

CHAPTER 5

SUBDIVISION

The provisions of this Chapter shall be known as the SUBDIVISION ORDINANCE OF HURT, VIRGINIA, and may be so cited.

The object of this ordinance is to establish certain subdivision standards and procedures for Hurt, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the 1950 Code of Virginia, as amended.

These 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.

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Article I - General Considerations

Sec. 5-1. Purpose and Intent.

The purpose of this chapter is to establish certain guidelines and procedures for the regulation of subdivision of lands within the Town. It is the intention of the Town Council in adopting this ordinance to strike a balance between the individual property rights of citizens of the Town of Hurt and the health, safety and general welfare of the Town's citizens as promoted by reasonable restrictions on those property rights.

This chapter is known and may be cited as the "Subdivision Ordinance of the Town of Hurt, Virginia."

Sec. 5-2. Definitions.

A. *WORDS AND TERMS*: For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane.

B. *AGENT*: The representative of the Hurt Town Council who has been appointed to serve as the agent of the council in the approving of subdivision plats.

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

D. *BUILDING SETBACK*: The minimum distance that a building must be set back from the front lot line or front boundary line.

E. *COMMISSION*: The Planning and Zoning Commission of Hurt, Virginia. (Ref: Art. XIII of Chapter 23 Code of the Town of Hurt)

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

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

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

I. *ENGINEER*: An engineer licensed by the Commonwealth of Virginia.

J. *GOVERNING BODY*: The Town Council of Hurt, Virginia.

K. *HEALTH OFFICIAL*: The health director or sanitarian of Pittsylvania County, Virginia.

L. *HIGHWAY ENGINEER*: The resident engineer employed by the Virginia Department of Highways.

M. *JURISDICTION*: The area or territory subject to the legislative control of the governing body.

N. *LOT*: A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.

O. *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.

P. *LOT, DEPTH OF*: The mean horizontal distance between the front and rear lot lines.

Q. *LOT, DOUBLE FRONTAGE*: An interior lot having frontage on two (2) streets.

R. *LOT, INTERIOR*: A lot other than a corner lot.

S. *LOT OF RECORD*: A lot which has been recorded in the office of the clerk of the appropriate court.

T. *LOT, WIDTH OF*: The mean horizontal distance between the side lot lines.

U. *OWNER OR PROPRIETOR*: Any natural person, partnership, corporation, trust or other entity of any kind or nature having any interest of any kind or nature in real property.

V. *PERSON*: Any owner or proprietor as hereinabove defined.

W. *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".

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

Y. *STREET*: The principal means of access to abutting properties.

Z. *STREET OR ALLEY, PUBLIC USE OF*: The unrestricted use of a specified area or right of way for ingress and egress to two or more abutting properties.

AA. *STREET, MAJOR*: A through street or road that carries a large volume of *through* traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.

BB. *STREET, OTHER*: A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.

CC. *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.

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

EE. *SUBDIVIDE*: To subdivide any tract, parcel or lot of land into two or more tracts, parcels or lots by any means whatsoever, excluding the following when identified and annotated on the face of the plat as such by the Subdivision Agent:

1. Boundary line surveys or agreements which create no additional lots.
2. Well lots.

3. Platting of previously existing parcels in aid of deed descriptions.
4. Utility lots not exceeding two thousand five hundred (2,500) square feet so long as adequate ingress and egress is provided and no substandard lots are created thereby.

FF. *SUBDIVIDER*: An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

Sec. 5-3. Transactions Affected.

No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of Article 7 of Chapter 11 of Title 15.1 of the Code of Virginia and of this ordinance.

Article II - Primary Considerations

Sec. 5-4. Lot Size.

The minimum lot area and width in any zoning district shall be in accordance with the zoning ordinance, except that where public water and/or public sewer systems are not available such minimum lot sizes may be increased by the agent in accordance with the recommendations of the health officer which shall be submitted to the agent in writing, either by notations on the plat or by letter. The health officer shall be guided by appropriate percolation tests in determining the area required for the sanitary and safe disposal of septic tank effluent.

Any tract located within a block that was divided into lots prior to the adoption of this ordinance may be subdivided into lots of equal square footage and frontage equivalent to the largest of the lots in that block to be consistent with the lot size previously established within the block if the lot is served by both public water and sewer. If the lot is not served by both public water and sewer, then requests for subdivision will be referred to the Planning Commission for their recommendation.

Sec. 5-5. All lots shall front on public street.

Each lot shall abut for at least 20 feet on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of fifty (50) feet.

Replacement Page. (Sec. 5-5 amended 10/1/96).

Sec. 5-6. Non-family single lot divisions.

The agent shall be vested with the authority to, and shall, approve and permit the separation of one (1) parcel from a tract of land provided the said lot abuts for a distance of at least 20' on an existing publicly dedicated street or on a street which has become public by right of use and further provided that the lot size meets all requirements of the Zoning Ordinance and the plat conforms to the requirements of Article IV hereof. This procedure may be followed only once for any tract of land.

Sec. 5-7. Family single lot divisions.

The agent shall be vested with the authority to, and shall, approve and permit the separation of a lot or parcel from a tract of land for the purpose of sale or gift to a member of the immediate family of the property owner, provided that the parcel abuts for a distance of twenty (20) feet on a publicly dedicated street or a street which has become public by right of use and further provided that the lot meets all the requirements of the Zoning Ordinance and the plat meets the requirements of Article IV of this ordinance. Only one such division shall be allowed to be made by the property owner for each family member as herein defined, and shall not be for the purpose of circumventing this subdivision ordinance. For the purpose of this section only, a member of the immediate family is defined as any person who is the natural or legally defined offspring, spouse or parent of the owner.

Article III - Administration

Sec. 5-8. Administrator.

The provisions of this chapter shall be administered and enforced by an agent who shall be appointed by the Town Council. The Mayor is hereby delegated such agent. In so acting, the agent shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent shall consult with the commission on matters contained herein.

Sec. 5-9. Same: duties.

The agent shall perform its duties as regards subdivisions and subdividing in accordance with this ordinance and the Virginia Land Subdivision Act.

Sec. 5-10 To Consult.

In the performance of its duties the agent may call for opinions or decisions, either verbal or written, from the Pittsylvania County Building Inspection Department, the County Health Officer and other County officials in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident highway engineer and the health officer.

Sec. 5-11. Additional Authority.

In addition to the regulations herein contained for the platting of the subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance.

Article IV - Procedure for making and Recording Plats

Part 1 - General Provisions

Sec. 5-12. Platting Required.

Any owner or developer of any tract of land situated within the town of Hurt, Virginia, 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 appropriate court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this ordinance. No lot shall be sold or any conveyance made in any such subdivision before the plat shall have been recorded.

Sec. 5-13. Governing Body may override decision of agent.

In the event a plan for subdivision is disapproved by the agent, the subdivider may appeal to the Hurt Town Council which may then override the recommendation of the agent and approve said plat.

Sec. 5-14. Plat to be prepared by certified professional engineer or land surveyor.

Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer, if incident to an engineering project, or land surveyor, as defined in Chapter 3 of Title 54 of the Code of Virginia (Repl. Vol. 1982 and Cum. Supp. 1985), who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more

than one source of title, the outlines of the several tracts shall be indicated on such plat; provided, however, that nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans, or plats of a proposed subdivision by the owner of the land, land planners, architects, landscape architects, or others having training or experience in subdivision planning or design.

Sec. 5-15. Owner's Statement.

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 (herein 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 acknowledgements of deeds, and when thus executed and approved as herein specified, shall be filed and recorded in the office of the clerk of the appropriate court, and included under the names of the land owners signing such statement and under the name of the subdivision.

Sec. 5-16. Necessary Changes must be approved by agent.

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.

Sec. 5-17. Fees for examination and approval of plat.

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat, the subdivider shall pay to the treasurer twenty-five dollars (\$25.00) per plat and one dollar (\$1.00) for each lot, if the subdivision contains five (5) lots or more; if the subdivision contains less than five (5) lots, the charge shall be ten dollars (\$10.00) per plat and one dollar (\$1.00) for each lot.

Article IV - Part 2 - Requisites for Plats

Sec. 5-18. Approval required before Sale or Conveyance.

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the agent for the approval of the subdivision plat and submit three (3) copies of the preliminary plat including the lot, street and utilities layout. No lot shall

be sold or conveyance made until a final plat for the subdivision shall have been approved and recorded as provided for in this article.

Sec. 5-19. Preliminary Sketch.

The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing an engineered preliminary and final plat. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general, are in accordance with the requirements of this ordinance. The commission, 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 commission with the preliminary plat. The preliminary sketch shall be as follows:

It shall be drawn on a print of a topographic map of the property. It shall be drawn to a scale of not less than two hundred (200) feet to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. 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.

Sec. 5-20. Preliminary Plat.

The subdivider shall present to the commission three (3) copies of a preliminary layout at a scale of not less than one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

A. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, true north point and scale.

B. Location of proposed subdivision by an insert map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their name and number, towns, subdivisions and other land marks.

C. The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, name of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

D. All existing, platted and proposed streets, their names, number and width; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.

E. All parcels of land to be dedicated for public use and the conditions of such dedication.

- F. Topography at intervals satisfactory to the agent if required.
- G. Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith.
- H. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- I. Provisions for collecting and discharging surface drainage and preliminary designs of any structures that may be required.
- J. A small scale location map showing the location of the property to be subdivided with reference to roads with the State's Secondary Highway System or other significant natural or manmade monuments.

Sec. 5-21. Procedure.

The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance and the zoning ordinance. The subdivider shall then be advised in writing within thirty (30) 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.

Sec. 5-22. No Guarantee.

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

Sec. 5-23. Six Months' Limit.

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 ordinance. Failure so to do shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

Sec. 5-24. Requirements of final plats.

All plats submitted for final approval shall comply with the terms of the Virginia Public Records Act which is found as Va. Code Ann. §§ 42.1-76 et. seq.

The final subdivision plat shall be prepared in ink or an approved durable tracing medium at a scale of no smaller than one (1) inch equals two hundred (200) feet or such larger scale as the Planning Commission may require. One original mylar or approved comparable tracing medium shall be presented for final approval in sizes no smaller than 8 1/2 x 14" nor larger than 18 x 23", except that the provisions of the

Virginia Public Records Act as to size of plats shall specifically supersede this size requirement when said provisions are made. When more than one sheet is required, all sheets shall be numbered and of the same size, with match marks to guide preparation of composite maps, and an index map on a sheet of the same size as the sectional map shall be filed, which shall show, among other things, sectional map numbers, all lot and block numbers, and street names. In addition, a small scale location map showing the property shall be required, of the same type required by subparagraph J. of Section 5-20 hereof. The final plat shall show the following data, and shall be completed and processed as indicated:

A. Subdivision name, date plat was prepared, graphic scale and north arrow.

B. Signature and seal of a land surveyor or engineer, if incident to the practice of engineering, licensed under the provisions of Chapter 3 of Title 54 of the Code of Virginia (Repl. Vol. 1982 and Cum. Supp. 1985) setting forth the location of proposed storm sewers, catch basins and drainage easements, if any; a statement with respect to the source and availability of intended water and sewer supply and type of treatment (private, public utility or septic tank).

C. All linear and angular dimensions for locating boundaries of the subdivision, lots, streets, alleys and public and private easements. Linear dimensions shall be expressed in feet and hundredths of a foot. Angular measurements shall be expressed by bearings. All curve data shall be expressed on the face of the plat, each curve being tabulated and numbered to correspond with the respective curves shown throughout the plat. dimensions, both linear and angular, shall be determined by an accurate control survey in the field which shall be checked for closure and must balance and close within one (1) to ten thousand (10,000). Engineered plans shall be provided on all new streets and underground utilities as required by the Planning Commission. The Planning Commission may require such office and field checks as are necessary to assure the accuracy of the plat.

D. Description and location of all monuments.

E. The boundary of the property being subdivided, names of all proposed streets and boundaries of all property within the subdivision intended to be dedicated to public use. In re-subdivisions of existing recorded lots, existing lot lines shall be shown by dotted lines and re-subdivisions by full lines. The map book or deed book and page number of last instrument in the chain of title to the property being divided shall be specified in the certificate of the certified professional engineer or land surveyor as required by § 5-14 of this ordinance.

F. Exact lengths and bearings of boundary lines of blocks, public grounds, streets, alleys and existing locations of all easements.

G. Exact widths of all easements, streets and alleys.

H. Angles of departure of adjoining property, street and alley lines, with names of abutting recorded subdivisions. Unsubdivided abutting acreage property shall be designated by the names of owners with deed book and page number references.

I. Widths and names of abutting or adjoining roads, streets and alleys.

J. Tie of lot to exterior boundary of existing tract, or a corner with an adjoining land owner of existing tract. The first priority will be a bearing and distance tie to closest corner of adjoining or existing tract. When this is not possible or practical a distance tie preferable along right-of-way will be accepted.

K. Exact length and bearing of all lot lines, provided that where lines of any rectangular tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines thereof.

L. Designation of sections, blocks and lots shall be shown on all finished plats in the following manner:

1. If the final plat consists of one section of a proposed larger subdivision, then the section numbers shall run consecutively throughout the several sections of the entire subdivision and each section shall be designated by a number.

2. Blocks shall run consecutively throughout each section and each block shall be designated by a number.

3. Lots shall run consecutively throughout each block and shall be designated by a number.

4. Lot numbers shall be placed at the rear property line and the street name shall be placed parallel to the front lot lines, and house numbers as required by the U. S. Post Office and coordinated by the Agent's office shall be put on the plat.

M. All plats of property abutting on or containing any natural or artificial bodies of water shall show the high water lines and the current one hundred (100) year flood plain as shown on the national Flood Insurance Program Rate Map (FIRM) published by the Federal Emergency Management Agency and where such lines are intersected by lot and block lines, and shall contain the appropriate annotation.

N. A place shall be prepared to receive the signature and seal of the Clerk of the Circuit Court as follows:

"This map was recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia, on the (Day) day of (Month), Year. This map was received and admitted to record in Map Book _____ at Page _____.

Teste _____ (Signature) _____."

O. All signatures shall be in durable ink.

P. Signature lines shall be provided for all approving authorities.

Q. Owner's Statement:

Every such plat or the deed of dedication to which such plat is attached, shall contain a surveyor's and/or civil engineer's seal and the following statements in the general form shown.

1. The platting or dedication of the following described land (Name of Subdivision) is with the free consent and with the desires of the undersigned owners, proprietors and trustees, if any. The owners certify that they are the fee simple owners of said land or are legally entitled to subdivide the same. With the exception of temporary construction easements, and in accordance with the provisions of Va. Code Ann. § 15.1-478 (Repl. Vol. 1981) the undersigned acknowledge that the act of approval of the Planning Commission and recordation of this plat shall operate the transfer, in fee simple, to Pittsylvania County such portion of the premises platted as is on this plat set apart for streets, alleys or other public use and transfer to Pittsylvania County any easement indicated on this plat to create a public right of passage over the same provided that where the Pittsylvania County Planning Commission, or Agent, as the case may be, approve in accordance with this ordinance a plat or replat of land, and from the recordation of such plat or replat in the Clerk's Office of Pittsylvania County all rights-of-way, easements or other interests of the County and the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, unless otherwise shown by a separate instrument of record.

2. Witness the following signatures this (Date) day of (Month), (Year).

Signed (Owner's Signature).

R. The developer of any new subdivision containing ten or more lots which involves the development of streets, shall submit a street lighting plan to be made a part of the final subdivision plat which is submitted for approval to the Planning Commission.

S. Subdivision plats where roads are not to be constructed, when presented for final approval, shall contain the following statement, attested to by the owner of each lot:

"The undersigned certify (certifies) that in the event streets dedicated on this plat are to be constructed to current standards of the State Department of Highways and Transportation, all cost of the improvements shall be at the owner of record's cost, and no public funds shall be used to construct such streets. The undersigned further understand(s) that no services provided by the County and State regarding streets constructed to Department of Highways and Transportation standards will be provided to such lots."

Witness the following signature the (date) day of (month), (year), signed (Owner's signature), (Print Name).

Sec. 5-25. Single lot division plats.

A. Plats of single lot divisions permitted pursuant to the provisions of Sections 5-6 and 5-7 of this ordinance shall be required to conform only to the following:

1. The requirements of Section 5-24 of this ordinance as to scale, plat size, and tracing medium must be satisfied.

2. The surveyor's certification as to source of title and place of recordation of last instrument in the chain of title as required by Section 5-14 of this ordinance must be satisfied.

3. The plat must contain a description and location of all monuments.

4. The plat must contain the name of abutting recorded subdivision and names of owners of abutting unsubdivided acreage, with deed book and page number references given.

5. The plat must contain a surveyor's or civil engineer's signature and seal as required by Section 5-24 and the owner's certificate required by that section shall be required.

B. When more than two (2) parcels have been or are proposed to be separated from a single larger parcel the platting requirements of Section 5-24 hereof shall apply.

Sec. 5-26. Conditions for final 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 ordinance. Approval of final plat shall be written on the face of the plat by the agent.

Article V - General Regulations

Sec. 5-27. Mutual Responsibility.

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

Sec. 5-28. Land Must be Suitable.

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.

Sec. 5-29. Flooding.

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 of 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.

Sec. 5-30. Building Site.

To insure 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 flood waters.

Sec. 5-31. Improvements.

All required improvements shall be installed by the subdivider at his cost. Specifications and requirements set forth by the Virginia Department of Highways shall be followed. The subdivider's bond shall not be released until construction, in conformance with the requirements of this ordinance, has been inspected and approved by the agent or highway engineer. All improvements in addition to the foregoing shall include the following requirements:

Sec. 5-32. Plans and specifications for improvements.

Three (3) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by a certified land surveyor or civil engineer and shall be submitted to the agent for approval or disapproval within thirty (30) days, except as herein otherwise provided. 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 thirty (30) days such subdivision shall be deemed approved.

Sec. 5-33. Easements.

The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision when required by the agent.

Sec. 5-34. Public Water.

Where public water is available the service shall be extended to all lots within a subdivision.

Sec. 5-35. Fire Hydrants may be required.

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.

Sec. 5-36. Performance Bond may be required; maintenance of streets by subdivider.

A. Before any subdivision plat will be finally approved by the governing body or agent, the subdivider shall construct the streets in accordance with the standards set forth in this ordinance, or in lieu thereof, furnish a performance bond in the amount calculated by the agent and/or the highway engineer to secure such construction.

B. All streets constructed by a subdivider that have met the requirements and specifications of the Virginia Department of Highways for acceptance into the Secondary Road System shall be maintained by the subdivider until such time as the said streets are accepted into the Virginia Department of Highways Secondary Road System or for a period of five (5) years, whichever is the lesser period. It shall be in the discretion of the Council as to the type of and amount of performance bond to be required for the aforesaid maintenance.

Sec. 5-37. Other Bond.

Before any subdivision plat will be finally approved by the Council or agent, the subdivider shall furnish performance bond or bonds in an amount calculated by the Council or agent to secure the requirements of this ordinance, excepting the requirements set forth in Sec. 5-36 above. Such bond or bonds shall be payable to and held by the treasurer.

Sec. 5-38. Part of a Tract.

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

Article VI - Requirements for a Subdivision

Part 1 - Lots

Sec. 5-39. Shape.

The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography,

and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

Sec. 5-40. Corner Lots.

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

Sec. 5-41. Side Lines.

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

Sec. 5-42. 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.

Sec. 5-43. Separate Ownership.

Where the land covered by a subdivision includes two 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, simultaneous with the recording of the final plat. Said deed is to be deposited with the agent and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

Part 2 - Blocks

Sec. 5-44. Length.

The maximum length of blocks generally shall be twelve hundred (1,200) feet and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet consistent with the existing street system extended.

Sec. 5-45. Width.

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets unless prevented by topographical conditions or size of the property, *in which case the agent may approve a single tier of lots of minimum depth.*

Sec. 5-46. Orientation.

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

Sec. 5-47. Business or Industrial.

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.

Part 3 - Streets

Sec. 5-48. When streets required to be dedicated and constructed.

When any person proposes to subdivide any tract or parcel of land into lots containing less than three (3) acres, then streets shown on the subdivision plat must be dedicated and constructed to Virginia Department of Highways and Transportation standards so as to enable the streets to be taken into the Secondary Highway System. All streets shall meet the requirements of the Virginia Department of Transportation Subdivision Street Requirements except where the requirements of this ordinance are more stringent in which case the requirements of this ordinance shall apply.

Provision shall be made on plats showing such streets for easements to be granted to electric, telephone and community antenna television companies and other utility companies for underground installations of wire, cable and other necessary appurtenances adjacent to the rights of way provided for such streets.

All streets serving subdivisions containing multi-family dwellings will require construction.

Sec. 5-49. When streets required to be dedicated but not constructed.

A. When any person proposes to subdivide a tract or parcel of land into lots of three (3) acres or more, then all of the requirements of Section 5-46 of this ordinance shall apply with the exception that the streets shown on said plat shall be required to be dedicated but shall not be required to be constructed prior to granting approval for such subdivision plats, however, the Planning Commission may require engineered road design plans which will be sufficient to satisfy the then current standards of the Virginia Department of Highways and Transportation with respect to the feasibility of building such streets, as well as contour information, with respect to the streets shown on said plat but not required to be constructed, so as to insure that in the event of later construction of said streets, the same will qualify to be taken into the state Secondary Highway System; provided, however, that all streets which serve

as connectors between two (2) or more streets in the Secondary Highway System will in all instances be required to be paved in accordance with the then current standards of the Virginia Department of Highways and Transportation.

B. Streets shown on plats of single lot divisions, as hereinafter provided, shall be required to be dedicated but shall not be required to be constructed, and shall be subject to the requirements of this Section 5-49 of this ordinance, and the plat shall conform to the mandates of Section 5-24 hereof.

C. A maximum of ten (10) lots shall be permitted on each street or roadway permitted under this provision.

Sec. 5-50. Coordination of streets within and contiguous to subdivision with other existing or planned streets.

A. *Location.* Arrangement, character and location of all streets shall be planned with relation to existing and planned streets, topographic conditions, public convenience and safety and appropriate relation to the proposed uses of land to be served by such streets. Arrangement of streets in a subdivision shall provide for the continuation or appropriate projection of existing arterial or collector streets and surrounding streets. All street planning shall be accomplished in such a manner so as to avoid undue congestion on streets within or contiguous to the proposed subdivision; to maximize access to each lot in a subdivision by fire, police, rescue and other emergency vehicles and to promote, to the greatest extent possible, public health, safety and welfare by minimizing unnecessary traffic in residential areas and by maximizing visibility and minimizing traffic flow at all street intersections within the subdivision.

The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the highway engineer.

All lots within the proposed subdivision must, unless on a cul-de-sac, abut a distance of at least twenty (20) feet on a street providing said lot with access to a street within the state Secondary Highway System and, in the case of lots on a cul-de-sac, such lots must abut a street providing access to a street within the state Secondary Highway System for a distance deemed sufficient by the Planning Commission, or administrator, as the case may be, to insure safe ingress and egress to and from all lots abutting a cul-de-sac, but in no event less than twenty (20) feet.

B. *Grades and drainage.* All streets shown on a subdivision plat, whether required to be constructed in accordance with the provisions of § 5-48 hereof or whether required to be dedicated but not constructed in accordance with the provisions of § 5-49 hereof, shall be subject to the then current regulations of the Planning Commission and Virginia Department of Highways and Transportation with respect to the manner in which and extent to which grading is required and the manner and extent to which easements will be required for drainage of surface water from said streets. Road design plans satisfactory to the Virginia Department of Highways and Transportation and to the Planning Commission, shall be furnished by the subdivider as required by the Planning Commission and Virginia Department of Highways and Transportation in order for them to make this determination.

C. *Plats without streets.* Subdivision plats where roads are not to be constructed, when presented for final approval, shall contain the statement required by § 5-24 of this ordinance.

When lots are sold under this subdivision plat, the statement required under § 5-24 shall be reproduced on the deeds or conditional sales contracts granted to the purchaser.

Sec. 5-51. Acceptance of dedication to public use.

A. The act of approval and recordation of a subdivision plat shall be acceptance of dedication for public use of any right of way located within any subdivision which is constructed or proposed to be constructed within the subdivision.

B. In the case of single lot divisions subject to approval by the agent, the act of recordation of the approved plat required pursuant to the provisions of Section 5-7 of this ordinance shall be deemed dedication of such portion as is on the plat shown as land set apart for streets, alleys or other public use and that act of recordation shall be deemed acceptance of said dedication.

Sec. 5-52. Minimum Widths.

The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan shall be:

A. Streets - not less than fifty (50) feet;

B. Alleys, if permitted - not less than twenty (20) feet, nor more than twenty-eight (28) feet.

Sec. 5-53. Cul-De-Sacs.

Minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be not longer than four hundred (400) feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter.

Replacement Page. (Sec. 5-52 amended 10/1/96).

Sec. 5-54. Alleys.

Alleys should be avoided wherever possible and only be permitted with the approval of the planning commission. Dead-end alleys, if unavoidable, shall be provided with adequate turn-around facilities as determined by the agent.

Sec. 5-55. Private Streets.

There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.

Sec. 5-56. Names.

Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the name of the existing street. Failing to meet the above stipulations, in no case shall the name 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 governing body.

Sec. 5-57. Identification Signs.

Street identification signs shall be installed at all intersections according to the following minimum specifications:

A. Posts are to be two (2) inch galvanized steel and set two (2) feet in concrete and capped to prevent the entrance of water.

B. Street name assemblies are to be of steel, treated to prevent rust, or aluminum.

C. The bottommost street sign in the assembly to be at least eight (8) feet above finished grade at the point where the post enters the ground.

D. Street name assemblies are to be long enough and wide enough to carry the full name of the street in letters at least three (3) inches high, and have at least a one-quarter (1/4) inch border.

E. The brackets used to attach the street name assemblies to the post shall be steel, treated to prevent rust, or aluminum.

F. The lettering on the street name assemblies shall be white with a green background and the post shall be painted aluminum.

Sec. 5-58. Grades.

The grades of streets shall be in accordance with specifications established by the highway engineer, such grades as submitted on subdivision plats shall be approved

by the engineer prior to final action by the agent. Street grades shall not exceed ten per cent (10%) nor be less than one-half of one per cent (0.5%).

All streets shall have a four-hundred (400) foot sight distance. Where any specifications have been established by the Virginia Department of Highways, whichever provision is the more stringent shall prevail.

Part 4

Sec. 5-59. Special requirements for multi-family dwellings.

A. *Definitions.*

1. "Multi-Family Dwelling" shall mean any condominium, townhouse, apartment, quadruples, duplex, co-operative and any other form of dwelling intended to be a place of habitation for two (2) or more families.

2. "Dwelling Unit" shall mean an individual family's living space within a multi-family dwelling.

3. "Site Plan" shall mean a map or plat, which can be the subdivision plat if in sufficient detail, prepared in accordance with the provisions of Article IV hereof.

B. *Plat required.* Prior to the subdivision of any land for a multi-family dwelling, a plat shall be submitted to and approved by the Planning Commission. The plat shall meet all of the requirements of any other provision of this chapter for plats and, in addition, shall meet the hereinafter provided special requirements. Separate approval of a site plan by the Planning Commission under this section shall be required before each lot within a multi-family dwelling is issued a zoning permit, regardless of who the record owner of the property may be.

C. *Minimum lot size.* The minimum lot size for townhouses and other multi-family dwellings, offered for public sale, shall be as stated in the Town of Hurt Zoning Ordinance.

D. *Parking.* The offstreet parking requirement of Article IX of the Town of Hurt Zoning Ordinance shall apply to all multi-family dwelling lots.

E. *Access.* The site plan shall show all present or future intended means of ingress and egress to and from the multi-family dwelling, together with all streets connecting the multi-family dwelling to the secondary highway system. When requested by the Planning Commission, the developer will be required to provide the present and anticipated traffic data and The Planning Commission must be satisfied that the multi-family dwelling is served by sufficient streets so as to give it adequate access and at the same time protect the public health, safety and welfare by avoiding undue congestion on surrounding streets.

F. *Water and sewer.* The site plan shall show all present and proposed or intended sources of water and sewer for each multi-family dwelling. The Planning Commission may require the developer to provide pertinent data so as to enable it to determine whether the intended water and sewer sources are adequate to ensure the public health, safety and welfare and that the water and sewer systems are maintained and in good condition by the owner if not to be publicly maintained. The Planning Commission may seek the advice of the Pittsylvania County Utilities and Service Authority or the Health Department in making this determination.

Article VII - Permanent Location of Corners

Sec. 5-60. Location - Monuments.

Concrete monuments shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, at angle points and points of curve in each street and at the major changes in direction of the exterior or interior lines of the subdivision. Where monuments are required they shall be a minimum of twenty-four (24) inches long and the exposed end shall be either circular, triangular or square and have a minimum surface area of sixteen (16) square inches. Monuments shall be made of concrete reinforced with a minimum of two (2) steel bars and with a two (2) inch minimum diameter aluminum or brass cap with shank. The cap shall be permanently anchored in the concrete and shall be "center punched" with the accurate location of a lot corner. In lieu of a concrete monument a minimum twenty-four (24) inch long by three (3) inch diameter aluminum or brass capped metal post may be substituted. In lieu of the foregoing, monuments may be as specified in the Virginia Department of Highways and Transportation Road Designs and Standards Specification RM-1. The final plat shall indicate the location of the monuments set. All monuments shall be flush with finished grade.

Sec. 5-61. Location - Iron Pipe.

All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, drill a hole four (4) inches deep in the rock and cement a steel rod one-half (1/2) inch in diameter. The top shall be flush with the finished grade line.

Article VIII - Reservation of Land for Public Purposes

Sec. 5-62. Agent may require land for public purposes.

The agent may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings, and similar public and semi-public uses, subject to the following regulations:

A. Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten (10) per cent of the area of the subdivision exclusive of street and drainage reservations, without reimbursement by the governing body.

B. 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 development of fifty (50) per cent of the lots. If the land is not purchased within the said eighteen (18) months, it may be sold as lots for the same purpose 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 lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.

Article IX - Vacation of Plats

Sec. 5-63. Vacation of plat before sale of lot therein.

Any plat recorded, or part thereof, may be vacated with the consent of the Town Council by the owners, proprietors and trustees, if any, who signed the statement required by Section 5-15 of this ordinance at any time before the sale of any lot therein, by a written instrument, declaring the same to be vacated, duly executed, acknowledged or proved, and recorded in the same Clerk's Office wherein the plat to be vacated is recorded. The execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest such owners, proprietors, and trustees, if any, with, the title to the streets, alleys, easements for public passage and other public areas laid out or described in such plat.

Sec. 5-64. Vacation of plat after sale of lot.

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

A. By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the Town Council by the Mayor who is appointed by the Town Council as agent for the purpose, showing the approval of such vacatio by the Town Council. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded Deed of Trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the Clerk's Office of the Circuit Court wherein the plat is recorded.

B. By ordinance passed by the Town Council on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by VA. CODE ANN. § 15.1-431 as amended. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Town Council at which the adoption of the ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal the Court may nullify the ordinance if it finds that the owner of any lots shown on plat will be irreparably damaged. If no appeal from the adoption the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the Clerk's Office of the Circuit Court wherein the plat is recorded.

Sec. 5-65. Fee for processing application under Sections 5-63 or 5-64.

A fee of one hundred fifty dollars (\$150.00) shall be charged by the Town and paid by the owners seeking vacation under Section 5-63 or 5-64 hereof.

Sec. 5-66. Effect of vacation.

The recordation of the instrument as provided under Section 5-63 of this ordinance or paragraph A. of Section 5-64 or of the ordinance as provided under paragraph B. of Section 5-64 shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the center line of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any right of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any such street, alley or easement for public passage is located on the periphery of the plat, such title for the entire width thereof shall vest in such abutting lot owners. The fee simple title to any portion of the plats so vacated as was set apart for other public use shall be revested

in the owners, proprietors and trustees, if any, who signed the statement required by Section 5-24 Q. free and clear of any rights of public use in the same.

Sec. 5-67. Vacation of boundary lines.

The boundary lines of any lot or parcel of land may be relocated or otherwise altered as the part of an otherwise valid and properly recorded plat of subdivision or re-subdivision approved as provided in this ordinance and executed by the owner or owners of such land as provided in Section 5-24 Q. of this ordinance, 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 easement or utility rights of way shall be relocated or altered without the express consent of all persons holding any interest therein.

Sec. 5-68. Duty of Clerk when plat vacated.

The Clerk of the Circuit Court in whose office any plat so vacated has been recorded 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 X - General Provisions Within the 100
Year Flood Plain Relation to Subdivision**

Sec. 5-69. Purpose.

The specific purpose of these special provisions is:

A. To regulate the subdivision and/or development of land within any designated flood plain district in order to promote the general health, welfare, and safety of the community;

B. To require that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction;

C. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or development of unprotected lands within the designated flood plain districts.

Sec. 5-70. Abrogation and Greater Restrictions.

This Ordinance supersedes any ordinances currently in effect in flood areas. However, any other applicable ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Sec. 5-71. Municipal Liability.

The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated flood plain district shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its official or employees.

Sec. 5-72. Definitions.

Designated flood plain districts. Those flood plain districts specifically designated in the Town of Hurt Zoning Ordinance as being inundated primarily by the One Hundred (100) Year Flood. Included would be areas identified as the Floodway District, the Flood-Fringe District and, the Approximated Flood Plain District.

One Hundred (100) year flood. A flood that, on the average, is likely to occur once every one hundred (100) years, (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Sec. 5-73. Design Criteria for Utilities and Facilities in Flood Plain Districts.

A. **Sanitary Sewer Facilities.** All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. **Water Facilities.** All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

C. **Drainage Facilities.** All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. The Town Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with facilities discharge of excess runoff onto adjacent properties.

D. **Utilities.** All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

E. **Streets and Sidewalks.** Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

Article XI - Miscellaneous Provisions

Sec. 5-74. Exceptions.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site a departure may be made without destroying the intent of such provisions, the Council with the approval of the Planning Commission after notice and hearing pursuant to Section 4-133 of the Code of the Town of Hurt, may authorize an exception. Any exception thus authorized is to be stated in writing in the resolution of the Council with the reasoning, on which the departure was justified, set forth. No such variance may be granted by this ordinance which is opposed in writing by the county or highway engineer or health official.

Sec. 5-75. Severability.

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

Sec. 5-76. Violations and penalties.

A. Any person violating any of the provisions of 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.

B. Violations of this ordinance may also be enforced by injunction obtained in the Circuit Court of Pittsylvania County.

Sec. 5-77. Amendments.

This ordinance may be amended in whole or in part by the Town Council provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendation; and further provided that no such amendment shall be adopted without notice and public hearing pursuant to the provisions of Section 4-133 of the Code of the Town of Hurt.