

## Chapter 19 SUBDIVISIONS\*

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**\*Editor's note:** The subdivision ordinance set out herein was adopted on November 28, 1979, as a re-enactment of chapter 16 of the 1971 Franklin County Code. Except for renumbering to conform to the format of this Code, some changes in the section catchlines and minor nonsubstantive changes in terminology, the ordinance is included herein as adopted and subsequently amended.

**Cross references:** Subdivision disclaimer, § 1-16; planning commission, § 2-66 et seq.; building regulations, Ch. 5; erosion and sediment control, Ch. 7; floodplain management, Ch. 9; mobile homes not in a park or court subject to subdivision regulations, § 10-7; sewers and sewage disposal, Ch. 17; PUD District Ordinance, App. A.

**State law references:** Land subdivision and development and powers and duties of county with respect thereto, Code of Virginia, § 15.1-465 et seq.; codification of subdivision ordinance, § 15.1-37.3.

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## **ARTICLE I. IN GENERAL**

### **Sec. 19-1. Title of chapter.**

This chapter shall be known and may be cited as the "Subdivision Ordinance of Franklin County, Virginia," or simply as the "Subdivision Ordinance."  
(Ord. of 11-28-79, § 16-1)

### **Sec. 19-2. Purpose of chapter.**

The purpose of this chapter is to establish certain subdivision standards and procedures for the county and such of its environs as come under the jurisdiction of the board of supervisors as provided by state law. These provisions are part of a long range plan to guide and facilitate the orderly, 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 when lands 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. This chapter assists the community in meeting these responsibilities.

(Ord. of 11-28-79, § 16-2; Res. No. 24-06-90, 6-18-90)

### **Sec. 19-3. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Agent:* The representative of the board of supervisors who has been appointed to serve as the agent of the board in approving subdivision plats.

*Alley:* A permanent service way providing a secondary means of access to abutting properties.

*Approve:* The word "approve" shall be considered to be followed by the words "or disapprove."

*Building setback:* The minimum distance which a building must be set back from the street line on which the lot abuts.

*Commission:* The planning commission of the county.\*

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\***Cross references:** Planning commission, § 2-66 et seq.

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*Cul-de-sac:* A street with only one (1) outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

*Developer:* An owner of property being subdivided, whether or not represented by an agent.

*Distances and measurements:* All distances and measurements refer to measurement in a horizontal plane, except as they may refer to height.

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

*Engineer:* An engineer licensed by the state.

*Equivalent residential connection (ERC):* An equivalent residential connection (ERC) is the water (sewer) use consumed (produced) by a typical residential connection over a specified period of time (gallons per day or gallons per month). An equivalent residential connection (ERC) is equal to a minimum of three hundred (300) gallons per day (GPD) unless supportive data indicate otherwise and the variation is approved by the county. Design flows shall be based on the current Virginia Department of Health Waterworks Regulations and the State Water Control Board Sewage Collection and Treatment Regulations, and any governing state regulations subsequently approved.

*Family divisions:* The agent shall permit a division of a lot or parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner under the following conditions:

(1) A plat and deed for a family division shall be submitted, reviewed and approved as provided herein.

(2) The family division is for the purpose of sale or gift to a member of the immediate family of the property owner as defined herein.

(3) The division is a single division of a lot or parcel of land, and further the subdivider has not previously divided any other land within the county by family division for transfer by sale or gift to the same family member.

(4) The family division is to create a lot for the housing needs of the grantee.

(5) The lot created is at least thirty-five thousand (35,000) square feet in area and has VDH approval for water supply and sewage disposal systems.

(6) The remainder of the parent tract from which the lot is created meets the minimum lot area requirements of the subdivision and zoning (as applicable) after the division is complete. If the remainder of the parent tract from which the lot is created contains less than five (5) acres, such tract must meet the minimum state-maintained road frontage requirements set forth in the subdivision ordinance.

(7) All divisions must have a minimum right of way of thirty (30) feet to provide ingress and egress to a state maintained road. However, existing private roads through adjacent properties with previously recorded rights-of-way of less than thirty (30) feet which serve the subject property being subdivided may be used, as long as the right-of-way for any private road within the bounds of the subject property being subdivided is thirty (30) feet.

(8) No lot created by the family division may be transferred, except by devise, descent or operation of law, to a person other than a member of the immediate family of the subdivider, for a period of three (3) years, except for the purposes of securing any purchase money and/or construction loan, including bona fide refinancing. Such restriction shall be noted in the deed of transfer of the property.

*Family member (immediate):* Any person who is a natural or legally defined offspring, spouse or parent, grandparent or grandparents of the owner.

*Front yard:* For the purposes of enforcing this chapter, this area shall be considered that portion of the lot between the dwelling structure and the street which has been built to Virginia Department of Transportation state highway specifications or to the nonstate-maintained street.

*Health official:* The health officer or sanitarian of the county.

*Highway engineer:* The resident engineer employed by the Virginia Department of Transportation.

*Jurisdiction:* The area or territory subject to the legislative control of the board of supervisors.

*Lot:* A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development of a single building and its accessory building. The word "lot" shall be construed to include a parcel.

*Lot area:* Satisfaction of lot dimensions or area shall not be achieved by including land covered by water or flowage easements.

*Lot, corner:* A lot abutting upon two (2) or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

*Lot, depth of:* The mean horizontal distance between the front and rear lot lines.

*Lot, double frontage:* An interior lot having frontage on two (2) streets.

*Lot, interior:* A lot other than a corner lot.

*Lot of record:* A lot which has been recorded in the office of the clerk of the circuit court.

*Lot, width of:* The mean horizontal distance between the side lot lines.

*Plat:* Includes the terms map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. 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.

*Street:* The principal means of access to abutting properties.

*Street or alley, public use of:* The unrestricted use of a specified area or right-of-way for ingress and egress to two (2) or more abutting properties.

*Street, service drive:* A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

*Street, width:* The total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks and planting strips.

*Subdivision:* To divide a parcel of land into two (2) or more lots or parcels, any of which contains an area less than five (5) acres, for the purpose of transfer of ownership or building development. The term subdivision includes resubdivision and when appropriate to the context shall relate to the process of subdividing land solely for the purpose of recordation of any single division of land into two (2) lots or parcels, any of which is less than five (5) acres. A plat of any such division shall be submitted for approval in accordance with this chapter.

All streets constructed for such subdivisions shall meet the construction and design requirements of the Virginia Department of Transportation.

The agent shall permit a bona fide decision or partition of agricultural land for agricultural purposes. The agent shall permit a single parcel separation from another tract when it is for the purpose of providing a site for a volunteer fire department, rescue squad, church, civic nonprofit organization, county-owned dumpster sites or a cemetery. For such fire department or rescue squad use, certain approval as set forth in the following paragraph under this definition will be required.

The agent shall permit the separation of one or more parcels from a tract of land without complying with all requirements of this chapter if:

- (1) It is not in conflict with the general meaning and purpose of the chapter;
- (2) No new streets are required to serve the parcel; that is, the parcel has the required frontage set forth in item (4) below on a Class 1, 2, or 3 road as designated and defined by the Virginia Department of Transportation;
- (3) Each parcel is at least thirty-five thousand (35,000) square feet in area;

(4) Each parcel has not less than one hundred and fifty (150) feet of frontage on a state-maintained primary road or not less than one hundred and twenty-five (125) feet of frontage on a state-maintained Class 1, 2, or 3 secondary road;

(5) Each parcel has not less than thirty (30) feet of frontage on a state-maintained Class 1, 2, or 3 road in a cul-de-sac.

The local health department must approve the water supply and method of sewage disposal and Franklin County must approve that the subdivision conforms to and meets or is exempt from any applicable requirements and standards of chapter 22 of the Franklin County Code prior to recordation or sale of any parcel.

The agent shall permit a landholder to acquire adjoining property if it is not in conflict with the general meaning and purpose of this chapter. Any resale of any such property so acquired shall be subject to all requirements for the subdivision of land as contained in this chapter.

All family exemptions shall have the following statement added to the deed of transfer:

TABLE INSET:

I,	_____	hereby certify that	_____	is my legal	_____
	Grantor		Grantee		Type Relationship

This portion of land is in accordance with section 19-3 of the Franklin County Subdivision Ordinance.

\_\_\_\_\_  
Signature of Grantee

\_\_\_\_\_  
Signature of Witness

In cases of unusual situations or when strict adherence to the general regulations of this chapter would result in substantial injustice or hardship, the agent may, subject to the provisions of section 19-4, grant variations in or exceptions to the general regulations of this chapter, the subdivision ordinance.

*Subdivider:* Any person or persons, corporations, partnerships or any combination thereof owning any tract, lot or parcel of land being subdivided as defined in this section.

*Transfer station:* An area or facility for transient storage of goods and materials including, but not limited to, hazardous waste as defined by the current Virginia Hazardous Waste Regulations, with transient storage defined as the keeping of goods or materials being transported from the location of generation to the location of use or disposal for a period of time not to exceed ten (10) days.

(Ord. of 11-28-79, § 16-3; Ord. of 11-21-83; Ord. of 10-1-87; Res. No. 24-06-90, 6-18-90; Res. No. 22-12-91, 12-17-91; Res. No. 23-11-92, 11-17-92; Ord. of 6-16-98; Res. No. 26-11-98, 11-17-98; Res. No. 19-01-99, 1-19-99; Amend. of 12-17-02(3) ; Ord. of 2-15-05(2))

#### **Sec. 19-4. Administration of chapter; general powers and duties of agent.**

(a) The agent appointed by the board of supervisors is hereby delegated to administer this chapter. In so acting, the agent shall be considered the agent of the board of supervisors and approval or disapproval by the agent shall constitute approval or disapproval until countermanded by the board of supervisors.

(b) The agent shall perform his duties as regards subdivisions and subdividing in accordance with this chapter and state law.

(c) In the performance of his duties the agent may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident highway engineers, the health officer and department of public safety.

(d) In addition to the regulations contained in this chapter for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this chapter.

(Ord. of 11-28-79, § 16-4; Res. No. 24-06-90, 6-18-90)

#### **Sec. 19-5. Effect of chapter on easements, covenants, private contracts, etc.**

This chapter 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 chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

(Ord. of 11-28-79, § 16-5)

#### **Sec. 19-6. Compliance with chapter; penalties for violation.**

(a) No person shall subdivide any tract of land that is located within the county, except in conformity with the provisions of this chapter.

(b) Any person who shall violate or fail to comply with any provision of this chapter shall, upon conviction, be punished by 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 remedies herein provided.

(Ord. of 11-28-79, § 16-6; Res. No. 24-06-90, 6-18-90)

**State law references:** Provisions similar to subsection (b) above, Code of Virginia, § 15.1-473(d).

Secs. 19-7--19-20. Reserved

### **ARTICLE II. PROCEDURE FOR MAKING AND RECORDING PLATS\***

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**\*State law references:** Subdivision ordinance to provide for plat details, Code of Virginia, § 15.1-466(a).

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#### **Sec. 19-21. Plat required; recordation; appeal on disapproval by agent.**

(a) Any owner or developer of any tract of land situated within the county who subdivides such tract 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. No such plat 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 chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded.

(b) In the event a plat for a subdivision is disapproved by the agent, the subdivider may appeal to the board of supervisors, which may then override the recommendation of the agent and approve such plat.

(Ord. of 11-28-79, § 16-7)

**State law references:** Provisions similar to subsection (a) above, Code of Virginia, § 15.1-473.

**Sec. 19-22. Who may prepare; certification; outlines of tracts.**

Every such plat shall be prepared by a surveyor or professional engineer duly licensed by the state, who shall endorse upon each plat a certificate signed by him, setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an insert block or by means of a dotted boundary line upon the plat.

(Ord. of 11-28-79, § 16-8)

**State law references:** Similar provisions, Code of Virginia, § 15.1-476.

**Sec. 19-23. Owner's statement of approval.**

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

(Ord. of 11-28-79, § 16-9)

**State law references:** Similar provisions, Code of Virginia, § 15.1-477.

**Sec. 19-24. Changes, etc., pursuant to approval.**

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

(Ord. of 11-28-79, § 16-10)

**Sec. 19-25. Relation to zoning; procedure when zoning of another county or municipality is affected.**

(a) When the intended use of all or part of the platted area, as indicated by the preliminary plat and as shown on that plat, would put the land in a more restrictive category than that which then exists, such shall be considered a petition for the rezoning of the platted area to the higher classification.

(b) In areas of joint jurisdiction between this county and another county or municipality, either or both, subject to the regulations of this chapter but not subject to the regulations of the zoning ordinance of any other county or municipality, the planning commission of each such other jurisdiction shall confer with the planning commission or board of supervisors of this county before approval is given to any preliminary or final plat for a subdivision, to make certain that all applicable zoning requirements are being met.

(Ord. of 11-28-79, § 16-11)

**Sec. 19-26. Plat review fee.**

There shall be a charge for the examination and approval or disapproval of every final plat reviewed by the agent in accordance with the fees as adopted in Chapter 27, Land Use Development, of the Franklin County Code. The fee is payable at the time of submission of the subdivision plat for review.

(Ord. of 11-28-79, § 16-12; Ord. of 7-27-81, § D; Rev. of 4-17-89; Res. No. 30-05-91, 5-22-91; Res. No. 24-06-91, 6-18-91; Ord. of 3-27-07(2))

**Cross references:** Section 27-1, Fee Schedule.

**State law references:** Authority for above fee, Code of Virginia, § 15.1-466(i).  
Secs. 19-27--19-40. Reserved.

## **ARTICLE III. REGULATIONS AND PROCEDURES**

### **DIVISION 1. GENERALLY**

#### **Sec. 19-41. Mutual responsibility of subdivider and county.**

There is a mutual responsibility between the subdivider and the county to divide the land so as to improve the general use pattern of the land being subdivided.

(Ord. of 11-28-79, § 16-13)

#### **Sec. 19-42. Suitability of land for purposes intended.**

The agent shall not approve the subdivision of land if, from adequate investigations conducted by all 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.

(Ord. of 11-28-79, § 16-14)

#### **Sec. 19-43. Uses of land subject to flooding or topographically unsuitable.**

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

(Ord. of 11-28-79, § 16-15)

**Cross references:** Floodplain management, Ch. 9.

#### **Sec. 19-44. Elevation and flood profiles of building site.**

To ensure that residents will have sufficient land upon which to build a house which is flood free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of floodwaters.

(Ord. of 11-28-79, § 16-16)

#### **Sec. 19-45. Sketch plan for entire tract when subdivider intends future subdivision of additional parts.**

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat.

(Ord. of 11-28-79, § 16-17)

Secs. 19-46--19-60. Reserved.

### **DIVISION 2. IMPROVEMENTS**

#### **Sec. 19-61. General requirements.**

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established, either by the state Department of Transportation for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The

subdivider's performance bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements:

(1) *Lot size--General requirements.* The lot size and frontage requirements stated below shall be required in all parts of the county except in those areas regulated by the Franklin County Zoning Ordinance. In said zoned areas of the county, the applicable lot size and frontage requirements set forth in the Zoning Ordinance shall prevail. Deviations to minimum lot sizes, lot widths, and lot frontages may be provided for in the Residential Planned Unit Development district in those areas regulated by the Franklin County Zoning Ordinance or regulated by the Planned Unit Development Ordinance in the unzoned areas of Franklin County where such deviations have been expressly shown on a concept or site plan approved by the board of supervisors after lawfully advertised public hearings with the planning commission and board of supervisors

(2) *For public water and sewer.* Lots served by both public water and public sewer systems shall be seventy-five (75) feet or more in width and seven thousand five hundred (7,500) square feet or more in area.

(3) *For public sewer or public water.* Lots served by either a public sewer system or a public water system shall be one hundred (100) feet or more in width and fifteen thousand (15,000) square feet or more in area.

(4) *Neither public water or sewer.* Lots served by neither public water nor public sewer systems shall be thirty-five thousand (35,000) square feet or more in area. Lots shall have not less than one hundred and fifty (150) feet of frontage and be one hundred and fifty (150) feet or more in width if located on a state maintained primary road. Lots shall have one hundred and twenty-five (125) feet or more of road frontage and be one hundred twenty-five (125) feet or more in width if located on a state maintained secondary road.

(5) *Lot size--Exceptions.* Greater lot areas may be required where individual septic tanks or individual wells are used if the health officials determine that there are factors of drainage, soil condition, or other conditions that could cause potential health problems. The agent shall require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.

(6) *Flood control, drainage and other improvements.* The subdivider shall provide all necessary information to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans, and flood control devices. The subdivider shall also provide plans for all such improvements, together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.

(7) [*Lots on cul-de-sacs.* ] Any lot located within the perimeters of cul-de-sac circle shall have a minimum of thirty (30) feet of road frontage, with a median lot width of one hundred (100) feet between lot lines.

(8) [*New street surfaces.* ] All new streets shall be hard surfaced and treated.

(9) [*Drainage systems.* ] Storm drainage systems and curb and gutter systems shall be installed when required by the board of supervisors.

(10) *Public water and sewer systems--General requirements.* Any public water and/or public sewer system developed to serve more than two (2) lots must, in addition to the requirements of the Virginia Department of Health, meet the standards and requirements of Chapter 22 of the Franklin County Code.

(Ord. of 11-28-79, § 16-18; Ord. of 10-01-87; Res. No. 24-06-90, 6-18-90; Ord. of 6-16-98; Res. No. 18-12-2001, 12-18-01)

**Sec. 19-62. Easements for utilities and drainage.**

(a) *Easements.* Adequate easements shall be provided for drainage and all utilities. Minimum easement width shall be twenty (20) feet. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside edge of the pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.

(b) The agent may require that easements for drainage through adjoining property be provided by the subdivider.

(Ord. of 11-28-79, § 16-19; Ord. of 6-15-04(1))

**Sec. 19-63. Suitability of subdivision for installation of subsurface sewage disposal systems.**

A preliminary opinion is required from the county health department regarding the suitability or unsuitability of each lot within a subdivision for installation of subsurface sewage disposal systems where such method of sewage disposal is to be utilized in the development of a subdivision.

(Ord. of 11-28-79, § 16-20; Ord. of 11-21-83)

**Cross references:** Sewers and sewage disposal, Ch. 17.

**Sec. 19-64. Extension of public water service where available; new water systems shall be in conformity with chapter 22.**

Where county public water is available within the provisions of Franklin County Code sections 22-36(c) and 22-36(d), the service shall be extended to all lots within a subdivision, except as exempted by Franklin County Code section 22-36(c)(7). All new structures, facilities, developments, and subdivisions shall meet the provisions of Franklin County Code sections 22-36(c) and 22-36(d). All new water systems shall meet the requirements of Franklin County Code chapter 22, the Virginia Department of Health, and other regulatory agencies. These provisions shall not prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities that meet all applicable regulations including Franklin County Code chapter 22, the Virginia Department of Health, and other regulatory agencies, if any such new water system is offered for ownership, dedication, and transfer to Franklin County or its assigns according to the provisions of chapter 22 and it is not accepted for public ownership by Franklin County or its assigns. Any water source, water treatment system, water storage, water distribution system, sewage collection and treatment facilities installed in Franklin County must meet all requirements of the State Water Control Board, the State Health Department, Franklin County or its assigns, and any other state or local regulation promulgated by any body having authority in the premises.

(Ord. of 11-28-79, § 16-21; Ord. of 2-15-05(2))

**Sec. 19-65. Fire hydrants.**

The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary public water is available. The agent shall consult with the proper authority before approving such location.

(Ord. of 11-28-79, § 16-22)

**Cross references:** Fire prevention and protection, Ch. 8.

**Sec. 19-66. Subdivider's bonds.**

(a) Before any subdivision plat will be finally approved by the agent, the subdivider shall furnish a one-year performance bond for one hundred ten (110) per cent of the amount calculated by

the agent to secure the required improvements in a workmanlike manner and in accordance with specifications and construction schedules established or approved by the appropriate engineer, which bond shall be payable to and held by the board of supervisors. This bond may be in the form of a letter of credit or a cashier's check made payable to the board of supervisors which may be placed in an escrow account whereby the subdivider may draw interest from the account. If a cashier's check is provided as a performance bond, the developer/owner shall pay a fee of one hundred dollars (\$100.00) for the establishment and maintenance of the escrow agreement. All escrow accounts will be established and maintained by the county attorney. The following language must be a part of all newly issued letters of credit:

"This irrevocable letter of credit shall remain in full force for a period of one (1) year from the effective date hereof and shall automatically renew itself from year to year thereafter unless and until the (issuing bank name) shall give ninety (90) days' prior written notice to the County of Franklin, Virginia, by certified mail, return receipt requested, of its intent to terminate the same at the expiration of the ninety-day period. During the last thirty (30) days during which the letter of credit is in full force and effect, the county may draw up to the full amount available under the letter of credit with a draft accompanied by a document stating that (applicant name) has not completed the improvements and has not provided an acceptable substitute irrevocable letter of credit and that the drawing is for the explicit purpose of guaranteeing and/or providing for the completion of the improvements."

(b) The agent shall not renew any performance bond except for good cause. In the event of a renewal, the amount of the performance bond shall be recalculated in accordance with subsection (a) of this section.

(c) The agent shall require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, in the form of credit or a cashier's check made payable to the board of supervisors, with surety satisfaction to the board of supervisors, in an amount sufficient for and conditioned upon the maintenance of roads, when such roads, due to factors other than the quality of construction, are not acceptable into the state highway system. This bond shall be extended automatically until such time as the roads are accepted into the state highway system. If a cashier's check is provided as the maintenance and indemnifying bond, the developer/owner shall pay a one hundred dollar (\$100.00) fee for the establishment and maintenance of an escrow agreement. All escrow accounts will be established and maintained by the county attorney.

(d) It will be the private sector's responsibility to maintain streets to the Virginia Department of Transportation standards until acceptance into state highway system. Construction of roads to state standards does not necessarily mean the road system will be accepted by Virginia Department of Transportation.

(Ord. No. 11-28-79, § 16-23; Ord. of 10-01-87; Res. No. 24-06-90, 6-18-90)

### **Sec. 19-67. Prints of plans and specifications for required improvements.**

One (1) black line print and six (6) blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by a certified surveyor or engineer and shall be submitted to the agent for approval or disapproval within sixty (60) days. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in sixty (60) days, such prints shall be deemed approved.

(Ord. No. 11-28-79, § 16-24; Ord. of 10-01-87)

Secs. 19-68--19-80. Reserved.

## **DIVISION 3. LOTS**

**Sec. 19-81. Arrangement, design and shape.**

The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to the requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

(Ord. of 11-28-79, § 16-25)

**Sec. 19-82. Location.**

Any lot subdivided pursuant to this chapter shall abut a state-maintained road or roads. The term "state-maintained road" shall include publicly dedicated rights-of-way where provisions are made for construction to state standards and acceptance into the state highway system pursuant to other provisions of the Franklin County Subdivision Ordinance and the Code of Virginia. 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 so constructed as to permit the widening by dedication of such roads or streets to a width of fifty (50) feet.

(Ord. of 11-28-79, § 16-26; Res. No. 18-05-93, 5-18-93)

**Sec. 19-83. Extra width for corner lots.**

Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets, as determined by the agent.

(Ord. of 11-28-79, § 16-27)

**Sec. 19-84. Side lines.**

Side lines of lots shall be approximately at right angles, or radial to the street line.

(Ord. of 11-28-79, § 16-28)

**Sec. 19-85. Disposal of remnants.**

All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots or otherwise disposed of, rather than allowed to remain as unusable parcels.

(Ord. of 11-28-79, § 16-29)

**Sec. 19-86. Location and placement.**

All lot corners shall be marked with an iron pin or solid iron rod, or other suitable ferrous material, which shall be a minimum of one-half ( 1/2) inch in diameter and a minimum of eighteen (18) inches in length. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod of minimum size, the top of which shall be flush with the finished grade line.

(Res. No. 24-06-90, 6-8-90)

**Sec. 19-87. Procedure when property ownership line divides lot.**

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. Such deed shall be deposited with the agent and held with the final plat until the subdivider is ready to record it, and they both shall then be recorded together.

(Ord. of 11-28-79, § 16-30; Res. No. 24-06-90, 6-18-90)

Secs. 19-88--19-97. Reserved.

#### **DIVISION 4. BLOCKS**

##### **Sec. 19-98. Orientation with respect to major road.**

Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

(Ord. of 11-28-79, § 16-33)

##### **Sec. 19-99. Special requirements for business or industrial blocks.**

Blocks intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

(Ord. of 11-28-79, § 16-34)

Secs. 19-100--19-108. Reserved.

#### **DIVISION 5. STREETS\***

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\***State law references:** Subdivision ordinance to provide for street improvements, Code of Virginia, § 15.1-466(e).

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##### **Sec. 19-109. Construction and design requirements for streets.**

(a) Subdivision streets shall be constructed and plans submitted in accordance with the current Virginia Department of Transportation subdivision street requirements when new streets are created to serve the lots, tracts or parcels in the subdivision.

(b) Any and all streets that are not included in the system of state highways will be privately maintained and will not be eligible for acceptance into the system of state highways unless improved to current Department of Transportation standards with funds other than those appropriated by Franklin County or the General Assembly and allocated by the Commonwealth Transportation Board.

(Ord. of 11-28-79, § 16-35; Res. No. 24-06-90, 6-18-90; Ord. of 3-27-07(4))

**State law references:** Subdivision ordinance to provide for coordination of streets with existing or planned streets in the area, Code of Virginia, § 15.1-466(c).

##### **Sec. 19-110. Service drives.**

Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such of the minimum distance required for ingress and egress to the main thoroughfares. The highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

(Ord. of 11-28-79, § 16-36; Res. No. 24-06-90, 6-18-90)

Secs. 19-111--19-113. Reserved.

##### **Sec. 19-114. Alleys.**

Alleys should be avoided wherever possible. Deadend alleys, if unavoidable, shall be provided with adequate turnaround facilities, as determined by the agent.  
(Ord. of 11-28-79, § 16-40)

**Sec. 19-115. Private streets.**

- (a) All streets platted in any subdivision shall be constructed to state standards.
- (b) Any and all streets that are not included in the system of state highways will be privately maintained and will not be eligible for acceptance into the system of state highways unless improved to current Department of Transportation standards with funds other than those appropriated by Franklin County or the General Assembly and allocated by the Commonwealth Transportation Board.
- (c) Any subdivision plat depicting lots accessed by private roads shall have the following statement written thereon prior to recordation in the Franklin County Circuit Court Clerk's Office:  
"The streets in the subdivision hereon depicted do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or Franklin County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

(Ord. of 11-28-79, § 16-41; Ord. of 10-1-87; Res. No. 24-06-90, 6-18-90; Ord. of 3-27-07(4))

**Sec. 19-116. Names.**

Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets 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 the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed, except by approval of the board of supervisors.

(Ord. of 11-28-79, § 16-42)

**Sec. 19-117. Identification signs.**

Street identification signs of the same design as required to meet the Virginia Department of Transportation standards, as amended, shall be installed at all intersections prior to the release of any road performance bonds held by the agent.

(Ord. of 11-28-79, § 16-43; Res. No. 24-06-90, 6-18-90)

Secs. 19-118--19-125. Reserved.

**DIVISION 6. RESERVED**

Secs. 19-126--19-140. Reserved.

**DIVISION 7. RESERVATION OF LAND FOR PUBLIC USES**

**Sec. 19-141. Generally.**

The agent may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public and semipublic uses, subject to the provisions of this division.

(Ord. of 11-28-79, § 16-46)

**Sec. 19-142. Reimbursement for land dedicated for parks or playgrounds in excess of ten percent of subdivision area.**

Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten (10) percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the board of supervisors. Where land is required in excess of this amount, the reimbursement by the board of supervisors shall be based on an amount as agreed between the county and the property owner.  
(Ord. of 11-28-79, § 16-47)

**Sec. 19-143. Purchase of land reserved for public purposes.**

Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than eighteen (18) months following the recording of the plat for such purchase. If the land is not purchased within such eighteen (18) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted numbers, the area and dimensions of lots to be recreated 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.  
(Ord. of 11-28-79, § 16-48; Res. No. 24-06-90, 6-18-90)

**Sec. 19-144. Divisibility of reserved lands.**

The commission 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.  
(Ord. of 11-28-79, § 16-49)

**Sec. 19-145. Restriction as to reserving land for commercial purposes.**

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 county zoning ordinance.  
(Ord. of 11-28-79, § 16-50)  
Secs. 19-146--19-160. Reserved.

**ARTICLE IV. APPROVAL OF PLATS\***

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\***State law references:** Subdivision ordinance to provide for plat details, Code of Virginia, § 15.1-466(a).

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**Sec. 19-161. Application for approval; approval required before sale of lot.**

Whenever any subdivision of land is proposed and before any permit for the erection of a structure shall be granted, the subdivider shall apply in writing to the agent for the approval of the subdivision plat and submit five (5) copies of the preliminary plat, including the lot, street and utilities layout. This preliminary plat should have house numbers as designated by the department of public safety including the lot numbers designated for each lot and the street name/names to be used in the final plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the manner provided in this article.  
(Ord. of 11-28-79, § 16-51; Ord. of 10-1-87; Res. No. 24-06-90, 6-18-90)

### **Sec. 19-162. Preliminary sketch.**

The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The agent, upon submission of any such preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes, and any such marked sketch shall be returned to the subdivider with the preliminary plat. The preliminary sketch shall be as follows: It shall be drawn to a scale of one hundred (100) feet to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions. (Ord. of 11-28-79, § 16-52; Ord. of 10-1-87; Res. No. 24-06-90, 6-18-90)

### **Sec. 19-163. Preliminary plat--Submission; contents.**

The subdivider shall present to the agent five (5) copies of a preliminary layout, at a scale of one hundred (100) feet to the inch, as a preliminary plat. The preliminary plat shall include the following information:

- (1) Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of streets, true north point and scale.
  - (2) Location of the proposed subdivision by an inset map at a scale of not less than two (2) inches equal one mile, showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
  - (3) The boundary survey or existing survey of record; provided, that 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.
  - (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 watercourses, their names and other pertinent data.
  - (5) All parcels of land to be dedicated for public use and the conditions of such dedication.
  - (6) Topography at intervals satisfactory to the highway engineer, if required.
  - (7) Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed grade lines connecting therewith.
  - (8) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
  - (9) Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required.
  - (10) Address numbers as assigned by the department of public safety (by lot).
  - (11) Location of utilities, including, but not limited to, water, sewer, underground electrical and underground telephone.
  - (12) Detail sheets (available from county) completely filled out and signed.
- (Ord. of 11-28-79, § 16-53; Ord. of 10-1-87; Res. No. 24-06-90, 6-18-90)

**State law references:** Authority to require preliminary plat, Code of Virginia, § 15.1-475.

**Sec. 19-164. Same--Consideration by agent; notice to subdivider of additional requirements for approval; effect of approval on final plat.**

(a) The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter and of the zoning ordinance when enacted. The subdivider shall then be advised in writing within sixty (60) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and an estimate of the cost of construction or improvements and the amount of the performance bond (letter of credit or cashier's check) which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer, who shall prepare this data for the agent or, preferably, may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

(b) Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

(Ord. of 11-28-79, § 16-54; Ord. of 10-1-87)

**Sec. 19-165. Final plat--Time limit for filing.**

The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make the preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

(Ord. of 11-28-79, § 16-55)

**Sec. 19-166. Same--Form and contents.**

The subdivision plant submitted for final approval by the board of supervisors and subsequent recording shall be clearly and legibly drawn in ink upon mylar, at a scale of one hundred (100) feet to the inch, on sheets having a size of between eight and one-half inches by eleven inches (8 1/2" x 11") and eighteen inches by twenty-four inches (18" x 24").

In addition to the requirements of the preliminary plat, the final plat shall include the following:

(1) A blank oblong space four (4) inches by seven (7) inches shall be reserved for the use of the approving authority.

(2) Certificates signed by the surveyor or engineer, setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

(3) A statement to the effect that the subdivision, as it appears on this plat, is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

(4) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashlines, and identification of the respective tracts shall be placed on the plat.

(5) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and centerlines of street; boundaries of all proposed or existing easements, parks, school sites or other public areas; the number and area of all building sites; all existing public and private streets, their names, numbers and widths; existing utilities and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits, including their size and type; watercourses and their names; names of owners and

their property lines; both within the boundaries of the subdivision and adjoining such boundaries.

(6) Distances and bearings must balance and close with an accuracy of not less than one in ten thousand. All dimensions shall be shown in feet and decimal parts of feet.

(7) 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.

(8) One (1) black line copy at a scale of one (1) inch equals two hundred (200) feet.

(9) One (1) black line copy at a scale of one (1) inch equals six hundred (600) feet. Detail and dimensions are not required to be inserted. Only lot, street and easement boundary lines are required.

(10) Location of proposed boat docks and boathouses. The owner or developer shall show by suitable means the area that will meet requirements of the Department of Game and Inland Fisheries and the county in regard to dock placement.

(11) Detail sheets (available from county) completed and signed.

(Ord. of 11-28-79, § 16-56; Ord. of 10-1-87; Res. No. 24-06-90, 6-18-90)

### **Sec. 19-167. Same--Conditions prerequisite for approval.**

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of the final plat shall be written on the face of the plat by the agent, who shall be required to record the plat; otherwise the agent shall mark such plat "void" and return it to subdivider.

(Ord. of 11-28-79, § 16-57)

### **Sec. 19-168. Vacation of boundary lines.**

The agent may, subject to the provisions of section 19-4, relocate or otherwise alter the boundary lines of any lot or parcel of land as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision previously approved as provided in this chapter, the subdivision ordinance, and executed by the owner or owners of such land as provided in section 15.1-477 of the Code of Virginia, provided, however, that such action for relocation, or alteration, 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 express consent of all the persons holding any interest therein.

(Ord. of 11-21-83)

**Editor's note:** An ordinance of Nov. 21, 1983, purported to amend § 16-58 of the former Code. At the editor's discretion, said provision have been included as § 19-168 of this Code. Secs. 19-169--19-174. Reserved.

## **ARTICLE V. LARGE LOT SUBDIVISIONS**

### **Sec. 19-175. Definitions.**

The following definitions shall apply in the enforcement and interpretation of this article:

*Large lot subdivision:* Any parcel of land containing five (5) acres or more but not over fifteen (15) acres, which parcel does not adjoin a road which is part of the state highway system.

*Street:* The principal means of access to abutting properties.

(Res. No. 21-10-94, 10-18-94; Res. No. 33-08-97, 8-19-97)

**Sec. 19-176. Plat required; fees; commercial entrance permit requirements.**

(a) Any large lot subdivision hereafter created shall be depicted on a plat prepared, approved and recorded pursuant to the requirements of sections 19-21, 19-22, 19-23, 19-41, 19-42, 19-43, 19-44, 19-45, 19-62, 19-86, 19-116, 19-117, 19-161 and 19-166. The fee for approval shall be ten dollars (\$10.00) per lot.

(b) All large lot subdivision lots and private roads or rights-of-way serving such lots created after the date of this article (including the extension of existing private roads) shall be subject to the provisions of a perpetual road maintenance agreement or obligation as hereinafter set forth which obligations are hereby made legally binding upon the owners of such large lot subdivision lots. The maintenance agreement shall be recorded with and take effect with the recording of any large lot subdivision plat when and in the event that three (3) or more large lots are served by a private road. The fact that only one or two (2) large lots are initially served by a private road shall in no way exempt or exclude such lots from the provisions and obligations of the road maintenance agreement or obligation and such obligations shall fully and in all ways apply to such lots when a private roadway begins to serve the third or more lots in addition to the original one or two (2) hereinabove referenced.

(c) Each lot owner whose land is served by such private street or road shall pay his/her pro rata share of the reasonable costs of upkeep, repair and maintenance of said private street/road. The share of each lot may be determined by the total reasonable costs being divided by the total number of lots (each lot pays the same amount) or by prorating the cost for each lot based on the length of the road required to serve each lot (lots at the rear would pay more than lots at the front). Should the same person own more than one lot, he/she shall be responsible for more than one pro rata share which is determined on a per lot basis. If the developer does not determine the method of proration of the costs a majority of the lot owners shall be able to do so.

(d) "Reasonable costs of upkeep, repair and maintenance" shall include measures necessary to keep the road in usable condition, including (but not necessarily limited to) the costs of snow removal, minor grading, ditching, application of gravel or stone, roadside soil stabilization and installation of drainage pipe as may be necessary to prevent continuing damage to the road. Private roads which existed prior to the enactment of the provisions of this article are not subject to the road maintenance agreement requirement, but nothing in this article shall preclude lot owners on existing private roads which are being extended from participating in the road maintenance agreement.

(e) Existing private roads (through adjacent properties) with previously recorded rights-of-way of less than fifty (50) feet which serve the subject property being subdivided may be used. However, the minimum right-of-way width for private roads created after the effective date of this article and for any existing private road within the bounds of the subject property being subdivided shall be fifty (50) feet. When newly created lots abut on both sides of the right-of-way, the centerline of the right-of-way shall be the property line between lots. The fifty-foot right-of-way shall be designated as both a private access and utility easement.

(f) Prior to approval of the plat for any large lot subdivision of three (3) or more large lots served by a private road, the owner of property shall either present a valid commercial entrance permit for the entrance of the private road serving the large lot subdivision onto the state maintained highway, or present a letter from the VDOT Resident Engineer recommending approval of a waiver of the requirement for a commercial entrance.

(Res. No. 21-10-94, 10-18-94; Res. No. 33-08-97, 8-19-97; Res. No. 12-03-2003, 3-18-03(1))

**Sec. 19-177. Required statements.**

(a) Any subdivision plat depicting large lots accessed by private roads which will not be constructed to meet the standards necessary for inclusion in the secondary system of state highways shall have the following statement written thereon prior to recordation in the Franklin County Circuit Court Clerk's Office:

"The private roads in the large lot subdivision hereon depicted do not meet state standards, are not intended for inclusion in the system of state highways, will not be maintained by the Virginia Department of Transportation nor the County of Franklin and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The maintenance of the private roads shown hereon shall be the mutual responsibility of the landowners whose lots are served by said private roads. The County of Franklin encourages participation in the private road maintenance agreement to be recorded in conjunction with this large lot subdivision plat but will not participate in any provisions of the maintenance agreement or obligation nor any action to enforce any provisions of the maintenance agreement or obligation."

(b) The grantors in any deed of conveyance of any subdivision lot to which the above statement applies shall contain the following statement in such deed:

"The private roads in the large lot subdivision hereon depicted do not meet state standards, are not intended for inclusion in the system of state highways, will not be maintained by the Virginia Department of Transportation nor the County of Franklin and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The maintenance of the private roads shown hereon shall be the mutual responsibility of the landowners whose lots are served by said private roads. The County of Franklin encourages participation in the private road maintenance agreement to be recorded in conjunction with this large lot subdivision plat but will not participate in any provisions of the maintenance agreement or obligation nor any action to enforce any provisions of the maintenance agreement or obligation."

(Res. No. 21-10-94, 10-18-94; Res. No. 33-08-97, 8-19-97; Ord. of 3-27-07(4))

**Sec. 19-178. Penalty.**

The penalty for violation of this article shall be as set out in section 19-6 of this subdivision ordinance.

(Res. No. 21-10-94, 10-18-94; Res. No. 33-08-97, 8-19-97)