections, numbering the sections numerically, as Section 1, 2, etc., of subdivision.

Section 18-308.01 Final Plat Requirements. The Final Plat ~~shall~~ shall contain at least the following information:

Section 18-308.01.1 Name of subdivision, community, state, owner, north point, scale of drawing, and number of sheets. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A space containing the Certificate of Approval shall be provided for the use of the approving authority;

Section 18-308.01.2 Location of proposed subdivision by an insert map, at a scale of not less than 1 inch equals 2000 feet, indicating adjoining roads, their names and numbers, towns, subdivisions, and other landmarks;

Section 18-308.01.3 A boundary survey with an error of closure within the limits established under current state standards related to the true meridian and showing the location of all monuments and their type of material. The survey may be related to the Virginia State Plane Coordinate grid, if the Coordinates of two (2) adjacent corners of the subdivision are shown;

Section 18-308.01.4 A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds on the form shown in Appendix A;

- Section 18-308.01.5 When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat;
- Section 18-308.01.6 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines or center lines of streets; boundaries of all proposed or existing easements; all existing public and private streets, their names, numbers, and widths; water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
- Section 18-308.01.7 All dimensions shown shall meet the standards published by the State Board of Licensing;
- Section 18-308.01.8 The data of all curves along the street frontages 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;
- Section 18-308.01.9 A professional licensed engineer or licensed surveyor shall certify that all required facilities are designed and built to the requisite standards (See Appendix A).

#### **Section 18-309.00 CONSIDERATION OF FINAL PLATS**

- Section 18-309.01 The Town Council shall act on proposed final plats within sixty (60) days after it has been officially submitted for approval by either approving or disapproving such plat in writing, and giving with the latter specific reasons therefore. The specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat;
- Section 18-309.01.1 If the Town Council fails to act on the proposed plat within sixty (60) days after it has been officially submitted for approval, the Subdivider, after ten (10) days written notice to the Town may petition the Circuit Court to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper;
- Section 18-309.01.2 If the Town Council disapproves a plat and the Subdivider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary or capricious, the Subdivider may appeal to the Circuit Court having jurisdiction of such land, and the Court shall hear and determine the case as soon as possible, provided that his appeal is filed with the Circuit Court within sixty (60) days of the date of disapproval by the Town Council;
- Section 18-309.01.3 The Subdivider shall have not more than six (6) months after receiving final approval to file the subdivision plat for recordation. If a plat is not filed for recordation within the time limit such approval shall be withdrawn and the plat marked void and returned;

- Section 18-309.01.4 Before the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, and street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement financed or to be financed in whole or in part by private funds the owner or developer must certify to the Governing Body that the construction costs have been paid to the person constructing such facilities; or provide to the Governing Body a certified check, letter of credit, cash escrow, or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Governing Body, in an amount sufficient for and conditioned upon the construction of such facilities;
- Section 18-309.01.5 Should the Town have accepted the dedication of a road for public use and such road is not acceptable into the State highway System due to factors other than its quality of construction, the Town may require the subdivider or developer to furnish a maintenance and indemnifying bond or letter of credit with surety satisfactory to the Governing Body, in an amount sufficient for, and conditioned upon, the maintenance of such road until such time as it is accepted into the State Highway System or applicable standard.
- Section 18-309.01.5.1 All roads shall conform to the Virginia Department of Transportation Secondary Street Acceptance Requirements or other such laws, regulations, and requirements.
- Section 18-309.01.5 Recordation. The recordation of the Final Plat with all necessary approvals shall operate to transfer, in fee simple, to the Town of Floyd such portion of the premises platted as is on such plat set apart for streets, alleys, or other public uses and to transfer to the Town any easement indicated on such plat to create public right of passage over the same. The Town will collect all recordation fees from the applicant, and file the plat with the Clerk of the Circuit Court. The original plat will be filed by the Town and a copy of the final plat with the recordation will be returned to the subdivider;
- Section 18-309.01.6 Draw and Certify. Every subdivision plat which is intended for recording shall be prepared by a certified engineer or licensed Land Surveyor, who shall endorse upon each plat a certificate signed by said professional, setting forth the source of the description the land to be 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 ownership, the outlines of the tracts shall be indicated upon such plat;
- Section 18-309.01.7 Owners Statement. Every such plat, or deed of dedication to which the plat is attached, shall contain in addition to the professional engineer's or licensed land surveyor's certificate 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. When thus executed and acknowledged, the plat, subject to the provisions herein, shall be filed and recorded in the office of the clerk of court where deeds are admitted to record



for the lands contained in the plat, and indexed in the general index to deeds under the names of the owners of lands signing such statement, and under the name of the subdivision;

Section 18-309.01.8 Conditions. The final 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 bonds, to the satisfaction of the Town of Floyd. Approval of the final plat shall be written by the agent on the face thereof.

#### **Section 18-10.00 LOTLINE REVISIONS**

A lotline on an existing parcel may be revised as long as the revision will not be in conflict with any provisions of the Town of Floyd Land Development Regulations.

Section 18-310.01 Procedure. The property owner or proprietor of a tract of land in the Town of Floyd shall file a plat meeting the requirements of 18-908.00 of this Ordinance. The Town Council shall review the proposed revision and consideration will follow the process outlined in 18-909.00 of this Ordinance.

#### **Section 18-311.00 FAMILY SUBDIVISIONS**

Section 18-911.01 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 is permitted, subject to the provisions of the Code of Virginia, 1950, as amended. Only one such division shall be permitted per family member and shall not be for the purpose of circumventing this ordinance or other town regulations. For the purpose of this section, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner. The Agent shall have authority to approve a family subdivision, as evidenced by the Agent signature on the plat, provided the following requirements are met:

Section 18-311.01.1 All applicable requirements of the Zoning Ordinance shall be met.

Section 18-311.01.2 The proposed lots shall conform to all applicable town subdivision and design standards.

Section 18-311.01.3 The plat shall be drawn with all detail requirements of this and any other applicable ordinances or laws.

Section 18-311.01.4 A Public Right-of-Way of fifty (50) feet is recommended to provide the property adequate access. Twenty (20) feet is the mandatory minimum Right-of-Way for property access with regards to Family Subdivisions.

#### **Section 18-312.00 VACATION OF PLAT**

A plat may be vacated by Ordinance of the Town Council on motion of one of its members, or on application of any interested person. Such Ordinance shall not be adopted until after notice has been given as required by the Code of Virginia. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Town Council at which the adoption of the Ordinance is to be considered. An appeal from the adoption of the Ordinance may

be filed within thirty days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal, the court may nullify the Ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the Ordinance is filed within the time provided or if the Ordinance is upheld on appeal, a certified copy of the Ordinance of vacation shall be recorded in the clerk's office of the court in which the plat is recorded.

Section 18-312.01 In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

Section 18-312.01.1 By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the governing body in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of such vacation by the governing body. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which said plat is recorded;

Section 18-312.01.2 By ordinance of the Town of Floyd Council on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by the Code of Virginia. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

### **Section 18-313.00 ADVERTISING STANDARDS**

Section 18-913.01 A Subdivider, when advertising a subdivided tract of land for sale, shall be specific as to whether or not officially approved water and sewage facilities are available.

### **Section 18-314.00 EXCEPTIONS**

Where the Developer 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 Town of Floyd 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 exception to this Ordinance may be granted which is opposed in writing by the Town or Virginia Department of Transportation Resident Advisor or the Health Official, unless the opposition is found by the Town Council to be arbitrary and capricious.

Article 18-4 to Article 18-9: Reserved

ARTICLE 18-10

SCHEDULE OF FEES

- 18-1001.00 Fees Related to Zoning
- 18-1002.00 Fees Related to Amendments
- 18-1003.00 Fees Related to Subdivisions
- 18-1 004.00 Return of Fees

ARTICLE 18-10  
SCHEDULE OF FEES

The following fees are hereby established in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections.

18-1001.00 FEES RELATED TO ZONING

The following fees shall apply for applications relating to zoning regulations.

18-1001.01 Each application for a Zoning Permit for a conditional use shall be accompanied by payment of 50.00 dollars.

18-1001.02 Each application for a hearing before the Board for an administrative review or a variance shall be accompanied by a fee of 50.00 dollars.

18-1002.00 FEES RELATED TO AMENDMENTS

Each application for an amendment shall be accompanied by payment of \$50.00 dollars.

18-1003.00 FEES RELATED TO SUBDIVISIONS

The following fees shall apply for applications relating to subdivision regulations:

18-1003.01 There shall be no fee for submission of a preliminary sketch.

18-1003.02 Submission of a preliminary plat shall be accompanied by payment of a fee of 25.00 dollars per plat and 1.00 dollar for each lot.

18-1003.03 Submission of a final plat shall require no fee unless there are substantial changes between the preliminary plat and the final plat.

18-1003.04 A request for vacation of a plat shall be accompanied by a fee of 50.00 dollars.

18-1004.00 RETURN OF FEES

ARTICLE 18-10

SCHEDULE OF FEES

The following fees are hereby established in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections.

18-1001.00 FEES RELATED TO ZONING

The following fees shall apply for applications relating to zoning regulations.

18-1001.01 Each application for a Zoning Permit for a conditional use shall be accompanied by payment of 50.00 dollars.

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18-1002.00 FEES RELATED TO AMENDMENTS

Each application for an amendment shall be accompanied by payment of \$50.00 dollars.

18-1003.00 FEES RELATED TO SUBDIVISIONS

The following fees shall apply for applications relating to subdivision regulations:

18-1003.01 There shall be no fee for submission of a preliminary sketch.

18-1003.02 Submission of a preliminary plat shall be accompanied by payment of a fee of 25.00 dollars per plat and 1.00 dollar for each lot.

18-1003.03 Submission of a final plat shall require no fee unless there are substantial changes between the preliminary plat and the final plat.

18-1003.04 A request for vacation of a plat shall be accompanied by a of 50.00 dollars.

18.1004.00 RETURN OF FEES

ARTICLE 18-11  
VIOLATION AND PENALTY

- 18-1101.00 Violation
- 18-11 02.00 Complaints Regarding Violations
- 18-1103.00 Penalties

ARTICLE 18-11

VIOLATION AND PENALTY

18-110LOO VIOLATION

All departments, officials, and public employees of the Town of Floyd which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions *of* these regulations. Any such permit, if issued in conflict with the provisions of these regulations shall be null and void.

18-1102.00 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Administrator. He shall record properly such complaint, immediately investigate, and take action thereon provided by these regulations.

18-1103.00 PENALTIES

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of -any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be *fin*ed up to five hundred dollars (\$500.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and *every* day during which any portion of any violation of these regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.



ARTICLE 18-12

LEGAL STATUS PROVISIONS

18-1201.00 CONFLICT WITH OTHER LAWS

Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

18-1202.00 VALIDITY

Each phrase, sentence, paragraph, section, or other provision of these regulations is severable from all other phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of these regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these regulations.

18-1203.00 REPEALED RESOLUTIONS AND ORDINANCES

These regulations are a comprehensive enactment of all of the resolutions and ordinances of the Floyd Town Council relating to Land Development Regulations. All prior ordinances affecting zoning and subdivision regulations are hereby repealed.

18-1204\_00 EFFECTIVE DATE

These regulations shall take effect and be in force from and after January 1, 1988. A certified copy of the foregoing Land Development Regulations Ordinance of the Town of Floyd shall be filed in the office of the Administrator and in the office of the Clerk of the Circuit Court, Floyd County, Virginia.

APPENDIX A

CERTIFICATES REQUIRED

OWNER'S CONSENT AND DEDICATION

Know all men by these presents, that the subdivision of land as shown on this plat, containing \_\_\_ acres, more or less, and designated as \_\_\_\_\_ Subdivision, situated in the \_\_\_ Ward in the Town of Floyd, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; that all streets shown on said plat are hereby dedicated to the public use, and that all lots within the subdivision are subject to certain restrictions', reservations, stipulations, and covenants as contained in a writing executed by the undersigned, under the date of \_\_\_\_\_, 19\_\_, and recorded in the Clerk's Office of the County of Floyd, in Deed Book \_\_\_\_\_, Page \_\_\_\_\_. The said \_\_\_ acres of land hereby subdivided having been conveyed to \_\_\_\_\_ by \_\_\_\_\_ by deed dated \_\_\_\_\_, 19\_\_, and recorded in the Clerk's Office of the Circuit Court of the County of Floyd, Virginia in Deed Book \_\_\_, Page \_\_\_.

Given under our hands this \_\_\_\_\_ day of \_\_ 19\_\_.

\_\_\_\_\_ {SEAL}

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ {SEAL}

\_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL)

SURVEYOR'S CERTIFICATE\*

I hereby certify that to the best of my knowledge and belief, all of the requirements of the Town Council and ordinances of the Town of Floyd, Virginia, regarding the platting of subdivisions within the Town have been complied with.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
State Certified or Land Surveyor

\*The foregoing plat is not approved until all signatures have been obtained.