



# **GREENE COUNTY SUBDIVISION ORDINANCE**

**LATEST REVISION: November 26, 2019**

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## SECTION 1. PURPOSE, AUTHORITY, TITLE, AND JURISDICTION

### 1-1. Purpose

The purpose of this Ordinance is to establish subdivision standards, procedures, and regulations for the County of Greene, Virginia, in order to assure the orderly subdivision of land and its development.

### 1-2. Authority and Title

This Ordinance is authorized pursuant to the provisions of the Code of Virginia, 1950, as amended, found in Title 15.1, Chapter 11, Article 7, {15.1-465 et seq.} "Land Subdivision and Development." The Ordinance is known and may be cited as "Subdivision Ordinance of Greene County, Virginia."

### 1-3. Jurisdiction

This Ordinance shall apply in the following circumstances:

- 1-3-1. To all subdivision of land submitted after the effective date of this Ordinance.

## SECTION 2. DEFINITIONS

### 2-1. General

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning indicated:

2-1-1. Words in the singular include the plural and those in the plural include the singular.

2-1-2. Words in the present tense include the future tense.

2-1-3. The words "person," "developer," "subdivider," and "owner" shall include a corporation, unincorporated association, a partnership, or other legal entity as well as an individual.

2-1-4. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

2-1-5. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

2-1-6. The word "County" means Greene County, Virginia.

2-1-7. The term "Board" or "Board of Supervisors" means the Board of Supervisors of Greene County.

2-1-8. The term "Commission" or "Planning Commission" means the Planning Commission of Greene County.

2-1-9. The term "agent" means the Director of Planning and Community Development. (Revised 8/28/07)

### 2-2. Specific Terms and Words

Other terms or words used herein shall be interpreted or defined as follows:

2-2-1. Applicant: A landowner or developer as hereinafter defined who has filed an application for development including his heirs, successors and assigns.

2-2-2. Block: Property bounded on one side by a street and on the other three sides by a street, railroad right-of-way, waterway, unsubdivided area or other definite barrier.

- 2-2-3. Building setback line: The line within a property defining the minimum required front yard distance between any building to be erected and the adjacent right-of-way.
- 2-2-4. Clear sight triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a distance from the intersection of the street center lines as established by the Virginia Department of Transportation.
- 2-2-5. Common open space: A parcel or parcels of land, an area of water, or a combination of land and water within a development site designed and intended for the use of residents of the development, but not including streets, off-street parking area, private yard space or areas set aside for nonresidential and public facilities.
- 2-2-6. Cul-de-sac: A street with only one outlet and having an appropriate turn around area for a safe and convenient reverse of traffic movement.
- 2-2-7. Comprehensive Plan: The maps, charts, and textual material adopted by the Board of Supervisors of Greene County in accordance with Title 15.1, Chapter 11 of the Code of Virginia and designated as a whole and in its several parts as the Comprehensive Plan of Greene County.
- 2-2-8. Dwelling Unit: Any structure or part thereof designed to be occupied as living quarters of a single housekeeping unit.
- 2-2-9. Easement: A grant by a property owner for the use of land for a specific purpose which runs with the land.
- 2-2-10. Engineer: A professional engineer licensed as such in the Commonwealth of Virginia.
- 2-2-11. Erosion: The removal of surface materials by the action of natural elements.
- 2-2-12. Flood plain: The area along a natural water course which is periodically overflowed by water therefrom. Flood plain areas are designated in the Greene County Zoning Ordinance by the FP District and subject to all regulations of that district irrespective of any other zoning designations.
- 2-2-13. Frontage: A line parallel to the front property line extending the full width of the lot, all points of which correspond to those of the required setback line.

- 2-2-14. Health Official: The head of the Greene County Health Department or his designated deputy.
- 2-2-15. Highway Engineer: The resident engineer for Greene County of the Virginia Department of Transportation or his designated deputy.
- 2-2-16. Immediate Family: Any person who is a natural or legally defined offspring, spouse, parent, or guardian.
- 2-2-17. Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.
- 2-2-18. Land Area: The area of a lot or tract exclusive of the area normally occupied by a pond, river, or branch.
- 2-2-19. Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a leaser if he is authorized under the lease to exercise the right of the landowner or other person having a proprietary interest in land.
- 2-2-20. Lot, building: A parcel of land intended for development or improvement, whether immediate or future.
- 2-2-21. Lot, corner: A lot abutting on two 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.
- 2-2-22. Lot, reverse frontage: A lot extending between or having frontage on two generally parallel streets with vehicular access from only the street of lower classification order.
- 2-2-23. Lot Area: The area contained within the property lines of the lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.
- 2-2-23.1 Parent Tract: A lot, parcel or tract of land legally established, subdivided, or created under county code requirements, of which there is a parcel of record in the Clerk's Office of the Circuit Court on May 8, 2001. (Revised 5/8/01)
- 2-2-24. Performance guarantee: Any security which may be accepted by the Board of Supervisors to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of

the plan, including corporate bonds, escrow agreements and other similar collateral or surety agreements.

- 2-2-25. Plan, preliminary: A tentative plan showing proposed streets, lot layout, existing and proposed building, well, and sewer locations and such other information as required by this Ordinance.
- 2-2-26. Plan, final: A complete and exact plan with registered land surveyor's seal affixed and prepared for official recording as required by the Ordinance to define property rights, streets and other proposed improvements.
- 2-2-27. Plat, record: The copy of the final plan which is intended to be recorded in the Office of the Clerk of the Circuit Court of Greene County.
- 2-2-28. Re-Subdivision: Any re-platting or re-subdivision of land on an approved final plan or record plat.
- 2-2-29. Right-of-way: The total width of any land reserved or dedicated as a street, sidewalk, or for other public or semi-public purposes.
- 2-2-30. Sanitary sewage disposal, public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant which is operated by a governmental agency or governmental authority.
- 2-2-31. Sanitary sewage disposal, centralized: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a single land development, subdivision or neighborhood and operated by a public utility company or individual landowner.
- 2-2-32. Sanitary sewage disposal, on-lot: Any structure designed to treat sanitary sewage within the boundaries of an individual lot.
- 2-2-33. Septic Tank: A water-tight receptacle which receives sewage and is designed and constructed to provide for sludge storage, sludge decomposition and to separate solids from the liquid through a period of detention before allowing the liquid to be discharged.
- 2-2-34. Sight Distance: The required length of roadway visible to the driver of a motor vehicle, the design standards of which are prescribed by the Virginia Department of Transportation.
- 2-2-35. Slope: The face of any embankment or cut section; any ground whose surface make an angle with the plane of the horizon.

- 2-2-36. Street: A strip of land including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "Street" includes street, avenue, boulevard, road, highway, freeway, parkway, alley, or any other way used or intended to be used by vehicular traffic or pedestrians. (Amended 1/6/98)
- 2-2-37. Street Line: The limit of a right-of-way.
- 2-2-38. Structure: Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.
- 2-2-39. Subdivide: To separate in any manner any lot, tract, or parcel of land into two or more lots, tracts, or parcels, including changes in existing lot lines, for the purpose (whether immediate or future) of lease, transfer of ownership or lot development. (Revised 5/8/01)
- 2-2-40. Subdivision: The act or process of subdividing as herein defined.
- 2-2-40.1 Subdivision, Major: divisions that create 5 lots or more. (Revised 5/22/07)
- 2-2-40.2 Subdivision, Minor: Those subdivisions listed in Paragraphs 5-2, 5-3, and 5-4 and subdivisions that create 4 lots or less. (Revised 5/22/07)
- 2-2-41. Surveyor: A certified land surveyor as licensed by the Commonwealth of Virginia.
- 2-2-42. Tile absorption: A system of open, joint, or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.
- 2-2-42.1 Utility Lot: A lot created to be used for public and/or private utilities. (Revised 8/11/09)
- 2-2-43. Water course: A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether a natural or man-made body.
- 2-2-44. Water supply and distribution system, public: A system for supplying and distributing water from a common source to dwellings or other buildings which is operated by a governmental agency or governmental authority.
- 2-2-45. Water supply and distribution system, centralized: A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings, generally serving a single land development,



subdivision, or neighborhood and operated by a public utility company or individual landowner.

2-2-46. Water supply and distribution system, on-lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

## SECTION 3. PRELIMINARY PLAN SUBMISSION PROCEDURES AND REQUIREMENTS

### 3-1. Preliminary Plan Submission

3-1-1. Eight (8) black line or blue line copies of the preliminary plan, and all required supplementary data, for all proposed subdivisions, shall be submitted by the applicant to the Department of Planning and Community Development. (Revised 11/26/2019)

3-1-2. The preliminary plan shall be submitted to the Department of Planning and Community Development, where it shall be sent to necessary plan reviewing agents. The plan reviewing agents shall send comments back to the Department of Planning and Community Development. (Revised 5/22/07)

3-1-3. Subdivisions that include private roads and create five (5) lots or more and subdivisions that include public roads and create fifty (50) lots or more must be reviewed by the Planning Commission prior to final approval. (Revised 5/22/07)

3-1-4. Certain subdivisions exempt from Planning Commission review

3-1-4. Family divisions, single lot exemptions, boundary line adjustments, agricultural partitions, and/or divisions of a single lot may be reviewed and approved administratively by the Subdivision Agent. (Revised 5/22/07)

### 3-2. Preliminary Plan Requirements

3-2-1. The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale on one inch equals fifty (50) feet, except in the case of a subdivision on one hundred (100) acres or more, in which case the scale may be one inch equals one hundred (100) feet.

3-2-2. If the preliminary plan requires more than one sheet, a key diagram illustrating relative location of the several sections shall be drawn on each sheet.

3-2-3. The preliminary plan shall illustrate the following data:

3-2-3.1. Name and address or record owner; name of developer if different from owner; names of all adjoining subdivisions, if any, and the names of owners of all adjacent unplatted land, with the tax map,

block, and lot numbers where recorded.

- 3-2-3.2. Name of the proposed subdivision; total tract boundaries of the properties being subdivided showing bearings and distances and a statement of total acreage of the property.
- 3-2-3.3. Name, address, license number and seal of registered engineer or land surveyor responsible for the subdivision plan; north point, graphic scale, written scale and date including the month, day, and year that the original drawing was revised for each revision.
- 3-2-3.4. A key map for the purpose of locating the property being subdivided drawn at a scale not smaller than one inch equals 2,000 feet and showing the relationship of the property differentiated by tone or pattern to adjoining property and all existing streets and roads within 2,000 feet of any part of the property.
- 3-2-3.5. Tax map, block, and lot numbers within the proposed subdivision tract where recorded; the zoning district or districts within which the proposed subdivision is located.
- 3-2-3.6. All existing buildings or other structures within the proposed subdivision tract; all existing streets including streets of record (recorded but not constructed) on or joining the tract including names, right-of-way widths, pavement widths, and approximate grades.
- 3-2-3.7. All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, or other man-made features within the proposed subdivision tract and where possible, within 200 feet of the boundaries of the proposed subdivision tract; location, width and purpose of existing easements and utility rights-of-way within 200 feet of the proposed subdivision tract.
- 3-2-3.8. Contour lines at vertical intervals of not more than 20 feet or as may be required by the Greene County Health Department, whichever is the smaller increment.
- 3-2-3.9. The full plan of proposed development including the following:
  - 3-2-3.9.1. Location and width of all streets and rights-of-way with a statement of any conditions governing their use, suggested names, and utility easement locations.
  - 3-2-3.9.2. Building setback lines along each street.

- 3-2-3.9.3. Lot lines with approximate dimensions plus lot numbers and a statement of the total number of lots and parcels.
- 3-2-3.9.4. A statement of the intended use of all nonbuilding lots and parcels.
- 3-2-3.9.5. Location of water, sanitary sewer and storm sewer lines (and other drainage facilities) and any proposed connections with existing facilities.
- 3-2-3.9.6. Parks, playgrounds, and other areas dedicated or reserved for public or common use with any conditions governing such use.
- 3-2-3.9.7. Copies of the proposed deed restrictions, or protective and restrictive covenants referenced to the preliminary plan map. The covenants must contain a plan for the use of parcels found not suitable for building purposes. (Amended 5/23/95)
- 3-2-3.9.8. A map illustrating the entire contiguous holdings of the landowner indicating the area or scope of ultimate proposed subdivision and delineating the area which the preliminary plan encompasses.
- 3-2-3.9.9. A sketch plan of the proposed road system for the remainder of this area not included in the preliminary plan.
- 3-2-3.9.10. To ensure interconnectivity of the proposed subdivision to adjacent parcel, the Zoning Administrator shall require an easement for and/or construction of travel lanes or driveways to serve adjoining properties. The foregoing notwithstanding, the Administrator may waive this requirement for a plan in a particular case upon the finding that the requirement of such a plan would not forward the purposes of this Ordinance. (Revised 6/26/12)

3-2-4. The preliminary plan shall be accompanied by the following supplementary data:

- 3-2-4.1. A plan for minimizing erosion and sedimentation in accordance with the erosion and sedimentation control standards as set forth by the Erosion and Sedimentation Control Handbook and approved by the Erosion and Sediment Program Administrator. (Revised 5/22/07)

3-2-4.2. In the case of subdivision plans to be developed in stages or sections over a period of time, a map delineating each stage or section of the proposed subdivision consecutively numbered so as to illustrate phasing of development.

3-2-4.3. Certification of water supply systems.

3-2-4.3.1. Public. When water service to the proposed subdivision is to be provided by an existing public system, a letter from the agency, authority, or utility which states that it can adequately serve the proposed subdivision shall be submitted. (Revised 5/22/07)

3-2-4.3.2. Centralized. When water service to the proposed subdivision is to be a centralized water system, a letter from the Health Department which evaluates the proposed system in relation to the State's minimum requirements shall be submitted. (Revised 5/22/07)

3-2-4.3.3. All water supply systems serving subdivisions shall be designed with fire hydrants space a maximum of 900 feet apart from one another.

3-2-4.4. Certification of sewage disposal systems.

3-2-4.4.1. Public. When sewage disposal service to a proposed subdivision is to be provided by an existing public system, a letter from the agency, authority, or utility stating that it can adequately serve the proposed subdivision shall be submitted. (Revised 5/22/07)

3-2-4.4.2. Centralized. When the subdivision is to be served by a centralized sewage disposal system, a letter from the Virginia State Water Control Board which evaluates the proposed system in relation to the State's minimum requirements shall be submitted. (Revised 5/22/07)

3-2-4.4.3. On-lot. When sewage disposal service for the proposed subdivision is to be by individual on-lot sewage disposal systems, a letter from the Greene County Health Department which reports the Department's findings as to the feasibility of using on-lot sewage disposal systems shall be submitted. (Revised 5/22/07)

### 3-3. Preliminary Plan Review

In order for the applicant to successfully secure preliminary plan approval, the following steps and procedures must be completed. (Revised 5/22/07)

#### 3-3-1. Initial review by the Department of Planning and Community Development.

3-3-1.1. The Zoning Administrator shall review the content of all maps and data presented to determine whether the submission is complete.

3-3-1.2. Having made this determination, the Zoning Administrator shall advise the applicant of the degree to which the submission is complete and either returns the maps and materials for further work or send a copy of the preliminary plan to the necessary agencies for comment. (Revised 5/22/07)

3-3-2. Written comments and approval by the Highway Engineer shall constitute analysis of any proposed roads for compliance with Virginia Department of Transportation design standards and all alignments and relationships of proposed streets to the existing road network. (Revised 5/22/07)

3-3-3. Written comments and approval by the Health Official shall require review of the following information before approval can be given: (Revised 5/22/07)

3-3-3.1. Any additional contours necessary as the topography dictates.

3-3-3.2. A soil overlay with boundaries of unsatisfactory soil shown by shading.

3-3-3.3. Locations of house sites, well sites, and disposal field sites as proposed.

3-3-3.4. Drainage easements, right-of-way and highway changes as dictated by the Highway Engineer.

3-3-3.5. Location of well lots and distribution systems if central water systems are to be used.

3-3-3.6. Soil descriptions including a description for individual sites showing soil type, profile, and depth to rock.

3-3-3.7. A plat which indicates a survey point on each drain field site.

- 3-3-3.8. The Greene County DRASTIC map.
- 3-3-4. Written comments and approval by the Erosion and Sediment Program Administrator shall be made of the proposed Erosion and Sediment Control Plan in cases where the proposed subdivision has not been exempted from such regulations. (Revised 5/22/07)
- 3-3-5. Review of the preliminary plan by the Planning Commission or agent shall proceed as follows: (Revised 5/22/07)
- 3-3-5.1. When a preliminary plan has been submitted to the Department of Planning and Community Development and the required agency approvals have been received by the Department of Planning and Community Development, such plan, except those plans exempted from standard procedures as provided for in Section 5, shall be placed on the agenda of the Planning Commission or agent for review. (Revised 5/22/07)
- 3-3-5.2. The Planning Commission or agent shall review the preliminary plan to determine its conformance with the standards contained in this Ordinance and other applicable regulations and shall require or recommend such changes or modifications as it deems necessary. (Revised 5/22/07)
- 3-3-5.3. No decision shall be made by the Planning Commission or agent with respect to a preliminary plan until this body has received and considered the written report and approval of the Highway Engineer, the Health Official, and Erosion and Sediment Program Administrator. In all cases, the Planning Commission or agent must act within sixty (60) days after receipt of the preliminary plan from the applicant unless said applicant requests further delay. (Revised 5/22/07)
- 3-3-5.4. During review of the preliminary plan, the Planning Commission or agent shall consider the written report of the Department of Planning and Community Development when making its decision. (Revised 5/22/07)
- 3-3-5.5. Within ten (10) days after the meeting at which the preliminary plan is reviewed by the Planning Commission or agent, the action taken by the Commission or agent in recommending approval or denial of the preliminary plan, together with the findings and reasons upon which the action is based, shall be given in writing to the applicant or his agent. (Revised 5/22/07)

## SECTION 4. FINAL PLAN SUBMISSION PROCEDURES AND REQUIREMENTS

### 4-1. Final plan submission

4-1-1. Within twelve (12) months after approval of the preliminary plan, the final plan and all required supplemental data shall be submitted to the Zoning Administrator. An extension of time may be granted by the Planning Commission upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan and be subject to all the requirements thereto.

4-1-2. Every aspect of the final plan shall substantially conform with that corresponding feature shown on the preliminary plan as previously approved by the Planning Commission. The Zoning Administrator shall require that the subdivider return to the Planning Commission with a new preliminary plan if any feature differs substantially on the final plan from the approved preliminary plan.

4-1-3. The final plan may be submitted in sections, each covering a reasonable portion of the entire proposed subdivision. In the case of a final plan which is to be submitted in sections over a period of years, the time between submission of applications for final approval of each section shall be no greater than twelve (12) months.

4-1-4. Official submission of a final plan to the Zoning Administrator shall be comprised of the following:

4-1-4.1. Submission of five (5) paper prints of the final plan which shall fully comply with Sections 4-2-2.1 through 4-2-2.2 of the Ordinance.

4-1-4.2. Submission of one (1) copy of all required supplemental information as set forth in Section 4-2-3.

4-1-4.3. Submission of two (2) copies of all offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear signature of approval of the County Attorney as to their legal sufficiency.

### 4-2. Final plan review

4-2-1. Review of the final plan by the Zoning Administrator shall proceed as follows:

4-2-1.1. The Zoning Administrator shall review the final plan to determine its



conformance with the standards contained in this Ordinance, with other applicable County ordinances and with the officially approved preliminary plan.

- 4-2-1.2. Within ten (10) days after submission, the Zoning Administrator shall either return the final plan to the subdivider for the purpose of recordation or deny approval and make recommendations as to the necessary steps which must be taken to bring the final plan into conformance.

#### 4-2-2. Final plan requirements

- 4-2-2.1. The final plan shall conform to standards and data requirements as set forth for preliminary plans in Section 3-3 of this Ordinance.

- 4-2-2.2. The following data shall be illustrated on the final plan:

- 4-2-2.2.1 The latest source of title to the land as shown by the deed book and page number in the Greene County Clerk's Office.

- 4-2-2.2.2. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to ten seconds. These boundaries shall be determined by accurate survey in the field to an error of closure not to exceed one foot in 10,000 feet. The tract boundary shall subsequently be closed and balanced. However, the boundary or boundaries adjoining additional unplatted land or the subdivider (for sections) are not required to be based upon field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

- 4-2-2.2.3 The following data for all proposed and existing streets:

- 4-2-2.2.3.1. The name or proposed name of the street.

- 4-2-2.2.3.2. The roadway width and roadway edge (curb lines) of the street.

- 4-2-2.2.3.3. The right-of-way width and right-of-way lines of the street.

- 4-2-2.2.4 Block and lot numbers and a statement of the total number

of lots; all lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds).

4-2-2.2.5. All easements or rights-of-way where provided for, or owned by , public utility companies and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan and easements shall either be shown or specifically described on the plan.

4-2-2.2.6. A statement of the intended use of all nonbuilding lots or parcels with reference to restrictions of any type which exist or will exist as covenants in the deed or the lots or parcels contained in the subdivision and if covenants are recorded including the book and page number in the Greene County Clerk's Office.

4-2-2.2.7. The final plan shall provide space, preferable in the lower right hand corner, and provide suitable lettering for evidencing:

4-2-2.2.7.1. The surveyor's certificate as to title.

4-2-2.2.7.2. The surveyor's certificate as to monuments.

4-2-2.2.7.3. All restrictive covenants or reference thereto.

4-2-2.2.7.4. The owner's certificate.

4-2-2.2.7.5. Approval by the Zoning Administrator of Greene County.

4-2-2.2A The number of lots, as assigned by the subdivider, into which each proposed lot may be further divided by rights pursuant to Section 3-10 and/or 4-12 of the Zoning Ordinance, if applicable. (Revised 5/8/01)

4-2-3. The final plan shall be accompanied by the following:

4-2-3.1. Certificate signed by the County Treasurer evidencing payment of all applicable taxes.

4-2-3.2. Certificate signed by the Health Official evidencing conformity with all applicable requirements of the County Health Department. If water is to be provided by or sewer connected with an approved

system, a certificate signed by the authorized official of such authority shall also be submitted stating that the performance bond or check referred to in the following section is adequate to insure the installation of such water/sewer facilities in a manner which will satisfy the requirements of both the County Health Department and the authority or agency as applicable.

- 4-2-3.3. (Reserved 1/14/2020)
- 4-2-3.4. Profiles, cross sections and specifications for proposed street, sanitary sewer, storm drainage, bridge and water system improvements which conform to the design requirements of the Virginia Department of Transportation.
- 4-2-3.5. Certificate signed by the Highway Engineer that all streets, parking areas, street signs and drainage systems required, if already constructed by the subdivider, are approved as being in conformance with the final plan and requirements of this Ordinance or, if they are not yet constructed, that the surety performance bond or other guarantee for completion referred to in the preceding section is adequate to guarantee satisfactory and acceptable installation thereof within a designated reasonable time.
- 4-2-3.6. Check payable to the County Treasurer to cover fees required.
- 4-2-3.7. An unexecuted copy of the proposed deed accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds to the effect that this is the true copy of the proposed deed which will be presented for recordation. Said copy shall:
  - 4-2-3.7.1. Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.
  - 4-2-3.7.2. Contain language such that when the deed is recorded it shall operate to transfer in fee simple to Greene County such portion of the platted premises as is on such plat set apart for streets, alleys, easements, or other public use and to create a public right of passage over same.
  - 4-2-3.7.3. Contain all protective or restrictive covenants.

#### 4-3. Recording the final plan

- 4-3-1. No subdivision plan, hereinafter called the record plat, shall be recorded unless and until it is approved and signed by the Zoning Administrator.
- 4-3-2. No record plat shall be recorded unless all the monuments shown and described on the final plan will be placed as evidenced by the certificate of a licensed surveyor endorsed on said plat.
- 4-3-3. A final plan shall become null and void if the record plat is not submitted to the Clerk of the Circuit Court of Greene County for recordation within six (6) months from the date evidencing approval by the Zoning Administrator; provided however, that where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the governing body or its designated administrative agency, or where the developer has furnished surety to the governing body or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the governing body or its designated administrative agency, whichever is greater. (Revised 1/11/05)
- 4-3-4. Within thirty (30) days after recordation of the approved record plat, the subdivider shall file a copy thereof in the Office of the Greene County Commissioner of Revenue pursuant to the Virginia Land Subdivision Act.
- 4-3-5. Recordation of the record plat of a subdivision shall not be deemed to be acceptance by the County of any street or road or other public place shown on the plat for maintenance, repair, or operation thereof.

## SECTION 5. MINOR DIVISIONS—PLANS EXEMPTED FROM STANDARD PROCEDURE

### 5-1. Generally

Those subdivisions listed in Paragraphs 5-2, 5-3, and 5-4 are exempt from the standard procedures outlined in Sections 2, 3, and 4 of this Ordinance. Such divisions are subject to the provisions and must follow the procedures as set forth in Sections 5-1-1 through 5-1-5.

5-1-1. The developer shall prepare and submit preliminary plan maps and supportive data as may be required according to the procedures as set forth in Section 3 for discussion with the Department of Planning and Community Development.

5-1-2. When no major incompatibility is found between the development potential of the site and the developer's general concept of the site, and within six (6) months after completion of sketch plan review by the Department of Planning and Community Development, the Zoning Administrator shall authorize the preparation of a final plan which meets the requirements as set forth in Section 4-2-2 of the Ordinance. In addition, such plan must show any supplemental information as may be required by the Highway Department, Health Department, or Soil and Water Conservation District and any approvals required thereof.

5-1-3. The final plan shall be submitted to the Department of Planning and Community Development and reviewed in accordance with the procedures as set forth in Section 4-2 of this Ordinance.

5-1-4. If all the requirements of this Ordinance and other applicable county codes have been met, the final plan shall be granted approval by the Zoning Administrator and may be recorded according to the requirements as set forth in Section 4-3 of this Ordinance.

5-1-5. The Zoning Administrator may require the review and approval of Minor Divisions by the Planning Commission prior to the preparation of the final plat. The developer will be so notified in writing of the schedule and the stated reasons for such review. The Planning Commission may require, when it deems necessary for the protection of the public health, safety, and welfare, that a Minor Division comply with all or some of the procedures of Sections 3 and 4 of this Ordinance.

5-2. Rearrangement of lot lines

5-2-1. Divisions for the purpose of boundary line adjustments between adjoining property owners and where no new building lots are created are subject to the provisions of Section 5-1.

5-2-2. The division shall not result in the creation of a remnant lot which does not conform to the minimum requirements of the Greene County Zoning Ordinance and does not prevent the logical development of the remaining tract.

5-2-3. The final plan shall, in addition, contain wording of the same effect as the following, as approved by the Zoning Administrator: "For the purposes of application of the Zoning and Subdivision Ordinances of Greene County, Virginia, the tract or parcel shown on this plat shall be considered part of that tract or parcel conveyed to the undersigned owners by deed dated \_\_\_\_\_, and recorded in the Greene County Clerk's Office in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, and the two parcels shall be considered as one."

5-3. Family partitions

5-3-1.

The single division of a lot or parcel for the purpose of gift or sale to a member of the immediate family or the property owner defined as his natural or legal offspring, spouse, sibling, grandchild, grandparent or parent are subject to the provisions of Section 5-1. (Revised 1/11/05)

5-3-2. Only one (1) such division shall be allowed per family member and shall be certified as such by the owner at the time of application to the Department of Planning and Community Development.

5-3-3. The exemption granted herein shall be for a bona fide family purpose and shall not constitute a circumvention of this ordinance by enabling any further division of such lots created by this section, by providing ingress and egress to other than a dedicated recorded public street or by the transference of such lots, except by law, to a person other than a member of the immediate family or the transferor for a period of five (5) years; provided, however, that the Planning Commission may approve a conveyance within such five-year period where the grantor demonstrates a financial or economic hardship or disaster which necessitates such reconveyance.

5-4. Agricultural partitions

- 5-4-1. The division of a tract into one or more parcels each of which is ten (10) acres or more in size to be used for bona fide agricultural purposes are subject to Section 5-1 of this ordinance.
- 5-5. Single-lot Exemption from the Public Road Standard
- 5-5-1. On any parent tract of land that is zoned either A-1, Agricultural, or C-1, Conservation, one division of land may be allowed from the parent tract without meeting the requirements of Section 6-4-1. The division of land and the parent tract may front on a private road as defined in the Subdivision and Zoning Ordinance. Once a division of a parent tract has occurred, the single lot exemption is no longer valid for either the parcels that were divided from the parent tract or the residual parcel. The adjustment of boundary lines of a parent tract does not invalidate the single lot exemption. (Revised 5/8/01)
- 5-6. The creation of lots to accommodate private or public utilities are exempt from public road standards.
- 5-6-1. Lots in all zoning districts that are housing private or public utilities may be created without meeting the requirements of Section 6-4-1. (Revised 8/11/09)
- 5-7. The creation of lots in R-2, PUD, SR, B-1, B-2, B-3, M-1, and M-2 zoning districts without meeting the requirements of Section 6-4-1. (Revised 11/26/2019)
- 5-7-1. Lots created in zoning districts R-2, PUD, SR, B-1, B-2, B-3, M-1 and M2, that are not fronting/abutting a public right of way, may be created without meeting the requirements of Section 6-4-1. However, roads shall meet the requirements of 6-4-4.3. (Revised 11/26/2019)

## SECTION 6. DESIGN STANDARDS

### 6-1. Application

- 6-1-1. The standards of this Section shall be used to determine the adequacy of all proposed subdivisions.
- 6-1-2. Development shall be planned, reviewed, and carried out in conformance with all county, state, and other applicable laws and regulations.
- 6-1-3. Whenever other county ordinance or regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

### 6-2. Lot design and building placement standards

- 6-2-1. The lot area, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and in accordance with the Zoning Ordinance requirements. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- 6-2-2. Every lot shall front on a street, and the side lines of lots shall be approximately at right angles or radial to the street line.
- 6-2-3. Corner lots shall have a width sufficient to conform to required building setback lines on both streets and to provide adequate building sites.
- 6-2-4. In the case of lots for residential purposes, the building setback line shall conform to the requirements of the Greene County Zoning Ordinance, except that the Commission may allow a greater setback if the Commission finds that physical or other conditions make a greater setback desirable.
- 6-2-5. In the case of lots for commercial, industrial, or nonresidential use, the lot area, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the requirements of any existing zoning or other applicable ordinance and shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.



### 6-3. Easements

6-3-1. Utilities shall be installed or easements for such utilities shall be provided in the location and to the width designated by the Commission after receiving recommendations from the utility companies responsible for the installation of same.

6-3-2. Where a subdivision is traversed by a stream or other natural drainageway, the Commission may require the subdivider to dedicate a suitable right-of-way or easement for stormwater drainage or to construct adequate water drains.

### 6-4. Street design standards

#### 6-4-1. General requirements:

6-4-1.1. Except for private streets as specified in Section 6-4-4 of the Ordinance, every subdivision lot shall front on a street which is to be included in the State System of Primary or Secondary Roads.

6-4-1.2. Streets shall be designed and constructed as to provide adequate drainage and drainage facilities and to have geometric design in compliance with the requirements of the Virginia Department of Transportation, as evidenced by the written approval of the Highway Engineer.

6-4-1.3. Proposed streets shall be properly related to the road and highway plans of the State and County. Streets shall be designed to provide adequate vehicular access to all lots of parcels and with regard for topographic conditions, projected volumes of traffic, and further subdivision possibilities in the area.

6-4-1.4. The street system of a proposed subdivision shall be designed to create a hierarchy of street functions which includes collector and local streets.

6-4-1.5. If the scope of the ultimate subdivision is greater than that which is shown on the preliminary plan submission, suitable access and street openings for such an eventually shall be provided.

#### 6-4-2. Ingress and egress

6-4-2.1. When a proposed subdivision road will adjoin a road which is either in the VDOT Primary or Secondary Highway System, all efforts will be made to limit roads to 2 points of ingress and egress. In the

interest of safety and future road efficiency, all lots in such subdivisions will front on internal subdivision streets.

- 6-4-2.2. Whenever, because of unequal size, topography or shape of the property or other unusual condition not resulting from the developer's deliberate act, strict compliance with Section 6-4-2.1 would result in extraordinary hardship to the developer, the Planning Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured.
- 6-4-2.3. Notwithstanding any of the above provisions, a subdivision may be denied when a finding is made that the increased traffic from the subdivision would have an adverse effect on public safety, which finding and the reasons, therefore, shall be set forth as a matter of record.

#### 6-4-3. Cul-de-sacs

- 6-4-3.1. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- 6-4-3.2. Any dead-end street which is constructed for future access to an adjoining property or because of authorized state development, and which is open to traffic and exceeds two hundred (200) feet in length, shall be provided with a temporary, all-weather turnaround and shall be guaranteed to the public until such time as the street is extended.
- 6-4-3.3. Cul-de-sac streets, permanently designed as such, shall be designed in accordance with the Virginia Department of Transportation standards. (Revised 9/26/00)
- 6-4-3.4. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The turnaround may be offset to the left or to the right.

#### 6-4-4. Private Road Standards

Private roads shall only be allowed to serve those divisions of land as specified in

Section 5 and shall connect directly to an existing private road or a public road currently accepted for maintenance by the Virginia Department of Transportation. (Revised 11/26/2019)

6-4-4.1 The division of property under Section 5-4 (agricultural partitions), Section 5-5 (single lot exemption) and/or Section 5-6 (utility lot exemption) may occur should the following standards exist or be met for a private road: (Revised 11/26/2019)

- 1) The minimum right-of-way of thirty (30) feet is provided,
- 2) The private road ends in a cul-de-sac with a minimum right-of-way radius of thirty (30) feet. Should the private road, at both its start and end, connect to a state-maintained road or another private road that ends in a cul-de-sac of thirty (30) feet, the minimum right-of-way radius for a cul-de-sac is not required. (Revised 11/26/2019)

6-4-4.2 The division of property under Section 5-3 (family division) may occur should the following standards exist or be met for a private road:

- 1) A private road shall have a minimum right of way of 20 feet. (Revised 11/26/2019)

6-4-4.3 Private Road Standards for subdivisions occurring in R-2, PUD, SR, B-1, B-2, B-3, M-1, and M-2 Zoning Districts:

- 1) A private road for subdivisions occurring in the R-2, PUD, SR, B-1, B-2, B-3, M-1, and M-2 zoning districts may be permitted by the Zoning Administrator. The design of the private road shall follow VDOT's Secondary Street Acceptance Requirements. (Revised 11/26/2019)

This Ordinance shall not apply to access roads or driveways internal to any individual lot or parcel of land which has direct public street frontage access and is under the control of one person, firm, corporation, or association, provided that the access road does not provide access to any abutting lot or parcel of land. (Revised 9/9/14)

6-4-4.4 Road Maintenance Agreements for New Private Roads. (Revised 11/26/2019)

A road maintenance agreement, which specifies the perpetual responsibilities, procedures, and standards related to any private road easement/right-of-way shall be submitted along with an application for a plat review. This agreement shall be reviewed and approved by the County Attorney and the Subdivision Agent, and subsequently recorded in the Circuit Court along with the approved

plat. The Subdivision Agent shall make available a draft agreement template for use by subdividers, which may be modified at will by the Subdivision Agent or County Attorney. Any such agreement shall include, at a minimum, provisions related to the following:

- 1) The roads in the subdivision are private in nature and shall not be maintained by VDOT or any other public agency, and that the maintenance and improvements thereof shall be the mutual obligation of the landowners abutting said roads;
- 2) Such private roads shall not be taken into the state highway system unless and until the abutting landowners shall have constructed the private roads in accordance with VDOT specifications, made the necessary right-of-way dedication(s), and thereafter the Board of Supervisors shall have recommended that said road be taken into the state system of highways;
- 3) Failure of the owners to adequately maintain the roadway may inhibit the ability of the County to provide emergency services to the lots, any liability for which shall be borne among the owners;
- 4) The provision of Greene County public school bus services on the private road(s) is not guaranteed or implied. The suitability for any private road for school bus services and routes shall remain at the discretion of the Greene County School Board;
- 5) Regulation of parking within the private road and easement;
- 6) Perpetuity of the agreement;
- 7) Designation of a neighborhood road agent to handle road matters;
- 8) Provisions for the majority of owners to initiate road projects;
- 9) Provisions to enforce the agreement;
- 10) Provisions for a lien to be placed on any owner who fails to pay his/her proportionate share of the costs of maintenance or repair;
- 11) Establishment and maintenance of a road maintenance fund;
- 12) Provisions to address the joinder of future lots to the agreement;
- 13) A signature block for the County Attorney to approve the document as to form; and
- 14) A signature block for the Subdivision Agent to approve to the document as to compliance with this section.

The deed for each lot served by a private road shall reference the recorded road maintenance agreement.

#### 6.4.4.5 Road Maintenance Agreements for Existing Private Roads. (Revised 11/26/2019)

- 1) Any subdivision on an existing private road which does not require an extension of said road, but where said road lacks a recorded road maintenance agreement. If said road is already subject to a recorded road maintenance agreement, and no extension of said road is required, approval

of the subdivision may be provided by the Subdivision Agent.

2) For any extension of an existing private road that lacks a recorded road maintenance agreement, as a requisite for plat approval a road maintenance agreement shall be required of the existing lots which utilize the private road, in addition to the newly-created lots.

#### 6-4-5. Street names

- 6-4-5.1. Proposed streets which are in alignment with others already existing and named, shall bear the names of the existing streets.
- 6-4-5.2. In no case shall the name of the proposed street duplicate an existing street name in the County and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
- 6-4-5.3. All street names shall be subject to the approval of the Zoning Administrator

#### 6-4-6. Sidewalks

- 6-4-6.1. Sidewalks shall generally be required on both sides of the street in subdivisions with typical lot widths of less than one hundred (100) feet at the building setback lines.
- 6-4-6.2. Sidewalks may also be required on both sides of the street in subdivisions where lots are one hundred (100) feet or more in width if it would be desirable to continue sidewalks that are existing in adjacent subdivisions or to provide access to community facilities, such as schools, shopping areas, and recreation areas.
- 6-4-6.3. Sidewalks shall be required on both sides of streets and adjacent to parking areas in multi-family developments.
- 6-4-6.4. Sidewalks shall be located within the street right-of-way, no closer than one (1) foot from the right-of-way line, and shall be a minimum of four (4) feet wide, except along collector and minor arterial streets, and adjacent to shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five (5) feet wide.
- 6-4-6.5. Generally, a grass planting strip should be provided between the curb and sidewalk.
- 6-4-6.6. Sidewalks shall be constructed in accordance with VDOT construction standards. If located within the road right-of-way, the

VDOT shall be responsible for maintaining them. Sidewalks located outside of the road right-of-way shall be maintained by the developer and/or homeowners' association.

- 6-4-6.7. Where a comprehensive interior sidewalk system is designed and proposed for the subdivision, some or all of the requirements set forth in this Section may be waived by the Planning Commission.
- 6-4-6.8. Where unusual or unique conditions prevail with respect to prospective traffic and/or safety of pedestrians, different standards of improvements than those set forth in the previous paragraphs may be required. Crosswalks may be required when deemed necessary by the Planning Commission.

## SECTION 7. IMPROVEMENT SPECIFICATIONS

### 7-1. Physical improvements

The developer shall make the improvements provided for in this Section and they shall be installed at his cost in compliance with the requirements of the Virginia Department of Transportation, the Greene County Health Department, the State Water Control Board, or the Rapidan Service Authority. No developer shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of those listed above, as hereinafter provided. Any developer commencing any construction in violation of this Section shall be guilty of a misdemeanor and punishable as provided in Section 8 of this Ordinance.

7-1-2. Streets and sidewalks shall be constructed in compliance with the requirements of the Virginia Department of Transportation.

7-1-3. Where required by the Highway Engineer, a drainage system shall be provided for by means of culverts, ditches, catch basins, and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.

7-1-4. Street signs shall be installed at all street intersections in any subdivision by the developer. (Revised 1/14/2020)

### 7-2. Performance guarantees

7-2-1. The purpose of this requirement is to guarantee timely installation and maintenance of subdivision improvements required by this chapter and/or in accordance with the approved subdivision plat and plans; and to ensure that resources are available to the county for installation and maintenance of such improvements should the developer fail to provide them in the manner and within the time period provided for in this chapter. In the case of default, the county shall use the available performance guarantee funds to complete the improvements thereby secured to the extent practicable. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements.

Limit on building permits in residential subdivisions pending acceptance of public street. Building permits shall not be issued for more than 80 percent of the lots in a phase of a residential subdivision with public streets until the

streets have been constructed to VDOT standards, inspected, and accepted into the state highway system. (Revised 1/14/2020)

#### 7-2-2 General

A performance guarantee in accordance with the standards in this section shall be required in the following circumstances:

7-2-2.1 To ensure completion and acceptance of public and private infrastructure improvements that are required as part of an approved site plan (e.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, street lights), but are not installed before occupancy of the development;

7-2-2.2 To ensure completion of landscaping improvements that are required in accordance with Article 19 of the zoning ordinance, but are not installed before occupancy of the development. (Revised 1/14/2020)

#### 7-2-3 Form of performance guarantee

7-2-3.1 Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:

7-2-3.1.1 Corporate surety bond means a surety bond signed by an insurance company licensed to transact fidelity and surety insurance business in Virginia guaranteeing installation and maintenance of the improvements in a form acceptable to the county attorney. The surety, when notified of the developer or landowner's default, shall elect either to perform in the developer or landowner's stead or to pay the face amount of the bond, or any lesser amount determined by the county. The surety shall agree to provide said funds to the county prior to performance of the work, based upon the county's estimate of the funds required.

7-2-3.1.2 Cash account means a cashier's check, certified check or cash to be deposited with the Treasurer of Greene County. Interest accruing on such funds shall be for the benefit of the county.

7-2-3.1.3 Irrevocable letter of credit means an instrument provided by a lending institution guaranteeing payment to the county in the event the developer or landowner defaults in performance under its subdivision agreement and which meets the following minimum conditions:

- a. That the lending institution shall guarantee payment of funds in an amount equal to the estimated cost of completing all required improvements and as otherwise required by this article;
- b. That in case of failure on the part of the developer or landowner to complete the specified improvements within the required time period, the lending institution shall pay to the county immediately and without further action such funds



- as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter;
- c. That the letter of credit may not be withdrawn or reduced in amount until released by the subdivision agent;
  - d. That the lending institution must be insured by the FDIC or FSLIC
  - e. The letter of credit shall be irrevocable until completion of all required improvements.
  - f. That the subdivision agreement involved must contain a performance date which is a minimum of one (1) month prior to expiration of the letter of credit. The letter of credit must be irrevocable during any such period.
  - g. These requirements shall apply to new and amended letters of credit.

7-2-3.1.4 Cash escrow accounts:

- a. The developer or landowner shall deposit cash or an instrument readily convertible into cash at face value, either with the county or in escrow with a financial institution approved by the county and insured by FDIC or FSLIC. The use of an instrument rather than cash shall be subject to the approval of the subdivision agent.
- b. The escrow account shall be held in trust until released by the subdivision agent and may not be used or pledged by the developer or landowner as security in any other matter during that period.
- c. In the case of a failure on the part of the developer or landowner to complete the improvements, the agreement shall provide that the financial institution shall immediately make the funds in the account available to the county for use in the completion of those improvements. (Revised 1/14/2020)

7-2-4 Amount of performance guarantee

7-2-4.1 Performance guarantees for required improvements shall be in an amount equal to at least 110 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

7-2-4.2 Estimated costs for completing installation of required public or private infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's licensed professional engineer, surveyor or landscape architect, and are subject to approval by the subdivision agent. Estimated costs for completing installation of required

landscaping or other private site improvements shall be itemized and certified by the owner's or developer's landscape architect or contractor, and are subject to approval by the subdivision agent.

7-2-4.3 The guarantee shall renew annually and shall increase or decrease by an amount equal to the most recent quarterly Construction Cost Index published by Engineering News Record. This ensures that the estimated costs escalate as the Construction Cost Index escalates so that the guarantee amount reflects the most current cost to perform the improvements. In the case of default, the county shall use the available performance guarantee funds to complete the improvements thereby secured to the extent practicable. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements.

7-2-5 In the absence of a performance bond, or other guarantee, no final subdivision site plan shall be approved

7-2-6. Before undertaking any improvements required in Section 6, the developer shall submit four (4) copies of his proposed plans and specifications to the Zoning Administrator and receive written approval thereof (by the Commission or the person authorized by the Commission to approve such plans and specifications) by the return of one copy with such approval endorsed thereon. No such approval shall be given without prior written approval of the Highway Engineer and/or the Health Official, as may be appropriate. Said plans and specifications shall have been prepared by a qualified surveyor or engineer, registered by the Commonwealth of Virginia. Of the copies retained, one shall be forwarded to the Highway Engineer and one to the Health Official, when appropriate, and the remaining copy or copies shall be filed with the Commission's copy of the final plan. (Revised 1/14/2020)

7-3. Approval of improvements and release of performance guarantee

7-3-1. Request for release. The owner or developer may submit to the subdivision agent a written request for a periodic partial release or a final complete release of a performance guarantee. Such a request shall include:

a) Certification by the owner's or developer's engineer that construction or installation of the public infrastructure improvements for which release of a performance guarantee is sought has been completed in accordance with approved plans and specifications, and that the improvements have been accepted and taken over for maintenance and operations by a state

agency, local government department or agency, or other authority responsible for maintenance and operation of such improvements; or  
b) Certification by the owner's or developer's landscape architect or contractor that construction or installation of landscaping or other private site improvements for which release of a performance guarantee is sought has been completed in accordance with approved plans and specifications.

- 7-3-1.1 Action on request for release. The subdivision agent shall grant a requested release of a performance guarantee only after:
- a) County staff has performed any needed inspection of the improvements and has certified in writing that the guaranteed improvements have been approved and accepted by the state agency, local government department or agency, or other authority responsible for maintenance and operation of such improvements;
  - b) The owner or developer has reimbursed the county for all costs associated with conducting any inspection that finds the guaranteed public infrastructure improvements have not been installed in accordance with approved plans and specifications;
  - c) The owner or developer has provided the subdivision agent assurances that liens against guaranteed public infrastructure improvements will not be filed after their acceptance by the county (e.g., through affidavits, releases, or waivers of liens from all contractors and subcontractors); and
  - d) The owner or developer has provided the subdivision agent any required maintenance guarantee for the same public infrastructure improvements.

- 7-3-2. The subdivision agent shall release a performance guarantee within 30 days after receiving a written request for the release unless the subdivision agent notifies the requestor in writing of the nonreceipt of applicable state agency approval or of specified defects or deficiencies and suggested corrective measures before expiration of the 30-day period.

If the subdivision agent fails to take action on a request for release of a performance guarantee within the 30-day period, the request shall be deemed approved and a partial release granted to the owner or developer. In such instances, no final release shall be granted after expiration of the 30-day period until the owner or developer has submitted a written request for such release to the subdivision agent via certified mail, return receipt requested. If the subdivision agent fails to take action on the request within ten days after receiving it, the request shall be deemed approved and a final release granted to the owner or developer.

Limit on partial releases. No performance guarantee for improvements shall be partially released until construction or installation of at least 30 percent of

the guaranteed improvements has been completed. No performance guarantee shall be reduced to less than ten percent of the full amount of the performance guarantee until construction or installation of all the guaranteed improvements has been completed.

7-3-3. Default and forfeiture of performance guarantee.

- a) Notice of failure to complete improvements. If the owner or developer fails to complete installation of the guaranteed improvements (and in the case of public infrastructure improvements, to have the improvements accepted), the subdivision agent shall give the owner or developer 30 days' written notice of the default by certified mail.
- b) County completion of improvements. After the 30-day notice period expires, the county may draw on the security and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the county shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest. In the case of default, the county shall use the available performance guarantee funds to complete the improvements thereby secured to the extent practicable. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements.

7-3-4. Surety for maintenance of streets until accepted into state system.

If one or more public streets within a subdivision are proposed for dedication or have been dedicated for public use and the street or streets, due to factors other than quality of construction, is not acceptable into the secondary system of state highways, the developer shall, prior to approval of the final plat or prior to the final release of surety as provided, provide surety for the maintenance of the street or streets as provided herein:

- a) The developer shall furnish to the subdivision agent a certified check, official check, bond with surety satisfactory to the county, or a letter of credit satisfactory to the county, or collaterally assign funds in a manner satisfactory to the county, in an amount sufficient for and conditioned upon the annual maintenance of the street or streets until it is accepted into the secondary system of state highways. The form and the type of the surety shall be to the satisfaction of and be approved by the county attorney.
- b) For purposes of this section, the term "maintenance" means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.
- (c) Failure by the subdivider or landowner to complete or maintain the required physical improvements or to remove snow in a period of time

not to exceed forty-eight hours from the end of the snow event, shall constitute a default and/or a violation of the county ordinances.

(d) Thereafter, the county may avail itself of any and all available remedies of law and in equity.(Revised 1/14/2020)

## SECTION 8. ADMINISTRATION AND ENFORCEMENT

### 8-1. Transfers, sales, and permits to build

8-1-1. No property in a subdivision shall be transferred or offered for sale nor shall a permit be issued for a structure thereon, until a final plan of such subdivision shall have been approved, as provided herein, and recorded in the office of the Clerk of the Circuit Court of Greene County, Virginia.

### 8-2. Appeals

8-2-1. The decisions of the Zoning Administrator with respect to approval or disapproval of {pursuant to} any portion of this Ordinance may be appealed directly to the Planning Commission by requesting to be placed on the agenda of the next regularly scheduled meeting.

8-2-2. The Planning Commission may reverse the decision of the Zoning Administrator.

### 8-3. Violations and penalties

8-3-1. All departments, officials, and public employees of Greene County vested with the duty or authority to issue permits or licenses shall conform to the provisions of the Subdivision Ordinance of Greene County and shall issue no such permit or license for uses, structures, or purposes where the sale would be in conflict with the provisions of said Ordinance, and any such permit or license, if issued in conflict with the provisions of said Ordinance, shall be null and void.

8-3-2. Any violation of said Ordinance shall constitute a misdemeanor, punishable by a fine of not less than one hundred (100) dollars per lot and not more than five hundred (500) dollars per lot, and each day after the first, during which violation shall continue after notification that it shall cease, shall constitute a separate violation.

8-3-3. It shall constitute a violation of said Ordinance for any person, firm, corporation, owner, or agent to disobey, neglect, or refuse to comply with or resist the enforcement of any of the provisions of said Ordinance.

8-3-4. Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of said Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the Statutes of the State of Virginia existing at the time for misdemeanor violations.

#### 8-4. Validity and conflicts

8-4-1. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance than the one so declared.

8-4-2. Whenever there is a conflict between minimum standards or requirements set forth in this Ordinance and those contained in other County ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirement shall apply.

#### 8-5. Fees

8-5-1. To compensate the County for costs incurred for administration, examining plans, making investigations, advertising, travel, and other work incidental to the approval of plans, fees are payable to the County Treasurer as prescribed by the Board of Supervisors.

8-5-2. No plan shall be reviewed unless all fees and charges are paid in full.

#### 8-6. Administrative regulations

8-6-1. In addition to the requirements herein contained for the platting of subdivisions, the Commission may establish such administrative rules and procedures as it deems necessary to properly administer this Ordinance.

#### 8-7. Normal requirements and variations

8-7-1. The requirements of this Ordinance may be varied in specific cases if the Commission determines that a peculiar or special situation exists which makes it necessary or desirable to vary one or more standards or procedures.

8-7-2. Any such variation from the prescribed standards shall be shown to be in the public interest and the reasons thereof shall be stated in the minutes of the Commission.

8-8. Effective date and repeal

8-8-1. This Subdivision Ordinance of Greene County shall be effective on and after March 9, 1993.

8-8-2. The Subdivision Ordinance of Greene County, adopted August 2, 1969, and amended February 24, 1973, is hereby repealed as of the effective date stated above.