

MIDDLESEX COUNTY VIRGINIA



SUBDIVISION ORDINANCE

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MIDDLESEX COUNTY

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EFFECTIVE DATE
JANUARY 1, 1980

IMPORTANT NOTICE

THE MIDDLESEX COUNTY SUBDIVISION ORDINANCE, WHILE AN ORDINANCE IN AND OF ITSELF DOES NOT BY ITS WORDING OR INTERPRETATION IN ANY WAY EXEMPT ANY SUBDIVIDER, LOT PURCHASER, HOME BUYER OR MORTGAGE LENDER FROM THE MIDDLESEX COUNTY ZONING ORDINANCE AND ITS AUTHORITY.

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AN ORDINANCE TO ASSURE THE ORDERLY SUBDIVISION OF LAND WITH IN THE UNINCORPORATED TERRITORY OF MIDDLESEX COUNTY, VIRGINIA INTO LOTS, PARCELS, STREETS, AND OTHER PUBLIC AREAS; TO ASSURE THE ORDERLY DEVELOPMENT OF SUCH SUBDIVIDED LAND; TO PROVIDE FOR THE MAKING, CERTIFICATION, AND RECORDING OF PLATS AND OTHER DESCRIPTIONS OF SUBDIVISIONS; TO PROVIDE FOR VACATION OF REQUIRED PLATS; TO COORDINATE STREETS WITHIN AND CONTIGUOUS TO SUBDIVISIONS; TO PROVIDE FOR AND REGULATE THE CONSTRUCTION OR PROVISION OF STREETS, EASEMENTS, DRAINAGE AND FLOOD CONTROL FACILITIES, STREET AND PROPERTY LINE MONUMENTS, AND OTHER NECESSARY FACILITIES TO SERVE SUBDIVISIONS; TO PROVIDE FOR ADEQUATE LIGHT AND AIR; TO PROVIDE FOR THE ADMINISTRATION OF THIS ORDINANCE AND THE IMPOSITION OF FEES AND CHARGES FOR THE REVIEW OF PLATS AND PLANS AND FOR THE INSPECTION OF FACILITIES REQUIRED BY THIS ORDINANCE TO BE INSTALLED; TO FIX PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE; AND TO PROVIDE REASONABLE PROVISIONS PERMITTING A SINGLE DIVISION OF A LOT OR PARCEL FOR THE PURPOSE OF SALE OF GIFT TO A MEMBER OF THE IMMEDIATE FAMILY OF THE PROPERTY OWNER; AS REQUIRED AND AUTHORIZED BY TITLE OF THE PROPERTY OWNER; AS REQUIRED AND AUTHORIZED BY TITLE 15.2, CHAPTER 22, ARTICLE 6 OF THE CODE OF VIRGINIA, AS AMENDED.

BE IT ORDAINED by the Board of Supervisors of Middlesex County, Virginia as follows:

ARTICLE 1: GENERAL PROVISIONS

1-1. Purpose.

The general purpose of this ordinance is to assure the orderly subdivision and development of land in Middlesex County in order to protect and promote the health, safety, and general welfare of the County and its citizens. It is also intended to:

- A. Protect public interests in subdivisions by assuring permanence of development; making possible the safe, adequate, and efficient provision of services to subdivision residents; preventing blight; protecting the tax base; assisting implementation of the Comprehensive Plan and providing the County with clear and accurate descriptions and records of subdivided land for assessment purposes;
- B. Guide and protect the investments of lot purchasers, home buyers, and their mortgage lenders by providing standards for development, a graphic picture of the ultimate character of a subdivision, and accurate boundary lines;
- C. Protect the interests of subdividers by prohibiting improperly located subdivisions and discouraging competition from poorly designed subdivisions; and
- D. Preserve the natural resources and rural character of the County by preventing inappropriate design, development, and location of subdivisions.
- E. Protect and enhance the water quality of the Chesapeake Bay as intended by the Chesapeake Bay Preservation Act. (Amended 1/16/92)

1-2. Short Title.

This ordinance shall be known and may be cited as the "Middlesex County Subdivision Ordinance."

1-3. Provisions of Ordinance Declared to be Minimum Requirements.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern.

1-4. Repeal of Prior Ordinance.

The "Subdivision Ordinance of Middlesex County, Virginia," effective September 1, 1966, is hereby repealed in its entirety.

1-5. Seperability.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1-6. *Effective Date.*

This ordinance shall be in full force and effect at and after 12:01 A.M. on January 1, 1980.

ARTICLE 2: ADMINISTRATION

2-1. Designation of Agent.

The Planning Director is hereby designated as the Agent, to whom responsibility for administration and enforcement of this ordinance is delegated. The Board of Supervisors may designate an alternate Agent, to whom the same responsibilities for administration and enforcement shall be delegated, to serve under such conditions and for a term as prescribed by the Board. (amended 10/01/83, 4/18/00)

2-2. Duties of Agent.

The agent shall have the following duties:

- A. To review and approve or disapprove plats and plans for minor subdivisions;
- B. To conduct the informal conference with the subdivider as provided for in Section 5.1 of this ordinance;
- C. To assist the Commission with evaluation of preliminary plats and plans for major subdivisions;
- D. To review and approve or disapprove final plats and plans for major subdivisions;
- E. To take such actions as are necessary, proper, and legally permissible to prevent, terminate, remove, or correct violations of this ordinance; and
- F. To recommend to the Governing Body, as needed, amendments to this ordinance.

2-3. Duties of Commission.

For purposes of this ordinance, the Commission shall have the duty of reviewing preliminary plats and plans for major subdivisions and recommending any changes to be incorporated in the final plats and plans thereof in order to ensure compliance with the standards and requirements of this ordinance.

2-4. Consultation.

In the performance of their duties, the Agent and the Commission may call for advice or written decisions or opinions from other departments and agencies when evaluating details of submitted plats. This authority shall have particular reference to the Virginia Department of Transportation and the Health Department.

ARTICLE 3: GENERAL REGULATIONS

3-1. Mutual Responsibility.

Middlesex County and the subdivider share a mutual responsibility to divide land so as to improve the general use pattern of the land being subdivided.

3-2. Land Must Be Suitable.

No subdivision of land shall be approved if adequate investigations by trained personnel of state and local agencies determine that, due to soil, water table, topography, or other natural conditions, the site of the proposed subdivision is unsuitable for platting and development in the manner proposed.

3-3. No One Exempt.

No person, corporation, association, or partnership shall subdivide any tract of land located within Middlesex County except in conformity with the provisions of this ordinance, unless exempted by Section 3.6 herein.

3-4. Approval Required Before Sale.

No lot in a subdivision shall be sold and no permit for construction or erection of a structure on a subdivision lot shall be granted unless and until a final plat for the subdivision shall have been approved and recorded in the manner hereinafter provided.

3-5. Fees.

There shall be a charge for the examination and approval or disapproval of every plat submitted. No plat shall be processed until the applicable fee, in the amount established by the Governing Body under the Department of Community Development Fee Ordinance, has been paid by the subdivider. (amended 4/18/00)

3-6. Family Exemption.

A single division of a lot, parcel, or tract of land for the purpose of sale or gift to a member of the immediate family of the property owner shall be permitted without complying with the provisions of this ordinance under the following provisions: *(Amended 11/14/2017)*

- a. If the proposed lot is intended for residential use, an area approved by the Health Department for the installation of a septic system or other approved means for on-site sewage disposal shall be required.
- b. If the proposed lot is not immediately intended for residential use, an area approved by the Health Department for the installation of a septic system or other approved means for on-site sewage disposal shall not be required at the time of subdivision. On such plats the subdivider shall include language that clearly indicates that the parcel has not been evaluated for the installation of a septic system or other approved means for on-site sewage disposal. The final recorded plat and all deeds of subdivision shall contain the following note:

“The lot(s) created by this subdivision is/are not immediately intended for residential use. An area approved by the Health Department for the installation of a well and septic system or other approved means for on-site sewage disposal has not been located at the time of this subdivision. The parcel(s) has/have not been evaluated for the installation of a well and septic system or other approved means for on-site sewage disposal at this time.”

- c. The subdivider must have held title to the property being subdivided for a period of not less than five (5) years. For property held in trust, this requirement shall not apply, provided:
 - i. The land held in trust has been conveyed back to the grantor prior to the transfer of the property to the immediate family member (as defined in this ordinance) of the grantor; and,
 - ii. The property shall have been held by the grantor and/or trust, collectively, for a period of at least five (5) years.
- d. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this ordinance. 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, sibling, grandchild, grandparent or parent of the owner.
- e. Such subdivisions shall have language to be placed on the plat to indicate that it is a family subdivision, the family members involved and what their family relationship is, and that the plat meets other code requirements. (amended 6-16-09)

3-7. Irregularities.

In case of uncertainties or irregularities with reference to property lines, street or road right-of-way boundaries, easements, or other features which may affect the preparation of a plat, the Agent and subdivider shall apply the provisions of this ordinance to the extent practicable, utilizing the best information available. (amended 3/01/83)

- a. The owner of an existing parcel divided by an existing state maintained or private right-of-way may, at his or her discretion, designate the separated portion of that parcel as a separate and distinct parcel through either the minor subdivision or family exemption subdivision platting process. (*Amended 6-2-15*)
- b. In the event that the separated parcel does not meet the current dimensional requirements for the zoning district in which it is located, the separated parcel shall be eligible for a special exception allowing the creation and platting of the new and non-conforming parcel. Such parcels must still meet Virginia Department of Health requirements for individual, on-site water and septic systems, and shall have adequate buildable area available for the proposed use without need for variance from zoning setbacks or any other requirements of this ordinance.(amended 7-21-09)
- c. Lots eligible under this Section shall only be those lots that existed prior to the effective date of the Middlesex County Subdivision Ordinance, which is January 1, 1980. (*Added by Amendment 6-2-15*)

3-8. Compliance with Chesapeake Bay Preservation Act.

Subdivisions proposed for sites within a Chesapeake Bay Preservation Area shall: (a) comply with applicable requirements of the Zoning Ordinance, Article 4A Chesapeake Bay Preservation (CBP) District, (b) not be approved if the Agent has determined that the subdivision is intended to or would result in the circumvention of the requirements of the Chesapeake Bay Preservation Act, (c) shall utilize Best Management Practices as required by Article 4A of the Middlesex County Zoning Ordinance, (d) submit copies of all wetland permits required by law and all necessary best management practices (BMP) maintenance agreements ensuring proper maintenance of best management practices to the Planning Director before final plat approval and recordation.

ARTICLE 4: GENERAL REGULATIONS

4-1. *Platting Required.*

Any owner or developer of any land situated within Middlesex County who subdivides the same 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 Middlesex County. No such plat of subdivision shall be recorded unless and until it shall have been approved in accordance with the regulations set forth in this ordinance.

4-2. *Draw and Certify.*

Each such plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon such 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.

4-3. *Necessary Changes.*

No change, erasure, or revision shall be made on any plat, nor on accompanying plans and data sheets after approval of the Agent has been endorsed in writing on such plat or plans, unless authorization for such changes has been granted in writing by the Agent.

4-4. *Subdivision Development to be in Accordance with Approved Plats and Plans.*

After an approved plat has been recorded, subdivision and installation of improvements shall be accomplished only in strict accordance with such plat and any accompanying plans.

4-5. *Existing Subdivisions.*

Any subdivision, as defined herein, which was duly recorded in the office of the Clerk of the Circuit Court of Middlesex County in the form of a plat of subdivision and/or deed(s) prior to the effective date of this ordinance shall be deemed to meet the requirements of this ordinance. Any further division or resubdivisions in any such subdivision after the effective date of this ordinance shall, however, comply with all applicable provisions contained herein, except that resubdivision may occur without full compliance where the resubdivision will not result in a greater number of parcels than existed in the previous subdivision, and where the resubdivision will not result in the creation of parcels in greater non-compliance with the applicable provisions contained herein, and where the Health Department approval for on-site sewage disposal and water supply will be given for the newly created parcels, where this method of sewage disposal and water supply is necessary. (amended 9/10/80, 11/01/83)

4-6. *Classification of Certain Subdivisions.*

In making a determination as to whether a subdivision is major or minor, as defined herein, the Agent shall not consider any lots in such subdivision which were duly recorded by plat of subdivision and/or deed in the Clerk's Office prior to the effective date of this ordinance. (amended 9/10/80)

4-7. *Commercial and Industrial Subdivisions.*

All commercial and industrial subdivisions shall comply with all of the requirements of this Ordinance. Major subdivision may occur in the General Business (GB) or Light Industrial (LI) district, provided that the final plat contains appropriate restrictions to ensure that the use of each lot will continue in perpetuity as a commercial or industrial lot. (amended 5/7/04)

ARTICLE 5: REVIEW PROCEDURES

5-1. *Classification of Subdivisions.*

- A. Minor Subdivision: A minor subdivision shall be a division of a tract of land into six (6) or fewer lots. Multiple minor subdivisions from the same parent tract that increase the total lot count of the combined subdivisions to more than six (6) lots for the purpose of circumventing this Ordinance shall not be permitted. Residue or residual parcels shall count towards the total number of divisions of a tract of land.
- B. Major Subdivision: A subdivision with more than six (6) lots. The term "major subdivision" shall include any subdivision of more than six (6) lots that is designed and developed as a single unit, regardless of the number of owners and subdividers involved or the number of parcels or tracts of land encompassed by the subdivision. The term "major subdivision" shall also include any subdivision which initially contains fewer than six (6) lots, but which is intended to become a subdivision of more than six (6) lots at some future time through additions. Residue or residual parcels shall count towards the total number of divisions of a tract of land.

5-2. *Zoning Classification of Property. (Amended September 18, 2012)*

All lots in a proposed major subdivision shall carry the zoning classification of either Residential (R) District, Village Community (VC) District, Agricultural (A) District, or Cluster Development (CD) District as identified on the Official Zoning Map of the Middlesex County Zoning Ordinance. All lots in a proposed major subdivision may carry the zoning classification of either General Business (GB) or Light Industrial (LI) as identified on the Official Zoning Map of the Middlesex County Zoning Ordinance if the requirements of Section 4-7 of this Ordinance are met.

5-3. *Multiple Minor Subdivisions.*

Multiple minor subdivisions from the same parent tract that increase the total lot count of the combined subdivisions to more than six (6) lots for the purpose of circumventing this ordinance shall not be permitted.

5-4. *Preapplication Conference and Submission of Conceptual Plan.*

- A. Pre-application Conference: Before submittal of any preliminary or final subdivision plat, the subdivider shall meet with the Agent and other agencies of the state and county as the agent deems advisable to review the requirements of this ordinance, and to discuss in general terms the subdivider's plans.
- B. Conceptual Plan Submission Requirements: Prior to the submittal of any preliminary plat for major subdivision review, the applicant or his representative shall submit three (3) copies of a conceptual plan for review by the Agent. Such action shall not constitute the submission of a preliminary plat and is not construed as an application for approval in computing time limitations in relation thereto. Conceptual plans shall show at a minimum:
 - 1. The general location of existing physical features, including existing buildings, to assist in identifying and studying the plat, such as wooded areas, watercourses,

wetlands, floodplains, or any other significant natural or manmade physical features affecting the proposed subdivision.

2. The general slope or topography of the property.
 3. The general location of future land uses, street and lot arrangement, number of lots and tentative lot sizes; preliminary proposals regarding water supply, sewage disposal, surface drainage and land to be dedicated for open space or common areas.
 4. Existing easements and covenants affecting the property.
 5. Surrounding land uses and streets.
- C. Conceptual Plan Review Process: The Agent shall transmit written comments to the applicant within twenty-one (21) calendar days of submittal of a conceptual plan that meets all of the submittal criteria of Section 5-4.C of this Ordinance.

5-5. Procedure for Review of Minor Subdivisions.

- A. Submission Requirements: The subdivider shall submit to the agent five (5) copies of a final plat for a minor subdivision. Upon submittal, the subdivider shall pay the appropriate subdivision plat review fee according to the Middlesex County Fee Ordinance.
- B. Review Process: Upon meeting all submittal requirements of Section 5-9, the plat shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall within sixty (60) days approve or deny the subdivision plat and notify the subdivider of the action in writing. The agent shall certify such approval by signing the record plat. If disapproved, the agent shall state in the notification to the subdivider the specific reasons for denial. The reasons for denial shall identify deficiencies in the plat which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plat.
- C. Term of Validity: The subdivider shall record the approved final plat within five (5) years after final approval. If he fails to do so, the Agent shall mark the plat "void" and return it to the subdivider.

5-6. Procedure for Preliminary Plat Review of Major Subdivisions.

- A. Submission Requirements: The subdivider shall submit to the agent twenty (20) copies of a preliminary plat for a major subdivision. Upon submittal, the subdivider shall pay the appropriate subdivision plat review fee according to the Middlesex County Fee Ordinance.
- B. Review Process: Upon meeting all the submittal requirements of Section 5-8, the agent shall transmit copies of the preliminary plat to those County departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of

this ordinance and other applicable regulations. The report shall include requirements by other agencies. The Commission shall review the preliminary plat and agent's report.

- a. Community Impact Statement: In the case of major subdivisions of twenty-five (25) or more dwelling units, or where the potential for the creation of twenty-five (25) or more dwelling units exists through resubdivision, or where in the opinion of the Planning Director the proposed development is expected to have a significant impact on the County services, the major subdivision application shall be accompanied by a Community Impact Statement analyzing the proposed development and its expected impacts upon existing municipal facilities and services. The Community Impact Statement shall provide qualified opinions regarding the following:
 - i. Population impact, providing an estimate of population to be added to the municipal population and broken down into data for age groupings;
 - ii. School impact, providing an estimate of preschool and school age children to be generated by project development broken down into school grades and an analysis of the ability of the public school system to absorb the projected increase. The analysis is to provide data on school facility capacity, existing enrollments, cumulative projections of new students, impacts on facilities, support staff, and added costs to the school district;
 - iii. Services impact, providing an analysis of the services provided by the County to serve proposed development and the impact of the development on the services; and
 - iv. Fiscal impact, providing an analysis of the estimated tax revenues to be generated versus the cost of public improvements to be financed by the County.
- b. Traffic Impact Statement: In the case of major subdivisions of twenty-five (25) or more dwelling units, or where the potential for the creation of twenty-five (25) or more dwelling units exists through resubdivision, or where in the opinion of the Planning Director and VDOT the proposed development is expected to have a significant impact on the transportation network, the major subdivision application shall be accompanied by a Traffic Impact Statement providing an analysis of the existing road network available to serve the proposed development. The Traffic Impact Statement shall analyze the levels of service impacts of the proposed development based on a twenty (20) year demand projection, the capacity of the existing and proposed roadways, the existing and proposed traffic volumes, the existing roadway conditions, the roadway improvements that are required to serve the development and the cost for improvements. If, upon the advise of VDOT, such additional traffic would, in their opinion, exceed the standard for public safety and corrective action would not be feasible the, in such event, the Planning Commission may:
 1. Require the developer to reduce the size of the development to a number of lots or dwelling units deemed to be safe;

2. Require deed restrictions to prevent the resubdivision of properties or the creation of additional dwelling units; or
 3. Deny the approval of the application.
3. Additional Studies: The Planning Commission may undertake or require the applicant to undertake any study that it reasonably deems essential to ensure that the development can satisfy the purposes found in Section 1-1 of this Ordinance. The applicant shall pay the reasonable cost of any such study.
- C. Notification of Major Subdivision Application: Upon meeting all the submittal requirements of Section 5-8, the agent shall provide written notice to adjacent property owners by certified mail. Written notice shall also be provided to members of the Board of Supervisors. All major subdivisions reviewed by the Planning Commission shall require a public hearing. Advertising shall be in accordance with Section 15.2-2204 of the Code of Virginia, as amended. The Zoning Administrator shall not accept revisions, amendments or additions within five (5) business days of a public hearing date to review the major subdivision. The Planning Commission may accept revisions, amendments, or additions at the meeting when reviewing of the application. All major subdivisions shall be kept on file by the Zoning Administrator and made available to the public for review during established office hours.
- D. Timeframe for Approval: The Commission shall consider the plat and either grant approval or disapprove it within ninety (90) days of submittal to the agent. The plat may be granted preliminary approval with conditions. The agent shall notify the applicant of the Commission's findings within seven (7) days of the Commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure final plat approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for disapproval shall identify deficiencies in the plat which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall generally identify such modifications or corrections as will permit approval of the plat.
- E. Effect of Approval: Approval by the commission or the agent of the preliminary plat shall not constitute a guarantee of approval by the agent of the final plat.
- F. Term of Validity: The subdivider shall have not more than a period of five (5) years after the date of preliminary plat approval to obtain final plat approval, provided the subdivider (i) submits a final plat for all or a portion of the property within one (1) year of such approval, and (ii) thereafter diligently pursues approval of the final plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. Failure to file a final plat within this timeframe shall make the preliminary plat null and void. The final plat shall incorporate any changes required by the Commission, County departments and state and/or federal agencies as being necessary to comply with the requirements of this ordinance.

5-7. Procedure for Final Plat Review of Major Subdivisions.

- A. Submission Requirements: Following preliminary plat approval, the subdivider shall submit to the agent five (5) copies of a final plat for a major subdivision. In addition, the subdivider shall submit one (1) copy of the following with the final plat: evidence of compliance with the Middlesex County Erosion and Sediment Control Ordinance; a cost estimate, acceptable to the Agent, of all physical improvements to be installed; and evidence of satisfactory arrangements for performance bond, cash or cash bond sufficient to cover the cost of physical improvements in the event of default by the subdivider. Upon submittal, the subdivider shall pay the appropriate subdivision plat review fee according to the Middlesex County Fee Ordinance.
- B. Review Process: Upon meeting all the submittal requirements of Section 5-9, the plat shall be reviewed by the agent and other agencies as deemed necessary by the agent. The final plat and plans shall meet the same requirements as the preliminary plat and shall incorporate any changes required by the Commission, Health Official or VDOT Residency Administrator as being necessary to comply with the requirements of this ordinance.
- C. Timeframe for Approval: The agent, Health Official, and VDOT Residency Administrator shall indicate by their signatures on the face of the final plat, approval of said plat and accompanying plans within sixty (60) days after submission by the subdivider. If disapproved, the agent shall specify the reasons for denial. The reasons for denial shall identify deficiencies in the plat which cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall generally identify such modifications or corrections as will permit approval of the plat.
- D. Term of Validity: The subdivider shall record the approved final plat within five (5) years after final approval. If he fails to do so, the Agent shall mark the plat "void" and return it to the subdivider.

5-8. Preliminary Plat – Submittal Requirements.

The preliminary plat shall be on a blue-line or black-line print, no longer than eighteen (18) inches by twenty-four (24) inches, to a scale of one hundred (100) feet to the inch or larger. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled. The preliminary plat shall show the following information:

- A. The name of subdivision; name of owner; name of subdivider; name of surveyor or engineer; date of drawing; number of sheets; north point; and scale. The plat shall also list any proffered zoning conditions or special exception permit conditions, if any, applicable to the property.
- B. Insert map, drawn to a scale of not less than two (2) inches equal to one (1) mile, showing location of the subdivision, names and numbers of adjoining roads, adjoining subdivisions, watercourses, and other landmarks.
- C. A boundary survey of the tract to be subdivided; total acreage in the tract; acreage of the subdivided area; existing buildings within the boundaries of the tract; locations of zoning classifications; parcel identification numbers of all parcels within the boundaries of the tract and for all properties adjacent thereto; location of any graveyard, cemetery or burial site; names of property owners adjoining boundaries of the tract; names of property owners and their property lines within the tract; and, when the subdivision consists of

land acquired from more than one source of title, outlines of the various tracts shown by dotted lines.

- D. All existing, platted and proposed streets, both private and public, including their names, numbers and widths; existing and proposed sidewalks, public areas, parking spaces, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 6-2.F.2.
- E. Typical-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, side ditches and other features of the proposed streets.
- F. Street profiles showing the proposed grades for the streets, 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 connecting grade lines therewith.
- G. Layout, number, area, and frontage of all lots; and the accurate location and dimensions by bearings and distances, and curve data, of lot lines.
- H. All parcels of land to be dedicated for public use, including parks, conservation easements and other common areas, and conditions of such dedication.
- I. The delineation of an RMA, RPA, and RPA buffer area and, if applicable the delineation of a primary and reserve sewage disposal site, as well as the information specified in Section 4A of the Middlesex Zoning Ordinance if the site is located within the Chesapeake Bay Preservation District.
- J. A copy of the conceptual plan and any written comments regarding the conceptual plan from the Agent.
- K. Whenever part of a tract is proposed for platting and the subdivider intends to subdivide additional parts in the future, the preliminary plat shall show the entire tract and outlines of areas for future subdivision. This shall be for informational purposes and is not binding on the subdivider or Middlesex County.
- L. The general location of existing and proposed utilities, such as sanitary sewers, water mains, storm sewers; and proposed connections with existing sanitary sewers and water supply or alternate means of sewage disposal and water supply.
- M. The general location of existing physical features, including existing buildings, to assist in identifying and studying the plat, such as wooded areas, watercourses, wetlands, floodplains, or any other significant natural or manmade physical features affecting the proposed subdivision.
- N. Existing and proposed finished contours at two (2) foot intervals.

5-9. Final Plat – Submittal Requirements.

The final plat shall be on a blue-line or black-line, no longer than eighteen (18) inches by twenty-four (24) inches, to a scale of one hundred (100) feet to the inch. Where more than one (1) sheet is used, sheets

shall be numbered in sequence and match-lines shall be provided and labeled. In addition to the requirements of the preliminary plat in Section 5-8.A through 5-8.I, the final plat shall show the following information:

- A. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which statement 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.
- B. Certificates 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.
- C. A certificate of the approval of the Middlesex County Subdivision Agent in the following format:

<i>Certificate of Approval</i>	
This plat is approved by the undersigned in accordance with existing subdivision regulations, including the Middlesex County Subdivision and Zoning Ordinances, and may be committed to record.	
_____	_____
Date	Subdivision Agent of Middlesex County
_____	_____
Date	Health Officer
_____	_____
Date	VDOT Residency Administrator
Final approval of the Middlesex County Subdivision Agent for recordation is valid for five (5) years following this date of approval.	

- D. Prior to final approval, data for all subdivisions shall be submitted in accordance with the “Middlesex County GIS Data Submittal Requirements” policy, as may be amended.
- E. The accurate location and dimensions by bearings and distances of boundaries of existing and proposed utility and other easements.
- F. Distances and bearings must balance and close with an accuracy of not less than one in ten thousand (10,000), except that a boundary survey of the tract to be subdivided put to record prior to the effective date of this ordinance may be used provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred (2,500).
- G. The exact location of all permanent reference monuments.

- H. The exact boundaries of all property to be dedicated for public use, and of all property to be reserved by covenant in deeds for the common use of all owners of lots in the subdivision or otherwise reserved, with a statement of the purpose to which such covenant or reservation is made or such use is restricted or limited.
- I. For major subdivisions, the final plat shall be accompanied with a set of construction plans showing:
 - 1. The accurate location of existing and proposed utilities, such as sanitary sewers, water mains, storm sewers; and proposed connections with existing sanitary sewers and water supply or alternate means of sewage disposal and water supply.
 - 2. Complete drainage layout, including all pipe sizes and types drainage easements, and means of transporting drainage to a well-defined open stream which is considered natural drainage; contours showing grades for drainage facilities; and if the subdivision lies within a drainage district, a statement to the effect.

5-10. Inspection.

The Agent shall periodically inspect development of the subdivision and installation of improvements and shall take any legally permissible action to ensure that work conforms to the recorded plat and plans. The Agent shall periodically inspect the subdivision during development and may employ any legally permissible means to ensure that the subdivision is developed in accordance with the approved plat and the provisions of this ordinance.

5-11. Installation of Improvements.

- A. Prior to approval of the final plat, all publicly or privately maintained and operated improvements which are required by this Ordinance shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for completion of the required improvements by entering into an agreement with the County and furnishing to the County satisfactory surety in an amount to cover the cost of all the improvements required to be installed by the subdivider. The agent shall estimate the cost of all improvements.
- B. The subdivider shall set a time, subject to the approval of the agent, by which it is estimated the improvements will be installed and completed. Unless the agent approves an extension of that time and a new estimated date of completion established, the agent shall take necessary steps to proceed with the accomplishment and completion of the improvements by calling on the surety provided by the applicant.
- C. Upon written request by the subdivider, the agent shall make periodic partial releases of surety in a cumulative amount equal to no less than 80 percent of the original amount of the surety based upon the percentage of facilities completed and approved by the county, service authority or state agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least 30 percent of the facilities covered by any surety or after completion of more than 80 percent of said facilities. The agent shall not be required to execute more than three periodic partial releases in any twelve-month period.
- D. Within thirty (30) days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the agent shall notify the subdivider

of any nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the agent requesting reduction or release of the surety along with a certificate of completion by a duly licensed engineer or surveyor.

- E. If no action is taken by the agent within the thirty (30) day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail to the county administrator. The director of the environmental division shall act within ten working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider.
- F. Upon final completion and acceptance of said facilities, the agent shall release any remaining surety to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when said public facility is accepted by and taken over for operation and maintenance by the state agency, county government department or agency, or other public authority which is responsible for maintaining and operating such facility upon acceptance.

ARTICLE 6: SUBDIVISION IMPROVEMENTS

6-1. *Improvements to Be Installed by Subdivider.*

- A. All required subdivision improvements shall be installed by the subdivider at his cost. In cases where specifications have been established by a governmental agency for public improvements, the most recent version of such specifications shall be followed.
- B. Prior to initiating grading or other on-site activities on any portion of the property to be subdivided, all wetlands and erosion and sediment control permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the agent.

6-2. *Streets.*

- A. Street Alignment and Layout: Streets in new subdivisions shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision as to location, width, grades and drainage. Street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property should they decide to plat their own land and seek to provide convenient access to it. Where, in the opinion of the Agent, it is necessary to provide for street access to adjoining property, proposed streets shall be extended to the boundary of the property. Half streets along the boundary of land proposed for subdivision shall not be permitted.
- B. Street Construction Standards: The location, alignment, grade, curvature, width, right-of-way and drainage of all subdivision streets shall be in accordance with the design standards and specifications of the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended.
- C. Cul-De-Sacs: Minor terminal streets (cul-de-sacs) designed to have one end permanently closed shall be no longer than one thousand (1,000) feet to the beginning of the turnaround. Each cul-de-sac must terminate in a turnaround of not less than one hundred (100) feet in diameter.
- D. Reserve Strips: There shall be no reserve strips controlling access to streets.
- E. Public Streets: Dedication and acceptance of subdivision streets as public streets under the secondary system of state highways shall be at the option of the developer. The subdivider shall provide for maintenance of all new or improved public streets until such time as the streets are accepted into the secondary highway system of the Virginia Department of Transportation.
- F. Private Streets: Subdivisions may be served by private streets, provided that the following conditions are met:
 - 1. The subdivider shall clearly distinguish private streets on the plat. He shall also post at the entrance to every private street a sign, approved as to design by the Agent, indicating that the street is private. Such sign shall be of permanent construction and shall be placed so as to be readily visible to motorists.

2. The subdivider shall make and have approved by the Agent adequate arrangements for perpetual maintenance of all private streets within the subdivision. Neither Middlesex County nor the Virginia Department of Transportation shall be responsible for maintenance, expansion, improvement, or extension of private streets. The final recorded plat and all deeds of subdivision, or similar instruments, for any subdivision containing private street(s) shall clearly designate the streets which are to be private and shall contain the following note:

The grantors hereby give notice as required by the Subdivision Ordinance of Middlesex County, Virginia, that streets will not be repaired or maintained by the Virginia Department of Transportation and no other local or state governmental agency will be responsible for the development, construction, repair or maintenance of said streets. The parties of this deed shall hold all local and state agencies harmless from any liability or expense concerning the repair and maintenance of private streets within the subdivision.

Grantors of any subdivision lot(s) to which such statement applies must include the statement of each deed of conveyance thereof. The Final Subdivision Plat shall provide adequate easements across private streets for ingress, egress, drainage, maintenance of utilities and access by public agencies to allow them to carry out their duties.

3. The developer must see that the street is properly constructed before any building development on the lots has begun. No building permits will be issued until the private street is built to and complies with the standards set forth in this section. The developer must provide a statement or report from an licensed engineer or surveyor that the street has been constructed in accordance with the design standards and specifications of the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended. The developer must maintain the street until the Agent or his designee accepts it.
 4. The developer shall make provisions for the formation of a homeowner's association that will be responsible for maintenance and repair of the streets. Until a homeowner's association is formed, the developer shall be responsible for the streets. Documentation for the organization of a homeowner's association, including provisions for street maintenance, shall be submitted for review with the preliminary plat.
- G. Family Exemption Subdivisions: For all family exemption subdivisions, each lot or parcel of property shall have access to reasonable right-of-way of not less than ten (10) feet and not more than twenty (20) feet. Such right-of-way shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three (3) inches and a minimum width of ten (10) feet. The adjacent property owners shall maintain the right-of-way in a condition passable at all times. The right-of-way shall also meet the requirements of Section 6-2.F.2 of this Ordinance.
- H. Access to Subdivisions: Every subdivision shall abut an existing public street maintained by the Virginia Department of Transportation, or shall access such a public street via either a new public or private street.

This provision shall not apply to a minor subdivision which does not abut an existing highway maintained by the Virginia Department of Transportation, but which has an access road with a right-of-way width of forty (40) feet or more, or which has an access road lying entirely on land owned by the subdivider. This provision shall not apply to a minor subdivision which does not abut an existing highway maintained by the Virginia Department of Transportation and which has an existing access road with a right-of-way width less than forty (40) feet provided that (i) no such access road may have a right-of-way width of less than fifteen (15) feet in width and further provided that (ii) the right-of-way was recorded prior to March 1, 1983.

If any minor subdivision abuts a private road with a right-of-way less than forty (40) feet in width, the subdivider shall provide and plat a strip of land, along the entire road frontage of the property being subdivided, with a width equal to one-half of the additional width needed to make the right-of-way forty (40) feet wide.

- I. Street Names: Proposed streets that are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on all plats. All other requirements concerning the assignment and approval of street names under this ordinance shall be governed by and in accordance with the provisions of the Middlesex County Street Name, Street Sign and Addressing Ordinance, as amended.
- J. Street Signs: Street identification signs of a design approved by the Agent shall be installed at all intersections. The fabrication and installation of street signs required by this ordinance shall be in conformance with the specifications of the Middlesex County Street Name, Street Sign and Addressing Ordinance, as amended.

6-3. Water.

Major subdivisions with twenty five (25) or more dwelling units shall have a central water system and adequate fire protection as required by the Middlesex County Emergency Services Committee and the Middlesex County Subdivision Agent. Major subdivisions where the potential for the creation of twenty-five (25) or more dwelling units exists through re-subdivision or phased subdivision shall provide a central water system for the subdivision. (Amended 4-21-09)

Major Subdivisions having lots greater than 2.5 acres in size or having a density less than .4 dwelling units per acre with deed covenants prohibiting further subdivision to lot sizes less than 2.5 acres in size or densities higher than .4 dwelling units per acre within such subdivisions are exempt from this requirement. (Amended 4-21-09)

Every lot in a proposed subdivision of less than twenty five (25) dwelling units to be used for residential purposes shall be served by either a central water system or an individual on-site water supply system. The Health Department shall approve all individual wells prior to final approval of the subdivision plat. (Amended 4-21-09)

The subdivider may install a properly designed central water system, provided that any such system(s) shall meet all requirements of the State Water Control Board, State Department of Health, and any other state or local agencies having authority over such system(s). Where a central water system is available, service shall be extended to all lots in the subdivision. The subdivider shall make and have approved by

the Agent arrangements for perpetual operation and maintenance of any central water system installed. Any central water system shall include an adequate number of fire hydrants at locations approved by the Agent after consultation with the proper authority. (Amended 10-21-08)

6-4. Sewer.

Major subdivisions with fifty (50) or more dwelling units shall have a central sewage collection and treatment system. (Amended 4-21-09)

Major subdivisions where the potential for the creation of fifty (50) or more dwelling units exists through re-subdivision or phased subdivision shall provide a central sewage collection and treatment system for the subdivision. (Amended 4-21-09)

Major Subdivisions having lots greater than 2.5 acres in size or having a density less than .4 dwelling units per acre with deed covenants prohibiting further subdivision to lot sizes less than 2.5 acres in size or densities higher than .4 dwelling units per acre within such subdivisions are exempt from this requirement. (Amended 4-21-09)

Every lot in a proposed subdivision with less than fifty (50) dwelling units to be used for residential purposes shall be served by either a central sewer system, an area for the onsite installation of a septic system, or other means of onsite sewage disposal reviewed and approved by the Health Department. (Amended 4-21-09)

The subdivider may install a properly designed central sewer system, and a gravity collection system with lift stations and force mains as needed, provided that any such system(s) shall meet all requirements of the Middlesex County Subdivision Agent, Department of Environmental Quality, State Water Control Board, State Department of health, and any other federal, state or local authority over such system(s). (Amended 4-21-09)

Where topographic features prevent the practical use of a gravity system, the Middlesex County Subdivision Agent may authorize the subdivider to use grinder pump and a force main system for up to 10% of the dwelling units. (Amended 4-21-09)

Where a central sewage system is available, service shall be extended to all lots in the subdivision. The subdivider shall make arrangements for perpetual operation and maintenance of any central sewage collection and treatment systems installed. These arrangements shall be approved by the Middlesex County Subdivision Agent and any other federal, state or local authority over such arrangements. (Amended 4-21-09)

6-5. Easements.

The agent may require that easements of not less than twenty (20) feet in width be provided by the subdivider through adjoining properties as necessary to accommodate utilities and drainage. (Amended 4-21-09)

The Middlesex County Subdivision Agent may require that easements of not less than twenty (20) feet in width be provided by the subdivider within proposed major subdivisions as necessary to accommodate water and sewer provision even if central water and sewer systems are not proposed or required at the time of subdivision. Major Subdivisions shall provide easements to property lines acceptable to the agent that will allow for the future inclusion of such developments in central water and sewer systems. (Amended 4-21-09)

6-6. Utilities.

All new utilities, including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electricity, telephone, gas, cable television or similar service, shall be placed underground; provided, that the following utilities shall be permitted above ground:

- A. Electric transmission lines and facilities in excess of 50 kilovolts;
- B. Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antenna and associated equipment, which is, under accepted utility practices, normally installed above ground;
- C. Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises.

6-7. Flood Control and Drainage.

The subdivider shall install properly designed facilities to adequately drain all streets and lots in the subdivision.

6-8. Lots.

Layout, size and other lot requirements shall be as set forth in Sections 6-8.A through 6-8.I below.

- A. Lot Size: The minimum area and width of proposed subdivision lots shall be determined by the zoning district classification of the property and the corresponding lot area and width requirements of the district as found in the Middlesex County Zoning Ordinance, as amended.
- B. Lot Shape: Lot arrangement, design, and shape shall be reasonably related to topography, and shall not contain normally unusable elongations for the sole purpose of providing required minimum lot size, or to provide road frontage.
- C. Lot Location: Each lot shall abut on a street proposed on the subdivision plat, or on an existing publicly dedicated street, or on a street that has become public by right of use. Any such street shall meet the requirements of this ordinance.
- D. Corner Lots: Corner lots shall have extra width sufficient for maintenance or required setback lines on both streets.
- E. Setbacks: The minimum street and boundary line setback requirements for proposed subdivision lots shall be determined by the zoning district classification of the property and the corresponding setback regulations of the district as found in the Middlesex County Zoning Ordinance, as amended.
- F. Remainders: Lots below minimum size and other fragments of land remaining after subdividing a tract shall be added to adjoining lots, or otherwise disposed of rather than be allowed to remain as unusable parcels.
- G. Separate Ownership: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line

divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed is to be deposited with the Clerk of the Circuit Court and held until the subdivider is ready to record the final plat, and they shall both then be recorded together.

- H. Septic Tank Lots: The subdivider may designate on the plat one or more septic tank lots to serve adjacent building lots that are determined to be unsuitable for installation of septic tanks. Such septic tank lots shall be deeded to the owners of the lots that they are intended to serve. The subdivider shall note on the plat and in the deed(s) to each septic tank lot that: (1) the lot is a septic tank lot; (2) no buildings, parking facilities, or other structures may be constructed on the lot; (3) the lot may be used only for sewage disposal, recreation, gardening, and similar uses which will not interfere with proper functioning of a septic system; and (4) the Middlesex County Health Department shall make the sole determination as to the number and size of septic systems to be permitted on the lot. The number and size of septic tank lots in a subdivision shall not be considered when determining whether a subdivision is major or minor.

- I. Flag Lots: Flag lots shall only be permitted in subdivisions where safety or environmental factors prevent the utilization of normal lots and their use improves the quality of the design of the subdivision. The financial cost of road construction or the loss of lots shall not in itself constitute reasons to utilize flag lots. Where a flag lot is utilized, the stem that accesses the street or road as defined, shall be no less at any point than 50 feet in width. The length of such stems shall be related to proposed lot size but limited to no more than 500 feet. The use of multiple flag lots to circumvent the requirements of this ordinance, including the development of subdivision streets, shall be prohibited.

6-9. Blocks.

Design and layout of blocks shall be governed by Sections 6.9-A through 6.9-C below.

- A. Length: Generally, the minimum and maximum length of blocks shall not be fixed, but shall be controlled by considerations of public safety, traffic flow, and existing topographic conditions. Where streets are approximately parallel, consideration shall be given to connecting streets between said parallel streets at reasonable intervals to be established by application of the criteria stated in the preceding sentence. As lot development occurs along existing public streets and roads, a minimum forty (40) foot right-of-way shall be reserved at suitable intervals, as determined by the Agent, to afford access to the rear areas.

- B. Width: Blocks shall be wide enough to accommodate two tiers, 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.

- C. Orientation: Where a proposed subdivision will abut on an existing street or road, the greater dimension of every block fronting on such street or road shall be parallel to such street or road.

6-10. Open Space.

The subdivision design shall reflect the community’s need for open space sites for public facilities and recreation area as indicated in the Middlesex County Comprehensive Plan and as may be anticipated by the demand created through development of the subdivision.

- A. Minimum Open Space: All major subdivisions shall provide for the following percentages of the gross acreage of such subdivision to be designated as common open space, natural areas or recreation areas:

Average Lot Size in Subdivision	Percent of Total Land for Open Space
Less Than 1 Acre	30%
1 Acre to Less Than 2.5 Acres	20%
2.5 Acres to Less Than 5 Acres	10%
Greater Than 5 Acres	0%

This space is to be used for residents of the subdivision and shall include such things as parks, playgrounds, general recreation areas and natural areas for habitat protection. Land providing community or waterfront access shall be considered as contributing to this requirement. Such open space shall not be in tracts of less than one acre and shall be suitable for its designated use as to location and topography, and shall be maintained, as appropriate, by the subdivider, homeowners’ association or other approved agency.

- B. Dedication Requirements: Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions to insure that:
 1. The open space will not be further subdivided;
 2. The use of the open space will continue in perpetuity for the purpose satisfied;
 3. Appropriate provisions are made for the maintenance of open space; and
 4. Common undeveloped open space shall not be turned into commercial enterprise admitting the public at a fee.

6-11. Homeowners Association.

Within any major subdivision approved in which an area is intended to be used in common for open space or other public or semipublic purposes, or where other improvements have been made in which operation and/or maintenance is the responsibility of the homeowners, no lot shall be approved, recorded, sold, or used within the development until appropriate documents have been legally recorded in the Clerk’s Office of Middlesex County. All homeowners associations shall be established in accordance with the provisions of sections 55-508 through 55-516.2 of the Code of Virginia, as amended. Such documents shall set forth the following:

- A. The nature of the permanent organization under which common ownership is to be established, including its purpose, and provisions establishing requirements for mandatory membership;
- B. How it shall be governed and administered;

- C. The provisions made for permanent care and maintenance of the common property or improvements;
- D. The method of assessing the individual property for its share of the cost of adequately administering and maintaining and replacing such common property; and
- E. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

6-12. Monuments.

Upon completion of subdivision streets and other improvements, the subdivider shall make certain that all monuments required by Section 6-12.A and 6.12.B below are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Agent.

- A. Street Monuments: Concrete monuments four (4) inches in diameter or four (4) inches square, and two (2) feet long, with flat top and steel center pin, shall be set at all street corners, at all points where a street line intersects the exterior boundaries of the subdivision, and at right angle points of curve in each street. The top of the monument shall be set flush with the finished grade.
- B. Lot Monuments: All other lot corners shall be marked with iron pipe no less than three-fourths (3/4) inch in diameter or iron rod not less than one-half (1/2) inch in diameter and twenty-two (22) inches long and driven so as to be flush with the finished grade.

ARTICLE 7: VACATION OF PLATS

7-1. *Vacation of Boundary Lines.*

The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid properly recorded plat of subdivision or resubdivision upon approval in writing by the Agent, provided such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility rights-of way shall be relocated or altered without the expressed consent of all persons holding any interest therein. (amended 5/01/90)

7-2. *Vacation After Sale of Lot.*

An approved and recorded plat of subdivision, or part thereof, may be vacated in accordance with the provisions of sections 15.2-2271 through 15.2-2274 of the Code of Virginia, as amended.

7-3. *Duty of Clerk.*

When a recorded plat, or any part thereof has been vacated, the Clerk of the Middlesex County Circuit Court shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated", and also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

ARTICLE 8: REPORTS, APPEALS, PENALTIES

8-1.

(Section repealed March 1, 1983.)

8-2. Appeals.

If the Agent disapproves a final plat and the subdivider contends that such disapproval was not properly based on this ordinance, or was arbitrary or capricious, the subdivider may appeal to the Governing Body and thence to the Middlesex County Circuit Court.

8-3. Penalties.

Any person who sells or transfers any land in a subdivision, a plat of which has not been approved and recorded as provided by this ordinance, shall be subject to a fine of not more than five hundred dollars (\$500.00) 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.

ARTICLE 9: DEFINITIONS

9-1. *Words and Terms.*

For purposes of this ordinance, certain words and terms used herein shall be interpreted or defined as indicated below. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural, the singular, unless the natural construction of the word indicates otherwise; the word "lots" includes the word "parcel"; the word "shall" is mandatory and the word "may" is permissive; the word "approved" shall be considered to be followed by the words "or disapproved"; and all distances and areas refer to measurement in a horizontal plane.

AGENT: The representative of the Governing Body who is responsible for administering and enforcing this ordinance on behalf of the Governing Body.

CENTRAL SEWER SYSTEM: Please refer to Middlesex County Zoning Ordinance, Article 22: Definitions. (amended 10/21/08)

CENTRAL WATER SYSTEM: Please refer to Middlesex County Zoning Ordinance, Article 22: Definitions. (amended 10/21/08)

COMMISSION: The Middlesex County Planning Commission. (amended 4/18/00)

COUNTY ADMINISTRATOR: The County Administrator of Middlesex County or his designated representative.

CUL-DE-SAC: A street with only one outlet and having an appropriate turn-around for safe and convenient reverse traffic movement.

EASEMENT: A grant by a property owner of the use of land for a specific purpose or purposes.

GOVERNING BODY: The Board of Supervisors of Middlesex County, Virginia.

HEALTH OFFICIAL: The Director of the Middlesex County Health Department or his designated representative.

LOT: A numbered and recorded portion of a subdivision, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. (amended 3/01/83)

LOT AREA, MINIMUM: The minimum area required to be contained in each lot of a subdivision. In the case of attached dwelling units intended for sale with individual yards, the minimum lot area shall be required for each building, regardless of the number of dwelling units contained therein.

LOT, WIDTH OF: The horizontal distance between side lot lines, measured along the setback line.

LOT, FLAG: A lot that has a street frontage that is less than the minimum lot width required for the zoning district.

ON-SITE SEWAGE DISPOSAL: Treatment and disposal of sewage on the same lot or parcel on which the sewage is created, through means approved by the Health Official.

ON-SITE WATER SUPPLY: A well, approved by the Health Official, located on the lot or parcel on which water supplied by said well will be consumed or used.

PARENT TRACT: A parcel or tract respectively, lawfully in existence as of July 15, 2003.

PLAT: A map or plan of a tract or parcel of land that is to be, or which has been, subdivided. The word "plat" includes the words: map, plan, replat, plot, and replot. When used as a verb, "plat" is synonymous with "subdivide".

PROPERTY: Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.

RESIDENCY ADMINISTRATOR: The Residency Administrator of the Virginia Department of Transportation, located in Saluda, Virginia.

RIGHT-OF-WAY: The total width of the strip of land, dedicated or reserved for public travel, including pavement, ditches, drainage facilities, curbing, gutters, pipes, sidewalks, shoulders and land necessary for the maintenance thereof.

SETBACK LINES: A line parallel to the front lot line of rectangular lots, or in the case of curved front lot line parallel to the chord of the curve, denoting the minimum distance by which any structure must be separated from the street right-of-way line. In the case of flag lots and irregularly shaped lots, the setback line shall be drawn on the plat in a position acceptable to the Agent. In such cases, the setback line shall be perpendicular to the longer axis of the lot insofar as is practicable. (amended 9/10/80)

STREET: An existing or platted right-of-way which affords the principal means of vehicular access to abutting properties. The word "street" shall be synonymous with "road," "lane," "avenue," "highway," or any other form of thoroughfare.

STREET, PRIVATE: A street designed and constructed in accordance with subdivision street standards of the Virginia Department of Transportation that is not intended to be accepted into the Department's secondary system and is not publicly owned or maintained.

STREET, PUBLIC: A street designed and constructed in accordance with subdivision street standards of the Virginia Department of Transportation that is intended to be accepted into the Department's secondary system, whether or not such acceptance has been granted.

SUBDIVIDE: To divide any lot, parcel, or tract of land into two (2) or more parts. The term "subdivide" shall not include a division or partition of land by a court of competent jurisdiction; a division for the sole purpose of rearranging or straightening property lines; or a division for the purpose of conveying part of a lot or parcel of land to an adjoining lot or parcel, provided that both lots or parcels affected meet the requirements of Section 6-8 after such division and conveyance, and provided further the plat of a survey of such division and conveyance shall bear a statement signed by the purchaser or grantee and approved by the Agent, that no further division shall be made without complying with the provisions of the Middlesex County Subdivision Ordinance.

SUBDIVIDER: Any person, partnership, firm or corporation, which subdivides land or develops land in a subdivision.

SUBDIVISION: The result of subdividing. A tract or parcel of land platted with contiguous lots, streets, public areas, and easements, and containing provisions for drainage, utilities, and other necessary facilities and services to serve residents. Unplatted and unnumbered remainders of a tract or parcel shall not be considered part of a subdivision. (amended 3/01/83)

SUBDIVISION, MAJOR: A subdivision with more than six (6) lots. The term "major subdivision" shall include any subdivision of more than six (6) lots which is designed and developed as a single unit, regardless of the number of owners and subdividers involved or the number of parcels or tracts of land encompassed by the subdivision. The term "major subdivision" shall also include any subdivision which initially contains fewer than six (6) lots, but which is intended to become a subdivision of more than six (6) lots at some future time through additions. (amended 7/15/03)

SUBDIVISION, MINOR: A subdivision with six (6) or fewer lots. Multiple minor subdivisions from the same parent tract that increase the total lot count of the combined subdivisions to more than six (6) lots for the purpose of circumventing this Ordinance shall not be permitted. (amended 7/15/03)

TRACT: One or more parcels of land under the same ownership with at least one boundary in common between parcels.

ARTICLE 10: ADOPTION

Duly adopted on the 17th Day of December, 1979 after notice and public hearing as required by Section 15.1431 of the Code of Virginia, as amended, upon motion by Mr. Butler, seconded by Mr. Handley.

Voting For: Mr. Ferguson, Mr. Handley, Mr. Butler, Mr. Northam, Mr. Rennie

Voting Against: None