

SECTION 5 - GENERAL REGULATIONS

Repealed & Replaced 1/13/09

5-1 UNSUITABLE LAND

Land subject to flooding and land deemed topographically unsuitable shall not be platted for residential occupancy, or 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.

5-2 FLOOD AND EROSION CONTROL

The subdivider shall provide all information needed to determine what improvements are necessary to provide adequate drainage, flood control, erosion control, drainage plans, flood control devices, including contour maps, at an interval to be specified by the Director of Planning and Community Development.

5-3 IMPROVEMENTS

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Transportation (VDOT) for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's performance bond shall not be released until construction has been inspected and approved by the Virginia Department of Transportation (VDOT).

5-4 EASEMENTS

Easements for drainage through adjoining property shall be provided by the subdivider, as required. Construction (temporary) easements shall be forty (40) feet in width. Permanent easements of not less than twenty (20) feet in width shall be provided for water, sewer, power lines and other utilities in the subdivision when required.

5-5 SEPTIC TANKS

The Commission shall not approve any subdivision where sanitary sewers are not provided unless it shall receive in writing from the health department, a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that such approval by the Commission is only with the understanding that where septic tanks are to be installed, there must be approval on an individual lot basis by the health department.

5-6 PUBLIC WATER

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

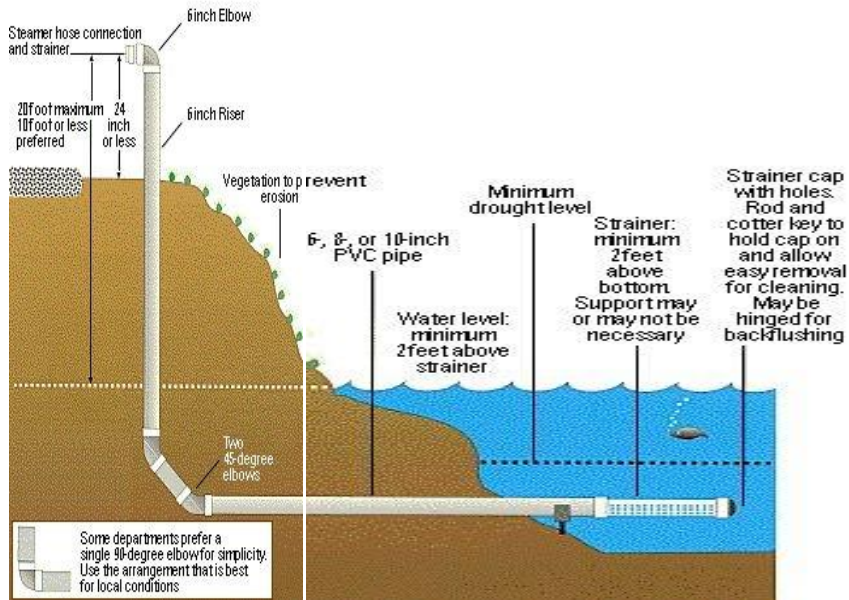
5-7 PRIVATE WATER AND /OR SEWER

Nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities, provided, however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other state or local regulation having authority over such installations and consistent with the Comprehensive Plan..

5-8 FIRE PROTECTION

The installation of adequate fire hydrants in a subdivision at locations approved by the Department of Public Utilities and Building Official may be required, provided necessary public water is available.

Where no central water is provided and there is a water source on the subject parcel the subdivider shall install a dry hydrant to the specifications of the Department of Fire and Rescue. (See figure below)



5-9 LOT SHAPE

Lot depth shall not exceed four (4) times its width unless the Planning Commission determines that the topography, terrain, or other physical characteristics of the land render the requirement for such dimensional restrictions impracticable.

5-10 LOCATION

Each lot shall abut on a street dedicated by the subdivision plat, 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.

- 5-11 CORNER LOTS**
Corner lots shall have extra width sufficient for maintenance of any requiring building lines on both streets as determined by the Commission.
- 5-12 SIDE LINES**
Sidelines of lots shall be approximately at right angles, or radial to the street line.
- 5-13 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.
- 5-14 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, simultaneously deposited with the recording of the final plat. Said deed is to be deposited with the Clerk of the Court, and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.
- 5-15 LENGTH**
Generally, the maximum length of blocks shall be twelve hundred (1,200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
- 5-16 WIDTH**
Blocks shall be wide enough to allow two (2) 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 Commission may approve a single tier of lots of minimum depth.
- 5-17 ORIENTATION**
Where a proposed subdivision will adjoin 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.
- 5-18 BUSINESS OR INDUSTRIAL**
Lots 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. Private service drives may be permitted in business or industrial development provided such drives abide by the private street provisions of this chapter.
- 5-19 ALIGNMENT AND LAYOUT**
The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no un-necessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Interparcel connections shall be provided and constructed to the property lines of adjoining property by the subdivider. Spite strips are prohibited.

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 Virginia Department of Transportation (VDOT).

5-20 ACCESS

Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for the establishment of screening and buffering the residential lots from such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare (as described in sub-sections below). The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

5-20.1 Where a tract of land to be subdivided adjoins a primary or secondary road, all subdivided lots shall be served by an internal street constructed to the standards of the Virginia Department of Transportation (VDOT) unless an exception is granted by the Commission in accordance with Section 7.1 of this ordinance.

5-20.2 Notwithstanding the provisions of the foregoing paragraph 20.1, where a tract of land is proposed as a minor subdivision, and the property is zoned Rural Preservation (RP) or Rural Residential (RR-2 or RR-5) access to the subdivided lot shall be provided by a right-of-way at least fifty (50) feet in width, with a minimum of a twenty (20) foot travel surface which need not be constructed to VDOT standards. Only one point of access shall be allowed for a minor subdivision unless there is more than 425 feet of separation between an existing entrance and the newly proposed entrance. The existing entrance shall not be utilized for future subdivision access. Any further subdivision of the property (residual or the subdivided parcel) shall require plan submission, review and approval in accordance with the major subdivision requirements of this Ordinance. The designation and location of the right-of-way on the approved plat shall be the location of all future access to subdivided land unless another location is deemed necessary and approved by the Planning Commission. All subdivisions approved pursuant to this subsection must contain a note on the subdivision plat that references the requirements of this subsection.

All subdivisions installing a new access point to the state road network shall obtain a Land Use Entrance Permit from VDOT. When three (3) or more lots are proposed a paved entrance with a minimum of 24 feet wide shall be installed by the subdivider (see figure 56 & 57 in Article 2 of the Caroline County Zoning Ordinance).

5-20.3 Where a tract of land to be subdivided adjoins a primary or secondary road, and contains more than forty-nine (49) lots, a second point of access to the state road system is required. For each additional fifty (50) lots another access to the existing state road system is required unless an internal street is constructed which can serve as a secondary arterial road designed in accordance with a boulevard standard. Such standard shall include a raised landscaped median. The location to the existing state road system shall be 1,250 feet from the existing access point or 425 feet from any other access point.

5-20.4 Where internal street access is established, private driveways shall be prevented from having direct access to the adjoining primary or secondary road and a buffer or screen, to the extent deemed necessary by the Director of Planning and Community Development, shall be required to separate residential properties from the primary or secondary road (see figure 5-20.4 below).



5-20.5 The permitted intersections with primary or secondary roads shall be at right angles in order to reduce traffic hazards, unless the Virginia Department of Transportation (VDOT) allows lesser angle because of topography or the nature of existing roadways.

5-20.6 When an exception is granted to Section 5-20.1 above, shared driveway entrances between subdivided lots are required.

5-20.7 An exception to Section 5-20.1, is permitted only when due to the nature of the existing roads and topography, access to the state road system poses an immediate threat to those person(s) accessing the property or the traveling public. Any exception permitted shall require all driveways share a common entrance point to the state road system.

5-21 APPROACH ANGLE

Major streets shall approach major or minor streets at an angle of not less than eighty (80) degrees, unless the Commission, upon recommendation of the Virginia Department of Transportation (VDOT), shall approve a lesser angle of approach for reasons of contour, terrain or matching or existing patterns.

5-22 MINIMUM WIDTHS

The minimum width of proposed streets, shall be according to the standards of the Virginia Department of Transportation (VDOT).

5-23 CONSTRUCTION REQUIREMENTS

All public streets shall be constructed according to the requirements and standards of the Virginia Department of Transportation of Transportation (VDOT).

5-23.1 Where open cut ditches for drainage or any purposes whatever are used within subdivision boundaries, or on adjacent lands when required by the Planning Commission for proper drainage, slopes shall be not steeper than two (2) feet horizontal to one (1) foot vertical.

5-24 CUL-DE-SACS

Cul-de-sacs should be avoided whenever possible to provide connectivity within the road network. At the terminus of a cul-de-sac, a 4 X 4 (16 square foot) sign shall be posted by the subdivider stating that this road may be extended upon future development of the adjoining property. References to this future extension shall be in all deeds of lots within the development. In these instances the terminus of the cul-de-sac shall be constructed at the property line. References to this future extension shall be in all deeds of lots within the development.

If a cul-de-sac is designed to be permanently closed, it shall serve no more than twelve (12) lots from its origin to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround which meets standards of the Virginia Department of Transportation (VDOT) (see figures 11, 12, and 13 in Article 2 of the Caroline County Zoning Ordinance).

5-25 ALLEYS

Alleys should be incorporated into the subdivision design in planned developments. The use of alleys along arterial roads within planned developments should be used to reduce or eliminate the number of driveways along such roads. Alley entrances to state roads shall comply with the requirements as adopted by Caroline County and the Virginia Department of Transportation (VDOT). Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by VDOT and Caroline County and shall be paved.

5-26 STREETS

There shall be no private streets platted in any subdivision and every subdivided property shall be served from a publicly dedicated street, except under the following conditions:

- 5-26.1** Unless the subdivision is a planned development where such private roads and/or alleys were approved by the Board of Supervisors at the time of rezoning. All private roads shall be constructed to the design standards of the Virginia Department of Transportation (VDOT) and/or Caroline County. The entire acreage shall be title of record in the name of the subdivider(s) who must show evidence of bona fide options held by the subdivider(s) and given by the landowners of record, prior to application.
- 5-26.2** The subdivider requests that the streets in the subdivision be private.
- 5-26.3** Any private street must be constructed by the subdivider and approved in accordance with the provisions of this ordinance and the standards and specifications of the Virginia Department of Transportation (VDOT). A street maintenance agreement shall be prepared and recorded for all private streets. The agreement must require that all parties benefiting/using the private street shall be responsible for financing the maintenance of said street.
- 5-26.4** In-so-far as the Virginia Department of Transportation (VDOT) will comply, within thirty (30) days upon a written request to review; it shall examine and pass on plats and construction of private roads to the same extent as for streets dedicated to public use to insure that its standards and specifications have been complied with.
- 5-26.5** If the Virginia Department of Transportation will not pass on plats or inspect the construction of private streets, an engineer acceptable to the Department of Planning & Community Development (DPCD) and paid for by the subdivider shall (1) certify on preliminary and final plats that these plats meet the standards and specifications of the Virginia Department of Transportation (VDOT), and (2) certify that said standards and specifications have been met upon the completion of the streets.
- 5-26.6** The Commission is satisfied that the provisions for the future maintenance of a private street are adequate and will continue in effect.
- 5-26.7** In the event streets in the subdivision will not be constructed to meet the standards necessary for inclusion in the secondary system of state highways, the subdivision plat, deed of subdivision, and all covenants and restrictions shall contain a statement advising that the streets in the subdivision do not meet state standards and shall not be maintained by the Department of Transportation (VDOT) or Caroline County. Grantors of any subdivision lots to which this statement applies shall include the statement in each deed of conveyance thereof.

5-26.8 Signage shall be posted at such locations deemed necessary by VDOT and the Caroline County Department of Planning and Community Development (DPCD) which states: "This street is a private street that does not meet state standards and will not be maintained by either the Virginia Department of Transportation or Caroline County but is the responsibility of _____ Property Owner's Association" (or other such entity as may be permitted).

5-27 NAMES

Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate street names existing in the County, 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 Commission. Names of existing streets shall not be changed except by approval of the Planning Commission.

5-28 IDENTIFICATION SIGNS

Street identification signs of a design approved by the Director of Planning and Community Development and meets the requirements of VDOT shall be installed at all intersections.

5-29 VISIBLE FOR INSPECTION

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the Commission are clearly visible for inspection and use. Such monuments and improvements shall be shown on a set of as-built plans which are inspected and approved by the Director of Planning and Community Development before any improvements are accepted by the Board of Supervisors.

5-30 LOCATION - CONCRETE

Concrete monuments four (4) inches in diameter, or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

5-31 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, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter the top of which shall be flush with the finished grade line.

5-32 LAND FOR PUBLIC PURPOSES

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

- 5-32.1** Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten (10) percent of the area of the subdivision, exclusive of street and drainage reservations, unless a larger portion of land is required by County standards or in accordance with proffered conditions or to meet the requirements as specified by an agency of the Commonwealth of Virginia.
- 5-32.2** The subdivider shall provide a deed, plats and title for land(s) dedicated for public purposes acceptable to the County Attorney before the Board of Supervisors accepts such land dedication.
- 5-32.3** The Commission shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision.
- 5-32.4** Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the Zoning Ordinance.

5-33 NOTICE TO ADJACENT PROPERTY

Any major subdivision preliminary plat requires notification of adjoining property owners by the Commission in accordance with the following procedure: Notice shall be sent via first class mail to the last know address of such owner on the current real estate tax assessment. Notice shall be postmarked at least five (5) days prior to the Commission's hearing date. The notice shall contain information as to where an adjacent owner may obtain specific information relative to the subdivision of the property. Additionally, the property shall be posted with signs identifying the proposed development of the property.

The DPCD may allow the applicant to post the property and provide an affidavit to the Department of Planning & Community Development (DPCD) certifying that the property has been posted per the requirements above. In these instances sign(s) shall be provided to the applicant from the DPCD to be used for such posting. The applicant shall reimburse the County the cost of such signage.

5-34 PUBLIC COMMENT FOR EXCEPTIONS

At the filing of the preliminary plat of subdivision, the subdivider shall submit a list of all exceptions requested and a detailed justification statement demonstrating that all requirements of this section and any applicable exception standards are met.

The request for an exception will be presented to the Planning Commission at the same public meeting at which the preliminary plat is considered by the Planning Commission and public comment will be permitted at the meeting as it relates only to the exception.