

# PULASKI COUNTY SUBDIVISION ORDINANCE



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**Effective: December 1, 1990**  
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## **ARTICLE 1: GENERAL PROVISIONS <sup>1</sup>**

Whereas, Article 7 of the Virginia Planning Act found in the Code of Virginia 1950, as amended, Section 15.2-2240, et. seq., authorizes the Pulaski County Board of Supervisors to adopt regulations as to provide an ordinance to regulate the subdivision of property into lots, public roads, alleys, and other public areas, to provide for the making and recording of plats of such subdivisions and the certification of same, and provide for the approval of plats. <sup>2</sup>

### **1-1 Short Title**

This ordinance shall be known and may be cited as the Pulaski County Subdivision Ordinance, and shall be effective at 12:01 a.m. on December 1, 1990.

### **1-2 Purpose of Ordinance**

The purpose of this ordinance is to establish certain minimum subdivision standards and administrative procedures for Pulaski County, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by Sections 15.2-2240 through 15.2-2276 (inclusive) of the Code of Virginia (1950) as amended. <sup>3</sup>

The provisions of this ordinance constitute part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to:

1. Provide a guide for the change that occurs when lands become urban in character as a result of development for residential, business, or industrial purposes,
2. Provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use,
3. Make possible the provision of public services in a safe, adequate and efficient manner,
4. Insure proper legal description and marketing of subdivided land, and
5. Provide for orderly development in accordance with the policies of the County Comprehensive Plan and applicable zoning regulations.

This ordinance shall assist the county in meeting these responsibilities.

(Statutory Reference: Code of Virginia § 15.2-2240 et seq.)

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<sup>1</sup> Article 1 title revised 12/19/2011

<sup>2</sup> State Code citation updated 12/19/2011

<sup>3</sup> State Code citation updated 12/19/2011

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## 1-3 Relationship to Zoning Ordinance

Compliance with this ordinance and the Pulaski County Zoning Ordinance is mandatory. If conflicts in minimum dimensions or interpretations are found to exist the Zoning Ordinance shall have precedent.

## 1-4 Federal and State Lands <sup>4</sup>

Federal and State-owned lands located in Pulaski County are exempt from the provisions of this ordinance.

## 1-5 Wills <sup>5</sup>

Wills are subject to Pulaski County ordinances in effect at the time of execution.

## 1-6 Definitions <sup>6</sup>

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section; all distances and areas refer to measurements in a horizontal plane. The definitions of Section 15.2-2201 of the Code of Virginia, 1959, as amended, shall apply to this ordinance. <sup>7</sup>

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

**Alley:** A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage and access is on a state maintained or platted private right-of-way (excluding driveways). <sup>8</sup>

**Apartment Unit:** One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

**Approved:** The word “approved” shall be considered to be followed by the words “or disapproved”, when the sense so requires.

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<sup>4</sup> Section 1-4 added 12/19/2011

<sup>5</sup> Section 1-5 added 12/19/2011

<sup>6</sup> Definitions moved to Section 1-6 12/19/2011

<sup>7</sup> State Code citation updated 12/19/2011

<sup>8</sup> Definition revised 12/19/2011

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**Base Flood/One Hundred Year Flood:** A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).<sup>9</sup>

**Base Flood Elevation (BFE):** The Federal Emergency Management Agency designated 100-year water surface elevation.<sup>10</sup>

**Building:** Any structure whether constructed on site or manufactured off premises and placed on site, to include mobile homes, double-wides, premanufactured homes, etc., having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind or nature.

**Building Line:** An imaginary line delineating the distance which a building is from the front lot line or front boundary line.

**Cemetery:** A privately or church-owned and/or operated place for burial or interment of the deceased.<sup>11</sup>

**Clerk:** The Clerk of the Circuit Court having jurisdiction in Pulaski County.

**Commission:** The Planning Commission of Pulaski County.

**Condominium:** A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**Common Area:** Any area or space designed for joint use of residents of mobile home parks.

**County:** The County of Pulaski, Virginia.

**Cul-De-Sac:** A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

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

**Dwelling, Patio Home:** A single-family dwelling on a separate lot with an outdoor orientation and feature such as an atrium or patio. Minimum side yard setbacks may be reduced to 10 feet. Minimum lot size and lot widths may be reduced by a maximum of fifty percent (50%), if deemed appropriate and approved by the Planning Commission. A patio home subdivision may have an established homeowners association, with mandatory membership for each lot, to manage the exterior upkeep of the home, to include structures, lawn care and landscaping, and any open spaces. The homeowners association and its rules, restrictions and covenants shall be recorded with the subdivision plat and each individual lot.

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<sup>9</sup> Definition added 12/19/2011

<sup>10</sup> Definition added 12/19/2011

<sup>11</sup> Definition added 12/19/2011

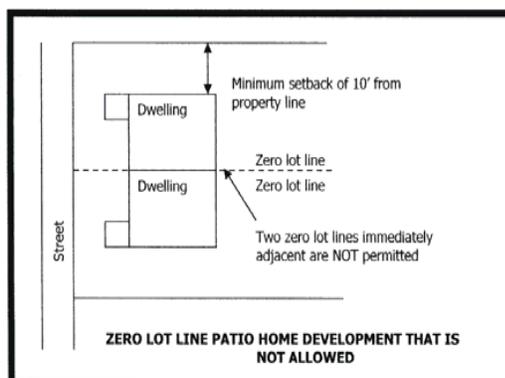
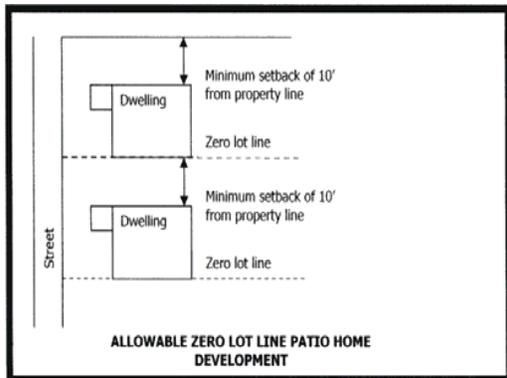
## Pulaski County Subdivision Ordinance

A patio home subdivision will comply with all requirements of Section 3-1.4 of the Subdivision Ordinance.<sup>12 13</sup>

**Dwelling, Zero Lot Line Patio Home:** A patio home that does not require approval by the Planning Commission provided it meets the criteria for a patio home as defined in this Ordinance and the following additional criteria:

1. A side lot setback of zero (0) feet may be allowed on one side lot line. The minimum side yard opposite the zero yard: ten (10) feet.
2. The minimum setback for a lot adjoining the zero (0) lot line shall be ten (10) feet. No two (2) dwelling units built under these provisions shall be attached along the common property line.
3. A perpetual ten (10) ft. wall-maintenance/access/utility easement shall be provided on the lot adjacent to the zero (0) lot line property line. This easement shall be kept clear of structures or any other improvement which would infringe on the use of the easement, with the exception of freestanding walls and fences. This easement shall be shown on the plat and incorporated into each deed transferring title to the property.
4. Normal setback requirements must be met for any and all lots immediately adjacent (abutting) to a parcel that is not a part of the zero (0) lot line development.
5. Public water and sewer must be available to the project site.

Please note that the Virginia Uniform Statewide Building Code requires fire rated walls for any structures closer than five (5) feet to the property line. Please see drawing below for allowable and not allowable zero lot line patio homes:<sup>14</sup>



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

**Engineer:** A professional engineer, licensed under the provisions of Section 54.1-400 through 54.1-411, inclusive, of the Code of Virginia (1950) as amended, and under the applicable regulations of the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects.

<sup>12</sup> Definition Added 11/25/2002

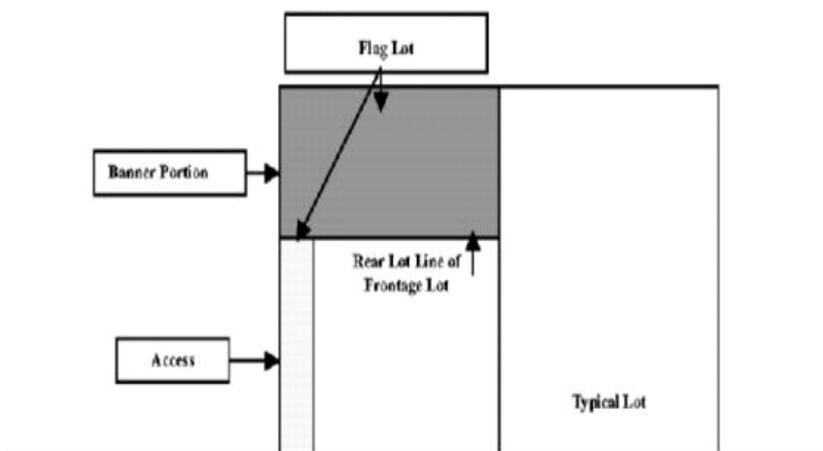
<sup>13</sup> Definition revised 12/19/2011

<sup>14</sup> Definition added 12/19/2011

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**Family, Immediate:** Any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, parent, uncle, aunt, niece, or nephew of the owner.<sup>15</sup>

**Flag Lot:** A large lot not meeting the minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. A flag lot is permitted only in the Agricultural (A1), Conservation (C1) and Residential (R1) Zoning Districts provided it meets the following criteria: the minimum distance between flag lots shall be 500 feet; the minimum lot area shall be at least twice the minimum required for the zoning district, exclusive of the flagpole or access portion of the lot; and minimum setbacks for structures shall be measured from the point where the lot widens out from the flagpole or access portion of the lot.<sup>16</sup>



**Governing Body:** The Board of Supervisors of the County of Pulaski.

**Improvements, Required:** The installation of all roads, by the developer, to meet Virginia Department of Transportation standards, the installation of public water and/or sewer to all lots in the development where such public water and/or sewer utilities are available, and installation of all drainage devices in compliance with the Pulaski County Sediment and Erosion Control Ordinance and Virginia Department of Transportation requirements.

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

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

<sup>15</sup> Definition added 12/19/2011. Replaced "family" definition which was deleted 12/19/2011.

<sup>16</sup> Definition added 12/19/2011

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

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

**Lot, Double-Frontage:** An interior lot having frontage on two streets.

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

**Lot Line, Front:** The line separating the lot from a right-of-way or where the right-of-way enters the property. In cases where the lot is not a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front lot and rear lot line. All other lines to be considered side lot lines. A public right-of-way maintained by the Virginia Department of Transportation (VDOT) is first preference when establishing a front lot line. Once the front yard has been established it cannot be changed. <sup>17</sup>

**Lot of Record:** A lot which has been recorded in the Office of the Clerk of the appropriate Court.

**Lot, Through:** Unless otherwise determined by the zoning administrator due to the prevailing building pattern, the front shall be construed to be the shorter boundary fronting on a street. If the lot has equal frontage on two (2) streets, the front of the lot shall be determined and shown on all subdivision plats and site plans by the prevailing building pattern. <sup>18</sup>

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

**Mobile Home Parks:** A type of subdivision that is created specifically for placement of mobile homes. Mobile home parks must comply fully with the provisions of Article 18-5 of the Pulaski County Zoning Ordinance. (see Section 3-1.7) <sup>19</sup>

**Parcel:** The word "parcel" shall be construed to be synonymous with "lot".

**Planning Commission:** The Planning Commission of Pulaski County.

**Plat:** Includes the terms: Map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used as a verb, "plat" is synonymous with "subdivide".

**Property:** Any tract, lot, parcel or several of the same collected together for the purposes of subdividing.

**Public Sewer System:** The sewage collection and disposal system and facilities owned and operated by the Pulaski County Public Service Authority and the Pulaski County Sewage Authority.

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<sup>17</sup> Definition added 12/19/2011. Replaced "frontage" definition which was deleted 12/19/2011.

<sup>18</sup> Definition added 12/19/2011

<sup>19</sup> Definition added 12/19/2011

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**Public Water System:** The water distribution system and facilities owned and operated by the Pulaski County Public Service Authority or owned and operated by either the Town of Dublin or the Town of Pulaski in Pulaski County. Additionally, community water systems which have at least 15 service connections or regularly serve an average of 25 persons per day for at least 60 days out of a year are classified as regulated public water systems by the Virginia Department of Health. Examples of community water systems may include small systems, not owned by a local government or government entity, which serve a subdivision or trailer park. <sup>20</sup>

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

**Right-of-Way:** A piece or strip of land set aside for use as a street (public right-of-way or platted private right-of-way), railroad or for another public use (excluding driveways). <sup>21</sup>

**Setback:** The minimum distance from which any building or structure must be separated from a property line. Roof overhangs, up to 18 inches will be allowed within the setback distance and the setback distance will be measured to the exterior wall of the habitable area of the dwelling. <sup>22</sup>

**Shall:** Indicates that which is required.

**Streets, Private:** Any street which is not included in the secondary highway system of the Department of Virginia Department of Transportation and which is maintained exclusively by an established homeowners' organization, or by other private means.

**Street, Public:** A Street that is maintained by the Virginia Department of Transportation and streets for which plans have been approved and bonds for the improvements of which shall have been posted in accordance with provisions elsewhere in this ordinance.

**Streets, Service:** A street running parallel and adjacent to an interstate highway or other controlled access road for the purpose of providing access to frontage properties. <sup>23</sup>

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

**Subdivider:** An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or another individual to act on their behalf in planning, negotiating, for, in representing or executing the legal requirements of the subdivision.

**Subdivision:** The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building

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<sup>20</sup> Definition revised 12/19/2011

<sup>21</sup> Definition revised 12/19/2011

<sup>22</sup> Definition added 12/19/2011

<sup>23</sup> Definition revised 12/19/2011

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development. The term “subdivision” includes “resubdivision” and, when appropriate, shall relate to the process of subdividing or to land being subdivided.

**Subdivision, Lot:** The separation of up to ten (10) parcels from a tract of land. Such subdivisions shall not involve construction of new streets and each new lot shall have at least fifty (50) feet of frontage on a public street or, if located on a cul-de-sac, thirty (30) feet of frontage. (see Section 3-1.1) <sup>24</sup>

**Subdivision, Family:** The creation of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner. Only one such division shall be allowed per family member and shall not be made for the purpose of circumventing this ordinance. Lots created under this provision shall remain in the name of the immediate family member to whom the lot is transferred for a period of not less than two (2) years. (see Section 3-1.2) <sup>25</sup>

**Subdivision, Standard:** Division of land into two (2) or more lots, any one of which is less than five (5) acres. (see Section 3-1.3) <sup>26</sup>

**Subdivision, Townhouse, Condominium, and Patio Home:** Subdivisions created specifically for townhouse, condominium, or patio home developments. See full provisions in Section 3-1.4. <sup>27</sup>

**Subdivision, Large-Lot:** The division of land into two (2) or more lots which are five (5) acres or larger. (see Section 3-1.5) <sup>28</sup>

**Subdivision, Agricultural:** Division of land into two (2) or more parcels for the purpose of agricultural production or the sole purpose of a single family residence and agricultural production. Parcels in such subdivisions shall not be less than twenty-five (25) acres. (see Section 3-1.6) <sup>29</sup>

**Subdivision, Industrial:** Creation of a lot or lots for the purpose of industrial use or development. Such subdivisions are usually created and/or held by the Pulaski County Board of Supervisors or the Pulaski County Industrial Development Authority. (see Section 3-1.8) <sup>30</sup>

**Surveyor:** A certified land surveyor licensed under the provisions of Section 54.1-400 through 54.1-411, inclusive, of the Code of Virginia (1950) as amended, and under the applicable regulations of the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects.

**Tier:** Rank of adjacent lots parallel to a street, the first tier being the one closest to the street off of which the subdivision is being developed.

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<sup>24</sup> Definition added 12/19/2011

<sup>25</sup> Definition added 12/19/2011

<sup>26</sup> Definition added 12/19/2011

<sup>27</sup> Definition added 12/19/2011

<sup>28</sup> Definition added 12/19/2011

<sup>29</sup> Definition added 12/19/2011

<sup>30</sup> Definition added 12/19/2011

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**Utility Lot:** A lot created for the location of facilities that are used to provide public and/or private utilities.<sup>31</sup>

**Vacate:** Render an approved subdivision of property, or part thereof, null and void.

### **1-7 Mobile Homes**<sup>32</sup>

Subdivision for the purpose of siting a single mobile home shall follow the requirements of Sections 1 through 4 of this ordinance and Part II of the Pulaski County Mobile Home Ordinance; subdivision for the purpose of developing a mobile home park must also comply with the requirements of the Pulaski County Mobile Home Park Ordinance.

(Statutory Reference: Code of Virginia § 15.2-2247)

### **1-8 Non-Exclusionary Intent**<sup>33</sup>

It is not the intent of this ordinance to exclude any economic, racial, religious, or ethnic groups from enjoyment of residence, land ownership, or tenancy within Pulaski County; nor is it the intent of this ordinance to use public powers in any way to promote the separation within Pulaski County of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purposes outlined in Section 1.2, herein.

### **1-9 Severability**<sup>34</sup>

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

(Statutory Reference: Code of Virginia § 1-243)

### **1-10 How Ordinance May Be Amended**<sup>35</sup>

This ordinance may be amended in whole or in part as specified by the Code of Virginia (See Code of Virginia, Section 15.2-2252 and 15.2-2253).

(Statutory Reference: Code of Virginia §§ 15.2-2204; 15.2-2205; 15.2-2252; 15.2-2253)

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<sup>31</sup> Definition added 12/19/2011

<sup>32</sup> Section number updated 12/19/2011 to reflect insertion of new Sections 1-4, 1-5, and 1-6.

<sup>33</sup> Section number updated 12/19/2011 to reflect insertion of new Sections 1-4, 1-5, and 1-6.

<sup>34</sup> Section number updated 12/19/2011 to reflect insertion of new Sections 1-4, 1-5, and 1-6.

<sup>35</sup> Section number updated 12/19/2011 to reflect insertion of new Sections 1-4, 1-5, and 1-6.

## ARTICLE 2: ADMINISTRATION

### 2-1 Mutual Responsibility

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

### 2-2 Agent's Responsibilities

#### 2-2.1 Agent's Authority to Administer

The Agent appointed by the Pulaski County Board of Supervisors is hereby delegated to administer and enforce the provisions of this ordinance. In so doing, the Agent shall be considered the Agent of the Board of Supervisors, and approval or disapproval by the Agent shall constitute approval or disapproval as though it were given by the Board of Supervisors.

#### 2-2.2 Definition of Agent

The "Agent" is an appointed role designated by the Board of Supervisors. This role is shared by the Pulaski County Planning Commission and Pulaski County's administrative staff. In the following text the "Agent" will mean the administrative staff and "Planning Commission" will mean the Pulaski County Planning Commission.

#### 2-2.3 Duties of the Agent

The Agent shall perform his duties with regard to subdivisions and subdividing in accordance with this ordinance and Code of Virginia (1950, as amended), Sections 15.2-2240 through 15.2-2276 (inclusive).<sup>36</sup>

The Agent shall defer final approval of any subdivision plat that requires the construction of streets to the Planning Commission for approval. When any subdivision plat involves the construction of private streets, the Planning Commission shall defer final approval to the Board of Supervisors.

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

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<sup>36</sup> State Code citation updated 12/19/2011

# Pulaski County Subdivision Ordinance

## 2-2.4 Consultation and Information

The Agent may consult with the Planning Commission, Board of Supervisors, Pulaski County staff, and any other departments or agencies, in order to evaluate the degree to which the plat fulfills the terms of this ordinance.

The Agent may request written opinions or decisions from other departments in considering details of any submitted plat. This authority shall have particular reference to the Virginia Department of Transportation Resident Engineer and the Virginia Department of Health Director.

(Statutory Reference: Code of Virginia §§ 15.2-2240; 15.2-2255)

## 2-3 Summary of Administrative Process

Figure 1 outlines the administrative process to be followed under the provisions of this ordinance.

## 2-4 Fees

Fees for plat review and plat vacation shall be established by resolution of the Board of Supervisors. Said fees shall be based on the cost of processing the plat and are subject to change at the discretion of the Board of Supervisors. A fee schedule is included in Appendix D.  
<sup>37</sup>

(Statutory Reference: Code of Virginia § 15.2-107; 15.2-2241)

## 2-5 Penalties

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this ordinance shall be subject to a fine of as much as five hundred dollars (\$500) for each violation on each lot or parcel of land so subdivided or transferred or sold.

(Statutory Reference: Code of Virginia § 15.2-2254)

## 2-6 Prevention, Abatement, Etc.

In case of any violation or attempted violation of the provisions of this ordinance, the Agent, in addition to other remedies, may institute any appropriate action or proceeding to prevent such violation or attempted violation; to restrain, correct or abate such violation or attempted violation; or to prevent any act which would constitute such a violation.

(Statutory Reference: Code of Virginia § 15.2-2208)

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<sup>37</sup> Section 2-4 revised 12/19/2011

## Pulaski County Subdivision Ordinance

### **2-7 Effect of Private Contracts, Covenants, etc.**

This ordinance bears no relation to any private easement, covenant, agreement or restriction (e.g., subdivision covenants; restrictions placed by the developer/subdivider; and road maintenance agreements) nor is it the responsibility of the County or any official of the County to enforce such private easement, covenant, agreement or restriction. When this ordinance calls for more restrictive standards than are required by private contract, the provisions of this ordinance shall have precedent.<sup>38</sup>

(Statutory Reference: Code of Virginia § 15.2-2240 et seq.)

### **2-8 Statutory Provisions**

#### 2-8.1 Compliance with Ordinance Mandatory

No person shall subdivide any tract of land without making and recording a plat of such subdivision and fully complying with the provisions of this ordinance.

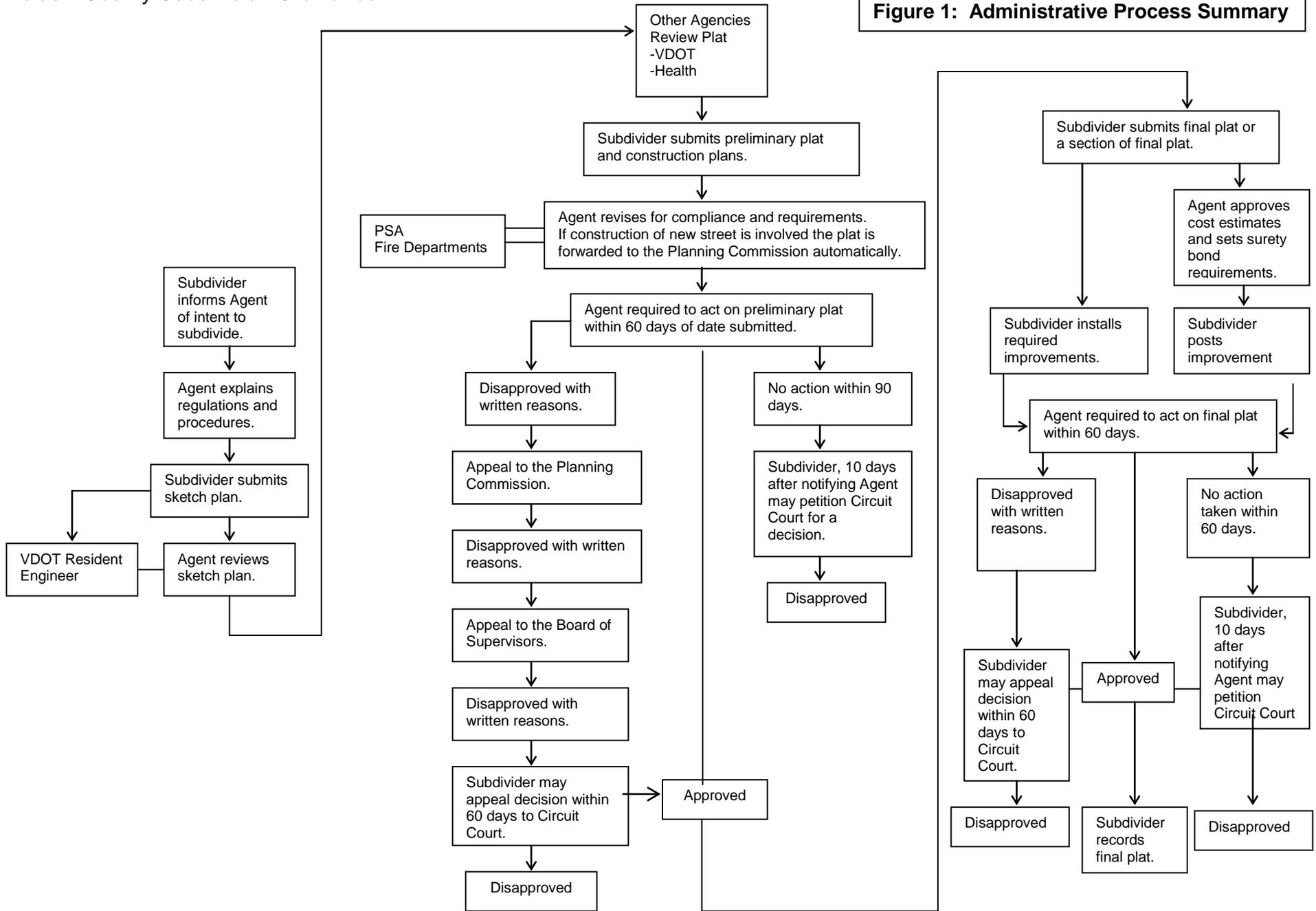
#### 2-8.2 Board of Supervisors Shall Approve

No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the Pulaski County Board of Supervisors or its duly authorized Agent.

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<sup>38</sup> Section 2-7 revised 12/19/2011

**Figure 1: Administrative Process Summary**



Phase 1: Sketch Plan Review	Phase 2: Preliminary Plat Approval	Phase 3: Final Plat Approval
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## Pulaski County Subdivision Ordinance

### 2-8.3 Recordation Before Sale

No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto, provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between parties to the instrument.

### 2-8.4 Clerk Not to Record

The Clerk of the Pulaski County Circuit Court shall not file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by Section 17.1-223 of the Code of Virginia shall apply to any failure to comply with the provisions of this subsection. <sup>39</sup>

(Statutory Reference: Code of Virginia § 15.2-2254)

## **2-9 Inspection of Public Water and Sewer System**

Inspection of public water or sewer systems installations shall be the responsibility of the Pulaski County Public Service Authority, Town of Dublin, the Town of Pulaski or the Pulaski County Sewerage Authority, where provision of service would involve one of these entities. Pulaski County will manage performance assurance under the provisions of Section 4-10 of this ordinance.

## **2-10 Variances to Requirements of Ordinance**

### 2-10.1 Conditions for Variances

The Planning Commission may authorize a variance from the requirements of the Pulaski County Subdivision Ordinance in cases where the subdivider can demonstrate to the satisfaction of the Planning Commission that all of the following conditions are accurate and applicable: <sup>40</sup>

1. An unusual situation or where strict adherence to the general regulations would result in substantial injustice or hardship;
2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property;
3. The authorization of the variance will not be detrimental to the public safety, health, or welfare;

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<sup>39</sup> State Code citation updated 12/19/2011

<sup>40</sup> Section 2-10.1 revised 12/19/2011

## Pulaski County Subdivision Ordinance

4. The situation is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as amendment(s) to this ordinance;
5. The hardship is created by the physical character of the property or of the property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered grounds for the authorization of a variance; and
6. The variance will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map.

Any thus authorized is to be stated in writing in the minutes of the Planning Commission, with the reasoning on which the departure was justified set forth.

In approving variances, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of this ordinance.

### 2-10.2 Variance Procedure<sup>41</sup>

A petition (i.e., application) for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Agent. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner as appropriate. A Subdivision Variance Request form is included in Appendix C.

Variance review by the Planning Commission shall require the same notification of adjacent property owners as required by Section 15.2-2204 of the Code of Virginia, as amended, except that an advertised public hearing shall not be required. (see Appendices for form letter). A fee of \$60 (sixty dollars) shall be charged, as approved by the Board of Supervisors, to cover the cost for preparing and mailing variance notifications to adjacent property owners. See Figure 2 for an illustration of the Variance Administrative Process.

The applicant or any interested party may appeal the Planning Commission's decision to the Board of Supervisors. The applicant or other interested parties must file an appeal within 30 days of the Planning Commission's decision.

(Statutory Reference: Code of Virginia § 15.2-2242)

## 2-11 Lot Line Revision

A lot line for an existing lot created under this ordinance, or for an existing lot of record, may be revised as long as the revision will not be in conflict with any provisions of the Code of the County of Pulaski. This process may be used to combine lots as long as the resulting lots meet the requirements of this ordinance.

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<sup>41</sup> Section 2-10.2 revised 4/27/92, 5/24/93, and 12/19/2011

## Pulaski County Subdivision Ordinance

### 2-11.1 Procedure

The property owner or proprietor of an existing lot or lot of record shall file with the Agent a plat indicating the prior lot lines and numbers using hidden lines and otherwise meet the final plat requirements outlined in Section 4.5.<sup>42</sup> The Agent shall review the proposed revision. Consideration of the plat by the Agent shall follow the process outlined for final plats. Upon approval, the date of said approval will be noted on the plat. See Figure 3 for illustration of Lot Line Revision Procedure.

(Statutory Reference: Code of Virginia § 15.2-2275)

## 2-12 Vacation of Plat

The execution and recordation of said instrument shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest such owners, proprietors, and trustees with the title to the streets, alleys, easements for public passage and other public areas laid out or described in such plat. For this reason, vacation of lots will not be considered if there are public rights-of-way or easements which are currently in use and abandonment is not in the best interest of the public good.

### 2-12.1 Vacation Before Sale of Lot(s)

An approved and recorded final plat of a subdivision within which no lot(s) have been sold shall not be vacated except by one of the two following methods:

#### 1. Vacation by Subdivider

With the consent of the Board of Supervisors, the owners, proprietors, and trustees who signed the final plat may file a written instrument declaring said final plat to be vacated. Such instrument shall be duly executed, acknowledged, or proved, and shall be filed in the office of the Clerk of the Pulaski County Circuit Court.

#### 2. Vacation by Board of Supervisors

A plat may be vacated by ordinance of the Board of Supervisor, provided that no facilities for which bonding is required under this ordinance have been constructed. Such ordinance shall not be adopted until after notice has been given as required by Section 15.2-2204 of the Code of Virginia (1950) as amended.<sup>43</sup> Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Board of Supervisors at which the adoption of the ordinance is to be considered. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the Clerk of the Pulaski County Circuit Court.

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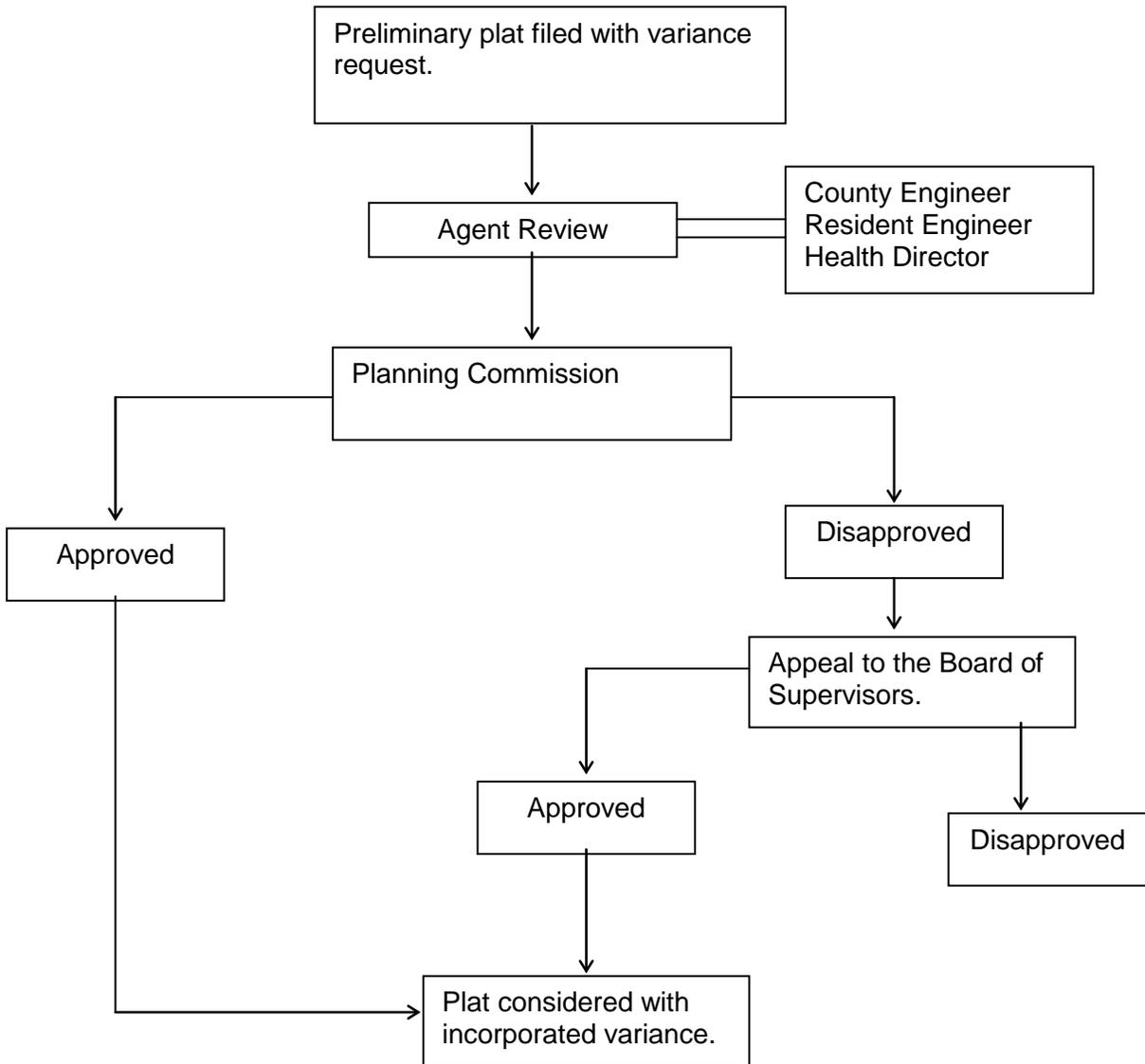
<sup>42</sup> Section 2-11.1 Revised 8/22/2005 to correct the section reference.

<sup>43</sup> State Code citation updated 12/19/2011

Pulaski County Subdivision Ordinance

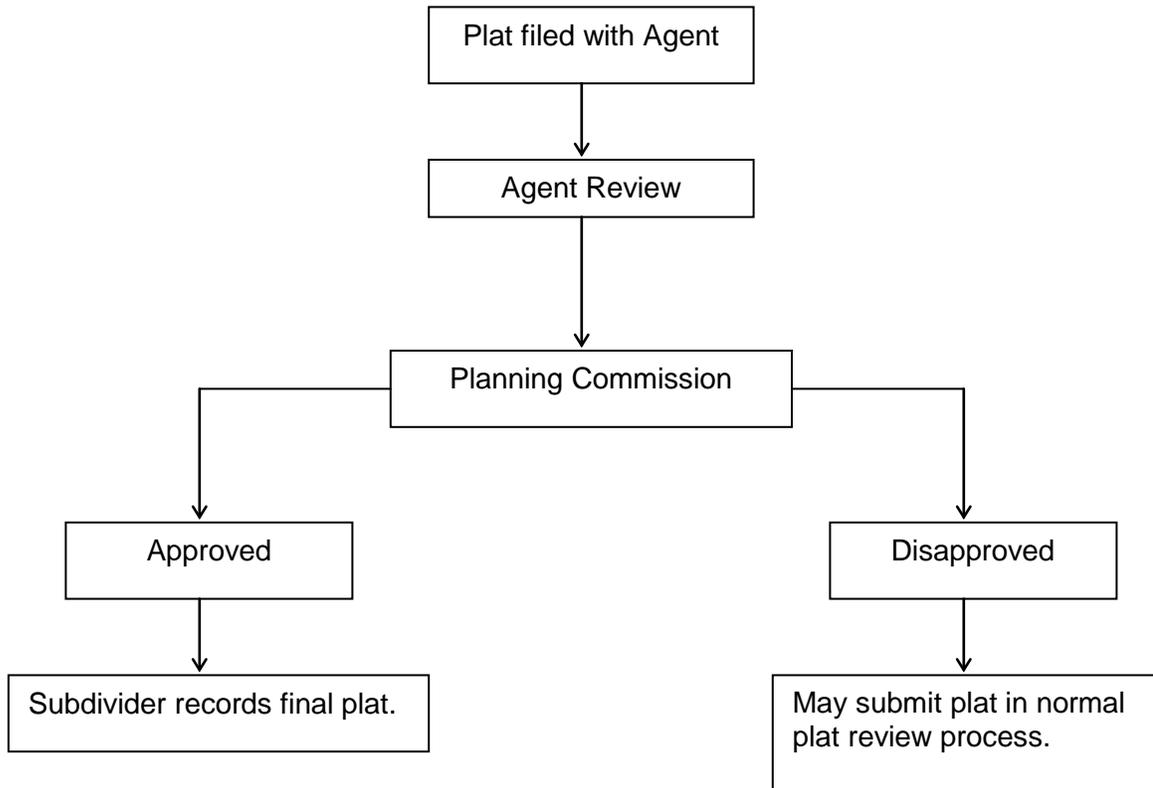
(Statutory Reference: Code of Virginia § 15.2-2271)

**Figure 2: Subdivision Variance Administrative Process** <sup>44</sup>



<sup>44</sup> Figure 2 revised 12/19/2011

**Figure 3: Lot Line Revision Procedure**



Planning Commission review may be initiated by request of the subdivider or by the Agent.

## Pulaski County Subdivision Ordinance

### 2-12.2 Vacation After Sale of Lot(s)

In cases where any lot has been sold, the plat or part thereof shall not be vacated except according to either of the following methods:

#### 1. Vacation by Owners of Lot(s)

A plat may be vacated by instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat, and also signed on behalf of the County of Pulaski for the purpose of showing the approval of such vacation by the Board of Supervisors. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the office of the Clerk of the Pulaski County Circuit Court.

#### 2. Vacation by the Board of Supervisors

A plat may be vacated by ordinance of the Board of Supervisors on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by Section 15.2-2204 of the Code of Virginia (1950) as amended.<sup>45</sup> Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Board of Supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the ordinance. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the Clerk of the Pulaski County Circuit Court.

(Statutory Reference: Code of Virginia § 15.2-2272)

### 2-12.3 Appeal of Ordinance of Vacation

An appeal from the adoption of the ordinance may be filed within thirty days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal, the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

(Statutory Reference: Code of Virginia §§ 15.2-2271; 15.2-2272)

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<sup>45</sup> State Code citation updated 12/19/2011

## Pulaski County Subdivision Ordinance

### 2-12.4 Duty of Clerk When Plat Vacated

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

(Statutory Reference: Code of Virginia § 15.2-2276)

### 2-12.5 Right-of-Way Abandonment <sup>46</sup>

The following steps are implemented by the Planning Commission and Board of Supervisors when considering abandonment of right-of-way:

1. Determine number and names of property owners directly affected (as defined by owning land adjacent to the right-of-way in question).
2. If only one property owner is affected through ownership of 100% in a single parcel adjacent to the requested abandonment, the request may be submitted for public hearing by the Board of Supervisors.
3. If more than one property owner is affected as defined in item 2, a petition signed by at least 51% of affected property owners must be submitted to the Community Development staff. The Community Development staff would then:
  - Schedule a community meeting.
  - Provide appropriate signage for posting at both ends of the right-of-way proposed for abandonment.
  - Send letters to owners of adjacent property.
  - Applicants will be responsible for posting and maintaining notification signs.
4. A community meeting will be held by staff in order to fully explain and illustrate the request.

Affected property owners are defined as follows:

On through roads: all persons owning property on the entire road.

On dead-end roads: all persons owning property along the portion of the road proposed to be abandoned.

(Statutory Reference: Code of Virginia § 15.2-2270)

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<sup>46</sup> Section 2-12.5 added 12/19/2011

## ARTICLE 3: MAKING & RECORDING PLATS

### 3-1 Subdivision Requirements by Type

There are eight types of subdivisions recognized by this ordinance. The responsibilities assigned the subdivider and the Agent vary with the type of subdivision as described in the following.

#### 3-1.1 Lot Subdivision<sup>47</sup>

The Agent may permit the separation of up to ten parcels from a tract of land without approval by the Planning Commission if:

1. It is not in conflict with the general meaning, purpose, and requirements of this ordinance, no new streets, public water and/or sewer required to serve the parcel, and each new lot has at least fifty (50) feet of frontage on a public street or thirty (30) feet of frontage in the event that the new lot(s) are located on a cul-de-sac. All lots shall meet the width and frontage requirements of the current zoning ordinance; or
2. It is a re-subdivision of a parcel which is platted in an existing subdivision prior to July 1, 1972, which meets all the requirements of this ordinance so long as each new lot has at least fifty (50) feet of frontage on a public street or thirty (30) feet of frontage in the event that the new lot(s) are located on a cul-de-sac. All shall meet the width requirements of the current zoning ordinance.

Provided that:

1. The Virginia Department of Health has approved the plat or public sewer is available to the lots.

An additional lot subdivision may be permitted after a period of five (5) years.

Subdivisions of this type exceeding five (5) lots will be reported monthly to the Planning Commission.

#### 3-1.2 Family Subdivisions<sup>48</sup>

A division of a lot or parcel is permitted for the purposes of sale or gift to a member of the immediate family of the property owner, and subject only to any express requirement contained in the Code of Virginia and the following provisions:

1. Only one such division shall be allowed per family member, and shall not be made for the purpose of circumventing this ordinance.
2. For property not served with public water and public sewer, each lot that is five (5) acres or less in area shall have its septic system and water source approved

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<sup>47</sup> Section 3-1.1 revised 6/1/98

<sup>48</sup> Section 3-1.2 revised 12/19/2011

## Pulaski County Subdivision Ordinance

by the Virginia Department of Health and shown on the subdivision plat as evidenced by applicable permits, plat review, or extension of public water and/or sewer to the site.

3. Lots created under this provision shall remain in the name of the immediate family member to whom the lot is transferred for a period of no less than two (2) years after conveyance. During this period, the lot shall not be sold or transferred to a non-family member without express written permission of the Agent. Such permission will be granted only in documented cases of economic hardship, job transfer/relocation, or foreclosure or other court-ordered transfer/seizure of ownership.
4. Each lot or parcel or property shall:
  - a. Front upon a public street; or
  - b. Front upon an access easement twenty (20) feet or greater in width or a private road which is in a right-of-way fifty feet or greater in width. Such right-of-way shall remain private and any drive or road within it shall be maintained by the adjacent property owners in a condition passable in all weather by emergency vehicles.
5. Whenever a family subdivision is to be served by a private street or access easement that does not meet State standards for inclusion in the secondary street system, the plat and deed of transfer shall bear the statement specified at Section 3-12.3, item no. 2 (b) 2 of this ordinance.
6. Additional provisions pertaining to family subdivisions served by access easements are located in Section 3-12.3, item no. 3 of this ordinance.
7. A description of the family relationship shall be included in the owner's statement (see Appendix A) on the plat.
8. The corners of all lots created by Family Subdivision shall be marked with iron pipes or other standard permanent material.
9. Comply with minimum lot size and building line requirements of this ordinance.
10. A final subdivision plat shall be submitted for approval by the subdivider to the Agent as provided for in this ordinance. Said plat shall indicate that the subdivision is a Family Subdivision.

In the event no action is taken in sixty (60) days, such subdivision shall be deemed approved.

## Pulaski County Subdivision Ordinance

### 3-1.3 Standard Subdivision<sup>49</sup>

1. Division of land into two or more lots any one of which is less than 5 acres.
  - a. Such subdivisions shall meet all the requirements outlined in this ordinance.
  - b. Such subdivisions must provide each lot access to a public street.
2. Subdivisions served by a right-of-way other than a public street, may be considered under the following conditions:
  - a. The right-of-way is at least twenty (20) feet in width,
  - b. The right-of-way serves no more than five (5) lots,
  - c. The access right-of-way is no more than 1,250 feet long,<sup>50</sup>
  - d. The property owners having property adjacent and/or fronting the right-of-way form a property owners association. The association must address right-of-way maintenance and the upgrade of the right-of-way to Virginia Department of Transportation, Subdivision Street Standards. Using funds provided by the property owners association, such upgrade will occur with the subdivision of or additional construction on any of the adjoining or fronting properties such that the right-of-way will be used by more than five housing units. Provision should be made for petitioning the Virginia Department of Transportation to accept said improved street into the State Secondary Highway System when the road is upgraded.

### 3-1.4 Townhouse, Condominium and Patio Home Subdivisions<sup>51</sup>

Townhouse, Condominium and Patio Home Subdivisions shall meet all the requirements outlined for standard subdivisions. However, the Planning Commission may approve such subdivisions with:

1. Reduced yard requirements,<sup>52</sup>
2. Reduced lot size restrictions, and
3. Side lot lines that are not perpendicular or radial to the street line.
4. Reduced lot width at the setback requirements.
5. Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a

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<sup>49</sup> Section 3-1.3 revised 9/28/92 and 12/19/2011

<sup>50</sup> Section 3-1.3-2c Revised 3/24/97

<sup>51</sup> Amended to allow Patio Home as a Subdivision Type 11/25/2002

<sup>52</sup> Section 3-1.4.1 Revised 5/24/99

## Pulaski County Subdivision Ordinance

perpetual unobstructed paved easement or parking area of at least twenty (20) feet in width for vehicular access. These easements shall be in addition to side yard requirements set forth in 5E-7 of the Pulaski County Zoning Ordinance.<sup>53 54</sup>

Townhouse, Condominium and Patio Home Subdivisions must also meet the following requirements:

1. The plat clearly indicates that the subdivision is a Townhouse, Condominium, or Patio Home Subdivision.
2. Adequate parking areas are provided and shown on the plat.
3. Adequate water and sewage treatment facilities are available.

A type of patio home subdivision, featuring zero lot line patio homes, is allowable provided that it meets the criteria for patio homes as defined in this Ordinance as well as the following additional criteria for zero lot line patio homes:<sup>55</sup>

1. A side lot setback of zero (0) feet may be allowed on one side lot line. The minimum side yard opposite the zero yard: ten (10) feet.
2. The minimum setback for a lot adjoining the zero (0) lot line shall be ten (10) feet. No two (2) dwelling units built under these provisions shall be attached along the common property line.
3. A perpetual ten (10) ft. wall-maintenance/access/utility easement shall be provided on the lot adjacent to the zero (0) lot line property line. This easement shall be kept clear of structures or any other improvement which would infringe on the use of the easement, with the exception of freestanding walls and fences. This easement shall be shown on the plat and incorporated into each deed transferring title to the property.
4. Normal setback requirements must be met for any and all lots immediately adjacent (abutting) to a parcel that is not a part of the zero (0) lot line development.
5. Public water and sewer must be available to the project site.

Please note that the Virginia Uniform Statewide Building Code requires fire rated walls for any structures closer than five (5) feet to the property line. An illustration of allowable and not allowable zero lot line patio homes is included with the definition of “dwelling, zero lot line patio home” in Section 1-4 of this Ordinance.

### 3-1.5 Large-Lot Subdivision<sup>56</sup>

The division of land into two or more lots which are of 5 acres or more. Such subdivisions shall meet the requirements outlined in the ordinance with the following stipulations:

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<sup>53</sup> Section 3-1.4.5 Added 5/24/99

<sup>54</sup> Section 3-1.4.5 revised 12/19/2011

<sup>55</sup> Description and criteria for zero lot line patio homes added to Section 3-1.4 on 12/19/2011

<sup>56</sup> Section 3-1.5 Revised 9/28/92 and 6/1/98

## Pulaski County Subdivision Ordinance

1. Streets constructed in large-lot subdivisions may be either public or private streets. All streets constructed in Large-Lot Subdivisions shall be constructed to comply with all applicable standards as outlined in this ordinance.

### 3-1.6 Agricultural Subdivision<sup>57</sup>

Division of land into two or more parcels for the purpose of agricultural production or the sole purpose of a single family residence and agricultural production. Such subdivisions shall meet the requirements outlined in the ordinance with the following stipulations:

1. Parcels in such subdivisions shall not be less than twenty-five (25) acres.
2. Access need not be constructed for agricultural subdivisions, but the plat must include a fifty (50) foot wide access right-of-way, which has been surveyed by a duly certified surveyor and declared buildable by a duly certified surveyor or engineer.
3. Public water or sewer extension shall not be required for Agricultural Subdivisions.

### 3-1.7 Mobile Home Parks

In addition to meeting the platting requirements of this ordinance, mobile home parks must comply fully with the provisions of Article 18-5 of the Pulaski County Zoning Ordinance.<sup>58</sup>

### 3-1.8 Industrial Subdivisions

Industrial subdivisions held by the Pulaski County Board of Supervisors or the Pulaski County Industrial Development Authority may be approved by the Agent, provided such subdivisions meet all the requirements of this ordinance.

### 3-1.9 Utility Lot<sup>59</sup>

Utility lots with or without buildings or structures shall be permitted in all zoning districts for the purpose of provision of public and/or private utilities. If access to the lot interior is needed to reach a facility, a minimum twenty (20) foot access easement shall be provided from a publicly maintained road. Plats for such lots shall be required to note that the lot is to be used for utility purposes. Utility lots up to 10,000 square feet will be allowed by right. Utility lots greater than 10,000 square feet will require a variance from the Planning Commission.

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<sup>57</sup> Section 3-1.6 Revised 9/28/92 and 12/19/2011

<sup>58</sup> County ordinance citation updated 12/19/2011

<sup>59</sup> Section 3-1.9 added 12/19/2011

## Pulaski County Subdivision Ordinance

### 3-1.10 Cemetery Lot <sup>60</sup>

The division or dedication of a lot or parcel for the purpose of creating a family, church-adjunctive, or commercial cemetery. Plats for such lots shall be required to note that the lot is to be used as a cemetery. No residential structures shall be permitted on any cemetery lot. Access to cemetery lots shall be by a street or by an access easement at least 20 feet in width. There shall be no minimum lot size for a cemetery lot unless the cemetery is to be operated commercially with plots offered for sale to the general public. Such commercially operated cemeteries will be subject to the minimum lot size requirements set forth in the zoning ordinance. Water service requirements and septic permit requirements need not be met unless restroom facilities or other sanitary facilities are proposed.

### 3-1.11 Flag Lot <sup>61</sup>

A large lot not meeting the minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. A flag lot is permitted only in the Agricultural (A1), Conservation (C1) and Residential (R1) Zoning Districts provided it meets the following criteria:

- The minimum distance between flag lots shall be 500 feet;
- The minimum lot area shall be at least twice the minimum required for the zoning district, exclusive of the flagpole or access portion of the lot; and
- Minimum setbacks for structures shall be measured from the point where the lot widens out from the flagpole or access portion of the lot.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2244; 15.2-2247; 15.2-2258)

## **3-2 Land Must Be Suitable**

The Agent shall not approve the subdivision of land, if from adequate investigations conducted by the Agent or based upon investigations requested from the Virginia Department of Transportation, the Virginia Department of Health, and the Virginia Water Control Board, or any other State or Federal agency having jurisdiction, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

(Statutory Reference: Code of Virginia § 15.2-2241)

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<sup>60</sup> Section 3-1.10 added 12/19/2011

<sup>61</sup> Section 3-1.11 added 12/19/2011

### **3-3 Flooding and Topographical Considerations**

Land which is within the 100 year floodplain or otherwise deemed to be topographically unsuitable (i.e., unstable slopes, sinkholes, caves, or interior drainage) may not be approved to be platted for such uses as may endanger health, life or property, or aggravate erosion or flood hazard.

Subdivisions subject to such constraints must:

1. Submit plats for review and approval by the Agent and the Planning Commission.
2. A note identifying flood zone and applicable Flood Insurance Rate Map must be included on the final plat. The location of any HUD/FEMA designated 100 year floodplains and related base flood elevations shall be shown on the plat.<sup>62</sup>
3. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood-control devices. The subdivider shall also provide plans for such improvements together with a properly qualified certified engineer's statement that such improvements, when properly installed, will be adequate for proper development. The subdivider shall also provide any other information required by the Agent including elevation and flood profiles sufficient to evaluate the risks of flooding on the site.

Such land within the subdivision deemed to be unsuitable for development shall be set aside on the plat for such uses as shall not be endangered by site conditions nor produce conditions contrary to public welfare. All filling and construction of roads and utilities shall meet with the requirements of the Pulaski County Floodplain Management Ordinance.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2255; 15.2-2258)

### **3-4 On-Site Improvements**

All required on-site improvements shall be installed by the subdivider at his cost. In cases where specifications for public streets or roads have been established either by the Virginia Department of Transportation or by local ordinances or codes, such specifications shall be followed. The subdivider's surety shall not be released until construction has been inspected and approved by the Agent or appropriate engineer. Nothing herein shall be construed as creating an obligation upon the County to pay for improvements, construction, or maintenance.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2245)

### **3-5 Off-Site Improvements**

Where the County requires that improvements be made in excess of that which are reasonably required to serve the land being subdivided.

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<sup>62</sup> Section 3-3 (2) revised 12/19/2011

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### 3-5.1 Pro Rata Share of Off-Site Improvements

The subdivider or developer may be required to pay a pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development. No such payment, for off-site improvements, however, shall be required until such time as the Board of Supervisors or the Pulaski County Public Service Authority shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located.

Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; in lieu of such payment other methods of performance guarantee satisfactory to the Board of Supervisors shall be posted conditioned on payment at the commencement of such construction.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2243)

## 3-6 Lots-Arrangements, Design and Shape Generally

### 3-6.1 General Requirement

The lot arrangement, design, and shape shall be reasonably related to topography, and shall not contain normally unusable elongations for the sole purpose of providing the required minimum square footage of area.

### 3-6.2 Minimum Lot Size and Frontage Requirements

The minimum lot size (square feet) and frontage (feet) allowed shall conform to the minimum requirements outlined in the Pulaski County Zoning Ordinance for the zoning district in which the lot is located.

### 3-6.3 Frontage to be Topographically Suitable

The frontage must be topographically suitable for the construction of a driveway to the easement or right-of-way. All aspects of site access must be clearly indicated on the plat.

### 3-6.4 Lots-Location, to Abut on Street

Each lot shall abut on:

1. A street dedicated by the subdivision plat,
2. An existing public street

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3. A existing private street currently used by the public, or
4. A street which has become public by right of use as directed by a court of competent jurisdiction.

### 3-6.5 Lots-Side Lines

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

### 3-6.6 Building Lines

No building or accessory structure shall be located closer to the lot line than the setback distance required by the Pulaski County Zoning Ordinance for the zoning district in which the building or structure is to be located.

### 3-6.7 Lots-Remnants

All remnants of lots left over after the subdividing of a tract, which are below minimum lot size must be added to adjacent lots.

### 3-6.8 Lots to Lie in Single Jurisdiction

No lot platted under the provisions of this ordinance shall be divided by a municipal or county boundary line.

### 3-6.9 Subdivision Access Lots Adjacent to the Claytor Lake Surface District <sup>63</sup>

In order to qualify for Commercial/Residential Dock Facilities or common dock facilities, subdivision access lots must meet the following requirements:

- a. The subdivision plat must show that the lot(s) will be owned in fee by the development's homeowners' association when established.
- b. The lots must have at least 100 feet of shoreline as measured along the full pond elevation (1846 contour elevation) unless subdivided and recorded prior to August 25, 2003.
- c. Reservoir access for lots in new subdivisions adjoining the Claytor Lake Surface District will not be granted unless Appalachian Power Company reviews the proposed subdivision access. In the case of subdivisions for which the developer is proposing multi-use facilities, prior notice to or prior approval by FERC may also be required.
- d. Each individual deed will include a copy of the plat or a reference to a previously recorded plat.

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<sup>63</sup> Section 3-6.9 Added 08/25/2003

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- e. The number of common area boatslips shall not exceed the number of off-water lots created when the subdivision was originally platted. In case of further subdivision or originally platted lots, no additional boatslips may be constructed in the common area. Common use facilities must be approved by the Virginia Department of Health.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2242; 15.2-2286)

### **3-7 Blocks**

#### **3-7.1 Blocks-Length**

Generally, the minimum and maximum length of blocks shall be controlled by considerations of public safety, traffic flow and existing topographic conditions.

Where streets are approximately parallel, consideration shall be given to connecting street(s) between such parallel streets at reasonable intervals to be established by application of the criteria stated in the preceding sentence; however, as lot development occurs along existing public streets and roads, at least a fifty (50) foot right-of-way must be left at suitable intervals, as determined by the Agent, to afford access to the rear areas.

Entrances of subdivision streets onto existing or proposed public streets should be at least 500 feet from any other subdivision street entrance or other intersection.

#### **3-7.2 Blocks-Width**

1. Blocks shall be wide enough to allow two tiers of lots of minimum depth.
2. The Agent may approve a single tier of lots of minimum depth:
  - a. Where a second tier of lots is prevented by topographical conditions, or
  - b. Where the size of the property is limiting so as to prevent the design of a second tier.

#### **3-7.3 Blocks-Orientation**

Where a proposed subdivision will adjoin a Virginia Department of Transportation minor arterial, major collector, or other principal arterial street, the Agent may require that the greater dimension of the block shall front or back upon such street to avoid potential traffic hazards resulting from driveway entrances.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2242)

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### **3-8 Provision of Water & Sewer**

#### 3-8.1 Review and Approval of Public Water and Sewer System Improvements

Any subdivider of a subdivision should consult with the Pulaski County Public Service Authority, Town of Pulaski, Town of Dublin or the Pulaski Sewage Authority as appropriate prior to submission of a preliminary plat to the Agent in order to determine if public water and sewer service is available and identify constraints on system design.

Any subdivider shall obtain approval to construct sewer or water lines and facilities from the Pulaski County Public Service Authority or other effected water or sewer provider (i.e., Town of Pulaski, Town of Dublin, Pulaski Sewage Authority) prior to either extending existing facilities or building new facilities.

#### 3-8.2 Extension of Public Water and Sewer Lines<sup>64</sup>

Where public water or sewer service is within 300 feet of a subdivision boundary and capacity is available in the public system the service or services shall be extended to all lots within the subdivision. Public water or sewer extension shall not be required for Agricultural Subdivisions as defined in Section 3-1.6 of this ordinance.

- a. Where an extension of public water and sewer lines or existing public water and sewer lines will serve a subdivision, a note shall be shown on the plat indicating the property owner is responsible for verifying existing public utilities will supply the needs of the property owner. The Pulaski County Public Service Authority does not make any guarantee that existing utilities has the capability to meet the demands of the property owner in all situations. Availability of these services are affected by location and elevation of proposed development.<sup>65</sup>

#### 3-8.3 Community Water and Sewer Facilities

If public water and/or sewer facilities are not available, the subdivider of any subdivision shall construct any sanitary sewers and domestic fresh water improvements including distribution lines, storage, and supply facilities within the subdivision or development in compliance with Virginia Department of Health regulations, and immediately upon completion and acceptance of the improvements, the water and/or sewer works shall be conveyed to the subdivision homeowners through a homeowners association.

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<sup>64</sup> Section 3-8.2 Revised 5/24/93

<sup>65</sup> Section 3-8.2a Revised 3/24/97

## Pulaski County Subdivision Ordinance

### 3-8.4 Individual Water and Sewer Facilities

1. Individual wells and/or septic systems permitted under the terms of this ordinance are not subject to dedication to the homeowners association.
2. Individual sewer facilities shall be located within the lot served, within an area provided on an adjacent lot by way of a permanent easement, or a combination thereof. Where a permanent easement is utilized it shall be recorded with the lot it is located in and be clearly indicated on the plat.
3. When a subdivision is platted which does not have water and/or sewer facilities installed, a statement to that effect shall be included on the plat.

(Statutory Reference: Code of Virginia §§ 15.2-2157; 15.2-2241)

### 3-9 Sewage Disposal Specifically

The Agent shall not approve any subdivision where sanitary sewers are not provided unless the Agent shall receive in writing from the Virginia Department of Health a statement to the effect:

1. The Virginia Department of Health has reviewed the preliminary plat and associated soil evaluations; the Department finds the sites selected for installation of sewage disposal systems to be satisfactory.

Such approval by the Agent is only with the understanding that where septic tanks or other systems are to be installed, these must be approved on an individual lot basis by the Virginia Department of Health.

#### 3-9.1 Sewage Disposal in Standard Subdivisions <sup>66</sup>

1. Sewage disposal via individual treatment systems requires plat review and approval by the Virginia Department of Health.
2. Such review and approval will follow the administrative process established by the Virginia Department of Health prior to submission to the Agent.

#### 3-9.2 Sewage Disposal in Subdivisions of Three Lots or Less

Subdivisions of three lots or less need only present a permit from the Virginia Department of Health for construction of a septic tank or other sewage treatment system for each proposed lot to the Agent to meet the requirements of this Section.

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<sup>66</sup> Section 3-9.1 title revised 12/19/2011

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### 3-9.3 Lots Greater than Five (5) Acres <sup>67</sup>

For lots that are greater than five (5) acres in area and not served by public sewer, plat review and approval by the Virginia Department of Health is not required.

(Statutory Reference: Code of Virginia § 15.2-2241)

### **3-10 Fire Protection**

The installation of adequate fire hydrants in a subdivision, at location(s) approved by the Agent shall be required provided that necessary public water is available.

The Agent may consult with the Pulaski County Public Service Authority, the Town of Dublin or the Town of Pulaski as appropriate before approving such location(s).

The Planning Commission may require necessary on-site improvements to provide adequate fire protection.

(Statutory Reference: Code of Virginia § 15.2-2241)

### **3-11 Regulations Governing Utility Service**

All subdividers shall comply with regulations governing improvements and utility services.

(Statutory Reference: Code of Virginia § 15.2-2241)

### **3-12 Streets**

#### 3-12.1 Standards

1. Half streets along the boundary of land proposed for subdivision shall not be permitted.
2. Wherever possible, streets should intersect at right angles.
3. 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 Agent upon recommendation of the Resident Engineer.
4. Approach Angle  
All streets shall approach other streets at an angle of not less than eighty (80) degrees, unless the Agent, upon recommendation of the Resident Engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

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<sup>67</sup> Section 3-9.3 added 12/19/2011

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### 3-12.2 Access to Adjoining Areas

1. The arrangement of streets in new subdivisions shall make provision for the continuation of existing and planned streets in adjoining areas.
2. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
3. Where, in the opinion of the Agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property.

### 3-12.3 Access Requirements

Access within a subdivision may be accomplished by the following:

#### 1. Public Streets <sup>68</sup>

##### a. Permitted

Public streets are permitted in any type of subdivision and are strongly encouraged.

##### b. Construction Requirements

All public streets shall be constructed to meet the minimum Virginia Department of Transportation Subdivision Street Requirements, except all pavement shall be bituminous concrete of a minimum thickness of two inches.

#### 2. Private Streets

May be permitted in the following instances:

##### a. Permitted

Private streets may be permitted in large lot subdivisions and planned unit developments. Such private streets shall clearly provide rights-of-way fifty (50) feet in width. Provide easements for public utilities and provide rights of access to public utilities without further approval or conveyance.

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<sup>68</sup> Section 3-12.3 (1) revised 12/19/2011

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### b. Provisions

1. A Homeowners Association shall be established prior to the transfer of any property and membership by property owners shall be mandatory. The Homeowners Association shall be responsible for all construction, maintenance, and upkeep of all roads within the proposed subdivision, water and/or sewer systems and all other community property. A fully signed and executed road maintenance agreement shall be recorded with the plat and deed.<sup>69</sup>
2. All plats and deeds or transfers of property shall state that:  
"The street(s) or access easement shown on this plat is private, and does not meet state standards for inclusion in the secondary road system and will not be maintained by the Virginia Department of Transportation (VDOT) or Pulaski County and is not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The adjacent property owners served by this private street/easement have executed a maintenance agreement to address ongoing maintenance of the street/easement. This private street/easement will not be eligible for inclusion in the secondary road system until such time as it is brought up to VDOT Secondary Street Requirement standards using funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."<sup>70</sup>
3. The County of Pulaski may not provide any services (i.e., trash collection, school bus services, etc.) on any private road within a subdivision without a special agreement for said service(s). (This does not include fire, police, and rescue services.)
4. The private street shall not be blocked to ingress and egress of government, emergency, or public service company vehicles.
5. Nothing herein shall be construed as creating an obligation upon the County of Pulaski to pay for grading, paving, sealing, maintaining, stormwater management facilities or for sidewalks, sewers, curb and gutter improvements or construction.
6. Any private road will be maintained by the adjacent property owners in a condition passable in all weather by emergency vehicles.

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<sup>69</sup> Section 3-12.3 (2) b.1 revised 12/19/2011

<sup>70</sup> Section 3-12.3 (2) b.2 revised 12/19/2011

## Pulaski County Subdivision Ordinance

### c. Construction Requirements

The following stipulations shall apply to all private streets approved under this ordinance:

1. Street grades, right-of-way width, and pavement width shall meet Virginia Department of Transportation standards as described in Subdivision Street Requirements or otherwise approved by the Planning Commission.
2. The minimum acceptable street surface shall be 6 inch stone, gravel or other satisfactory material approved by the Virginia Department of Transportation.
3. Erosion and sedimentation control measures will be in compliance with the Pulaski County Sedimentation and Erosion Control Ordinance and will include stormwater management.

### 3. Access Easements

Access easements may be permitted in family subdivisions of land.

1. Such access shall be clearly shown to provide a easement twenty (20) feet in width and the right to place and maintain public utilities without further approval or conveyance. While not required, careful consideration should be given to dedication of a fifty (50) foot wide right-of-way.
2. Lots divided under the family subdivision provisions of this ordinance may not be further divided unless a right-of-way fifty (50) foot in width with the right to place and maintain public utilities without further approval or conveyance is provided.

#### 3-12.4 Streets - Service Drives and Marginal Streets

Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration to the minimum distance required for ingress and egress to the main thoroughfare.

#### 3-12.5 Streets - Cul-de-sacs

Generally, minor terminal streets in residential subdivision (cul-de-sac), which have one end permanently closed, should be no longer than one thousand (1,000) feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of no less than one hundred (100) feet in diameter right-of-way width or a cul-

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de-sac meeting the most recent revision of the Virginia Department of Transportation's Geometric Design Guidelines, whichever is more stringent.

### 3-12.6 Streets - Reserve Strips

There shall be no reserve strips controlling access to streets.

### 3-12.7 Streets - Names

Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, court, etc. All street names and property numbering shall conform to the Pulaski County Street Naming and Numbering Ordinance in effect at the time of submission of the preliminary plat. Street names shall be indicated on the preliminary and final plats, and shall be approved by the Agent. Names of existing streets shall not be changed except by approval of the governing body.

### 3-12.8 Streets - Identification Signs

Street identification signs of a design approved by the Agent shall be installed by the subdivider at all intersections.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2265)

## **3-13 Monuments**

### 3-13.1 Monuments - General Requirements

1. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the Agent are clearly visible for inspection and use. Such monuments shall be installed by the subdivider and inspected and approved by the Agent before any improvements are accepted by the governing body.
2. All monuments must include enough metal that they can be located with a metal detector.

### 3-13.2 Location Monuments

Monuments of concrete or other standard, permanent material, 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

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subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.

### 3-13.3 Lot Monuments

All other lot corners shall be marked with iron pipe or other standard, permanent material not less than three-fourths (3/4) inch in diameter and approximately twenty-four (24) inches long and driven so as to be flush with the finished grade.

(Statutory Reference: Code of Virginia § 15.2-2241)

## 3-14 Easements

### 3-14.1 Utility Easements <sup>71</sup>

Unobstructed utility easements for water, sewer, power lines, and other utilities shall be provided on each lot resulting from a subdivision:

1. Subdivisions will require a utility easement of fifteen (15) feet in width to be shown on the plat only on the front side of the parcels (i.e., along the roadway or access easement). Such utility easements will provide access for CATV, electric, phone, gas, water, and sewer service. Plats should indicate that the easement includes a construction width of twenty (20) feet. The easement shall include the right of ingress and egress over the easement area for installation and maintenance of utilities.

### 3-14.2 Drainage Easement

The subdivider shall make adequate provisions for controlling storm and flood water run-off; including the installation of all necessary drainage improvements in accordance with approved plans required by the Pulaski County Erosion and Sedimentation Control Ordinance and the dedication of all necessary drainage easements. Where required, drainage easements through adjoining property are to be provided by the subdivider.

(Statutory Reference: Code of Virginia § 15.2-2241)

## 3-15 Reservation of Land for Public Purposes

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

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<sup>71</sup> Section 3-14.1 revised 12/19/2011

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### 3-15.1 Allowed Public Purposes

Subdividers shall not be required to reserve land for public purposes other than streets, drainage, sidewalk, sewer system, or water systems or other site improvements for vehicular ingress and egress, public access, structures necessary to ensure stability of critical slopes, or for storm water management facilities, except for on a reimbursement basis. Subdividers shall not be required to dedicate land for parks or playgrounds, exclusive of street and drainage reservations, without reimbursement by the County.

### 3-15.2 Reimbursement

Where land is required in excess of the amount dedicated under Section 3.15.1, the County may purchase the land and reimburse the subdivider. Such reimbursement shall be based on a proportionate share of the:

1. Cost of raw land;
2. Cost of improvements, including interests or investments;
3. Development costs; and
4. Not more than ten (10) percent profit on the total of such costs.

### 3-15.3 Duration of Reservation

Subdividers shall not be required to hold reserved land longer than eighteen (18) months, following the recording of the plat for such purchase. If the land is not purchased within the said eighteen (18) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.

(Statutory Reference: Code of Virginia § 15.2-2241)

## **ARTICLE 4: APPROVAL OF PLATS**

### **4-1 Approval and Recording Required Prior to Granting of Building Permit or Sale of Lots**

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure, to be placed on said land, shall be granted the plat shall be approved and recorded.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2254; 15.2-2258)

### **4-2 Changes, Erasures and Revisions**

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

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2258)

### **4-3 Preliminary Sketch**

The subdivider will submit to the Agent and Resident Engineer a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the Agent to advise the subdivider whether his plans are generally in accordance with the requirements of this ordinance. The Resident Engineer will advise the subdivider as to access and street construction issues pertinent to the proposal.

The Planning Commission, upon submission of any preliminary sketch to the Agent, may study it, and advise the subdivider wherein it appears that changes would be necessary. The Agent shall mark the preliminary sketch indicating the necessary changes and any such marked sketch shall be returned to the Agent with the preliminary plat.

The preliminary sketch shall be as follows:

1. It shall be drawn on white paper, or on a print or copy of a topographic map of the property.
2. It shall be drawn to an appropriate scale.
3. It shall show the name, location and dimensions of all streets entering, adjacent to, or terminating at the boundary of the property to be subdivided.
4. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided, and

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5. Shall include the approximate dimensions of all existing and proposed uses and improvements.

(Statutory Reference: Code of Virginia §§ 15.2-2240; 15.2-2241)

### **4-4 Preliminary Plat**

The subdivider or his agent shall apply in writing to the Agent for the approval of the subdivision plat and submit two (2) copies of the preliminary plat. If the preliminary plat is to be considered by the Planning Commission an additional seven (7) copies of the plat shall be submitted.

#### 4-4.1 Generally

Prior to submitting a preliminary plat, the subdivider shall submit the preliminary plat to the Virginia Department of Health and Virginia Department of Transportation for their review. A revised plat incorporating Virginia Department of Health and Virginia Department of Transportation comments may then be submitted to the Agent for review.

#### 4-4.2 Plans and Specifications

1. Two blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by a certified engineer and shall be submitted to the Agent for approval or disapproval within sixty days (Code of Virginia (1950) as amended, Section 15.2-2260).<sup>72</sup>
2. The subdivider shall present the preliminary plat to the Agent at an appropriate scale.
3. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the governing body.

#### 4-4.3 Specific Requirements

1. The preliminary plat shall include the following information:
2. Name of subdivision, owner, subdivider, and surveyor or engineer, date of drawing, number of sheets, north arrow and scale. If true north is used, method of determination must be shown.

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<sup>72</sup> State Code citation updated 12/19/2011

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3. Location of proposed subdivision by an inset map at a scale of not less than 2,000 feet to the inch, showing adjoining streets (both public and private), street names and numbers, towns, subdivisions and other landmarks.
4. The boundary survey or existing survey of record; provided, that such survey shows a closure with an accuracy of not less than one (1) in ten thousand (10,000); total acreage; acreage of subdivided area; number, approximate area and frontage of all building sites; existing buildings within the boundaries of the tract; name of owners and their property lines within the boundaries of the tract; and the names of owners of adjoining tracts.
5. All existing, platted and proposed streets; their names, numbers, and widths.
6. All parcels of land to be dedicated for public use and conditions of such dedication.
7. The accurate location and dimensions by bearings and distances of boundaries of all proposed and existing easements, public areas, parks, school sites; distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).
8. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object, or structure shall be identified.
9. Curve data on all lots and street center lines shall be shown in detail; the data shall be shown in detail at the curve or in a curve data table containing the following:
  - Delta, radius, arc, tangent, chord, and chord bearings.
10. A cross section showing the proposed street construction, depth, type of base, type of surface, etc.
11. A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.
12. Watercourses and their names and other pertinent data.
13. The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage or storm sewer and culvert.
14. Existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type,
15. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
16. Commercial, industrial as well as townhouse/condominium and multi-family residential development subdivisions shall include accurate location and dimensions by bearings and distances of all proposed and existing parking areas.
17. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, and by means of a dotted boundary line upon the plat.

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18. All plats must include a notation identifying the following: zoning district in which the subject property is located; setback and frontage requirements; and lot area requirements.<sup>73</sup>
19. A note identifying the flood zone and the applicable Flood Insurance Rate Map must be included on the plat. The location of any HUD/FEMA designated 100 year floodplains and related base flood elevations shall be shown on the plat.<sup>74</sup>

### 4-4.4 Procedure Following Submittal of Preliminary Plat

After all revisions have been completed, the subdivider shall submit 2 copies of the plat and a bona fide estimate of the cost of construction or improvements to the Agent.

The Agent shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this ordinance.

The subdivider shall then be advised in writing within sixty (60) days, which may be by formal letter or by legible markings on a copy of the preliminary plat, concerning:

1. Any additional data that may be required,
2. The character and extent of public improvements that will have to be made, and
3. The amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat.

In reviewing the cost of required improvements and the amount of the performance bond, the Agent may consult with a duly licensed engineer who shall prepare this data for the Agent, at the subdivider's expense.

### 4-4.5 Effect of Approval of Preliminary Plat

Approval by the Agent or the Planning Commission of the preliminary plat does not constitute a guarantee of approval of the final plat.

### 4-4.6 Time Limitation for Submission of the Final Plat After Notification Concerning Preliminary Plat

1. The subdivider shall have no more than six (6) months after receiving official notification concerning the preliminary plat to file with the Agent a final subdivision plat in accordance with this ordinance. Failure to do so shall make preliminary approval null and void.
2. The Agent may, on written request by the subdivider, grant an extension of this time limit.

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<sup>73</sup> Section 4-4.3 (18) added 12/19/2011

<sup>74</sup> Section 4-4.3 (19) added 12/19/2011

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(Statutory Reference: Code of Virginia §§ 15.2-2240; 15.2-2241; 15.2-2260)

### 4-5 Final Plat

#### 4-5.1 Preparation Standards for Final Plats

The subdivision plats submitted for final approval by the governing body and subsequent recording shall be:

1. On sheets having a minimum size of 8 ½" x 11" and a maximum size of 18" x 24" with a one quarter (1/4) inch margin on all edges of the sheet.
2. At an appropriate scale; and
3. Meets all other standards of the Virginia Library Board Classification: 440-01-137.6.

#### 4-5.2 Required Information

The final plat shall contain all the information required in the preliminary plat with an accuracy of not less than one (1) in ten thousand (10,000).

#### 4-5.3 Required Certifications

No plat shall be approved until all signatures required by this ordinance have been affixed thereto.

##### 1. Preparation by Surveyor or Engineer Certificate

Each subdivision plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him and duly notarized setting forth:

- a. The source of the title of the land subdivided, and
  - b. The place of record of the last instrument in the chain of title.
2. Required Surveyor's or Engineer's Certificate shall state and be in the form illustrated in Appendix A.
  3. Statement of Owners, etc.

Every subdivision plat, or the deed of dedication to which the plat is attached, shall contain in addition to the surveyor's or engineer's certificate an owner's statement like that illustrated in Appendix A which shall be signed by the owners, proprietors, and trustees, if any. These signatures shall be duly notarized. Notarized deeds shall be attached. When thus executed and approved as herein

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specified shall be filed and recorded in the Office of the Clerk of the Pulaski County Circuit Court (where it will be indexed by the clerk under the names of the land owners signing such statement and under the name of the subdivision, as provided in Section 15.2-2264 of the Code of Virginia.)<sup>75</sup>

4. Virginia Department of Health and Virginia Department of Transportation signatures approving the design of the proposed improvements associated with the subdivision shall be affixed to the final plat.
5. Zoning Administrator Approval<sup>76</sup>

All final plats, including lot line revisions, shall be considered void unless approved and signed by the Zoning Administrator or his/her agent with the following certification:

This subdivision/lot line revision/new lot meets all the requirements of the Pulaski County Zoning Ordinance as of the date this plat was approved and signed.

\_\_\_\_\_

Date

\_\_\_\_\_

Zoning Administrator

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2258; 15.2-2262)

### **4-6 Special Circumstance**

- 4-6.1 Where Land Includes Two or More Parcels in Separate Ownership and Redivision of Lots

Where land covered by the subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Such deed is to be deposited with the Clerk of the Pulaski County Circuit Court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2254; 15.2-2258)

<sup>75</sup> State Code citation updated 12/19/2011

<sup>76</sup> Section Revised to add Zoning Administrator Approval 8/22/2005

**4-7 Recordation Requirements**

4-7.1 Conditions for Approval of the Final Plat; Recording Required Within Six Months Following Approval<sup>77</sup>

1. The final plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance,
2. The subdivider shall have made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the Agent.
3. Approval of the final plat shall be written on the face of the plat by the Agent.
4. The subdivider shall record such plat within six months after final approval; otherwise the Agent shall mark the plat “void” and return it to the subdivider.

4-7.2 Certificate of Approval

The required Certificate of Approval shall state and be in the form outlined in Appendix A.

4-7.3 Expiration of Six Month Recording Period for Plats <sup>78</sup>

In cases where plats are not recorded within six (6) months following approval by the Subdivision Agent and the subdivider wishes to pursue recordation, the following rules apply. If less than six (6) months have passed since expiration of the original recording period for a plat and no revisions have been made to the Subdivision Ordinance, the plat, with updated certification by the surveyor/engineer, must be resubmitted by the subdivider for signature by the Agent and will be subject to a resubmission fee. If more than six (6) months have passed since expiration of the original recording period for a plat, that plat, with updated certification by the surveyor/engineer, must be submitted for full subdivision review and approval with applicable plat review fees according to the fee schedule in Appendix D.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2254; 15.2-2258)

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<sup>77</sup> Section 4-7.1, Title & Paragraph 4 Revised 9/28/92

<sup>78</sup> Section 4-7.3 added 12/19/2011

## Pulaski County Subdivision Ordinance

### **4-8 Appeal from Disapproval of Plat<sup>79</sup>**

#### 4-8.1 Appeal to the Planning Commission

1. In the event a final plat is disapproved by the Agent and the subdivider contends that such disapproval was not properly based on this ordinance or was arbitrary and capricious the subdivider may appeal to the Planning Commission, which may then override the recommendation of the Agent and approve said plat.
2. Such an appeal shall be filed in writing within 60 days of the written disapproval by the Agent.
3. Such an appeal shall be accompanied by 9 copies of the proposed plat, and submitted not less than 10 days prior to the regularly scheduled Planning Commission meeting at which action on the appeal is anticipated.

#### 4-8.2 Appeal to the Board of Supervisors

1. In the event an appeal to the Planning Commission is disapproved and the subdivider contends that such disapproval was not properly based on this ordinance or was arbitrary and capricious, the subdivider may appeal to the Board of Supervisors, which may then override the recommendation of the Planning Commission and approve said plat.
2. Such an appeal shall be filed within 60 days of the written disapproval by the Planning Commission.
3. Such an appeal shall be accompanied by 9 copies of the proposed plat, and submitted not less than 10 days prior to the regularly scheduled Planning Commission meeting at which action on the appeal is anticipated.

#### 4-8.3 Appeal to the Circuit Court

1. In the event an appeal to the Board of Supervisors is disapproved and the subdivider contends that such disapproval was not properly based on this ordinance or was arbitrary and capricious, the subdivider may appeal to the Circuit Court having jurisdiction, which may then override the recommendation of the Board of Supervisors and approve said plat.
2. Such an appeal shall be filed within 60 days of the written disapproval by the Board of Supervisors.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2259; 15.2-2260)

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<sup>79</sup> Section 4-8 Title Revised 5/24/93

## Pulaski County Subdivision Ordinance

### **4-9 Advertising Standards**

A subdivider, when subdividing a tract of land for sale, shall state the following on the face of the final plat:

- a. Whether public water and sewage facilities are publicly or privately owned and are installed to each lot.
- b. Whether the roads are to be publicly or privately maintained.

Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2262)

### **4-10 Performance Assurance**

#### 4-10.1 Form of Bond or Guarantee

If any right-of-way located within any subdivision or section thereof, which has been constructed or is proposed to be constructed within the subdivision; any street, curb, gutter, sidewalk, bicycle trail; any drainage or sewerage system; water line as part of a public system; or any other improvement financed or to be financed in whole or in part by private funds, the owner or developer shall accomplish or cause to be accomplished one or more of the following:

1. Certify to the Agent that the construction costs have been paid to the person constructing such facilities;
2. Furnish to the Agent a certified check or cash escrow in the amount of the estimated costs of construction, or a personal, corporate, or property bond, with surety satisfactory to the Agent, in an amount sufficient for and conditioned upon the construction of such facilities including a time for completion, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or
3. The owner or developer shall furnish to the Agent a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Agent as to the bank or savings and loan association, the amount and the form.

The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public and private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads and utilities.

## Pulaski County Subdivision Ordinance

### 4-10.2 Periodic Partial and Final Complete Release of Performance Bond or Guarantee

#### 1. Procedure

Within thirty (30) days after receipt of written notice by the Agent from the subdivider of completion of part or all of any facilities required to be constructed under this ordinance, the Agent shall approve or disapprove a partial or complete release of the performance bond or guarantee.

#### 2. Amount of Partial Release

- a. The amount of each partial release shall be based upon the percentage of facilities completed and approved by the Agent or other agency having jurisdiction. Partial releases shall not occur before the completion of at least thirty (30) percent of such facilities, nor after completion of more than eighty (80) percent of such facilities.
- b. The Agent shall not be required to execute more than three periodic partial releases during any twelve (12) month period.
- c. Notwithstanding the above, upon final completion and acceptance of such facilities the Agent shall release any remaining performance bond or guarantee to the subdivider.

#### 3. Basis for Disapproval of Release

The Agent shall approve or disapprove such periodic partial or final release of the bond or guarantee, solely on the basis of specified defects or deficiencies in construction of such facilities, or on the basis of nonreceipt of approval by any applicable state agency.

#### 4. "Acceptance" Defined

For purposes of final release of the bond or guarantee, the term "acceptance" is deemed to mean: when said facility is accepted by and taken over for operation and maintenance by the responsible state agency, local government department or agency, or other public authority.

#### 5. Completion Certificate

For purpose of this section, a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or a land surveyor as defined in and limited to Section 54.1-400 through

## Pulaski County Subdivision Ordinance

54.1-411, inclusive, of the Code of Virginia (1950) as amended, or from a department or agency of Pulaski County may be accepted without requiring further inspection of such facilities.

### 6. Failure to Act

- a. If the Agent neither approves nor disapproves periodic partial release of the bond or guarantee within thirty (30) days after receipt of written notice as specified above, the request shall be deemed approved, and a release granted to the subdivider.
- b. No final release shall be granted until after expiration of such thirty (30) day period and an additional written request is sent by the subdivider by certified mail return receipt to the Agent.
- c. The Agent shall act within ten (10) working days of receipt of this latter request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider.

(Statutory Reference: Code of Virginia §§ 15.2-2241; 15.2-2245)

**APPENDIX A**

**Variance Notice of Intent**

Date

Recipient's Name

Street Address or P.O. Box

City/Town, State Zip

Dear Landowner's Name :

As a property owner adjacent to tax parcel Tax Parcel Number (the parcel being divided) Section 2-10.2 of the Pulaski County Subdivision Ordinance requires that you be notified that Subdivider is seeking a variance to the ordinance. The variance request is to Sections \_\_\_\_\_ of the ordinance.

A review of the variance request is scheduled at the Pulaski County Planning Commission meeting to be held on Day of Week, Month, Year at \_\_\_\_\_ p.m. in the Board of Supervisors Meeting Room of the County Administration Building, 143 Third Street, N.W. in the Town of Pulaski.<sup>80</sup>

Information about the variance request can be obtained by contacting:

Subdivider or Subdivider's Agent

Street Address or P.O. Box

City/Town, State Zip

Business Phone Number

and the Pulaski County Subdivision Agent at:

County of Pulaski <sup>81</sup>  
Community Development Office  
143 Third Street, NW, Suite 1  
Pulaski, VA 24301  
(540) 980-7710

Sincerely,

Subdivider or Subdivider's Agent's Signature

Subdivider or Subdivider's Agent's Name (typed)

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<sup>80</sup> Paragraph Revised 4/27/92

<sup>81</sup> County contact information revised 12/19/2011

Pulaski County Subdivision Ordinance

**Engineer's Certificate**

I hereby certify the requirements of the Board of Supervisors and Ordinances of the County of Pulaski, Virginia, regarding the platting of subdivision within the County have been complied with. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_. \_\_\_\_\_  
State Certified Engineer (or Land Surveyor).

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Notary Date

**Owner's Statement**

The subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees.

\_\_\_\_\_  
Owner's Signature Date

\_\_\_\_\_  
Notary Date

[If there is more than one owner then a notarized signature should be provided for each owner (Corporations and similar business organizational structures with extended ownerships should provide the notarized signature of the authorized representative of the corporation.)]

Pulaski County Subdivision Ordinance

**Owner’s Statement – Family Subdivisions** <sup>82</sup>

The subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees. I, (name of seller/subdivider), do hereby verify that (name of recipient/buyer) is my legal (immediate family relationship). New parcel/lot \_\_\_\_\_ is being conveyed to (name of recipient/buyer). This parcel/lot shall remain in the name of the immediate family member to whom the lot is transferred for a period of no less than two (2) years after conveyance. During this period, the lot shall not be sold or transferred to a non-family member without express written permission of the Subdivision Agent. Such permission will be granted only in documented cases of economic hardship, job transfer/relocation, or foreclosure or other court-ordered transfer/seizure of ownership.

\_\_\_\_\_  
Owner’s Signature Date

\_\_\_\_\_  
Notary Date

[If there is more than one owner, a notarized signature should be provided for each owner]

**Health Department Statement of Approval**

This subdivision is approved by the Pulaski County Health Department with the stipulation that this is not a blanket approval; that each lot must be individually evaluated for water and sewerage before final approval is granted.

\_\_\_\_\_  
Date Health Director, Virginia Department of Health

<sup>82</sup> Owner’s Statement for Family Subdivisions added 12/19/2011

Pulaski County Subdivision Ordinance

**Zoning Administrator's Statement of Approval** <sup>83</sup>

This subdivision/lot line revision/new lot meets all the requirements of the Pulaski County Zoning Ordinance as of the date this plat was approved and signed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Zoning Administrator or Agent

**Certificate of Approval** <sup>84</sup>

This subdivision known as \_\_\_\_\_ Subdivision is approved by the undersigned in accordance with existing subdivision regulation and may be admitted to record.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident Engineer, Virginia Department of Transportation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Agent/Representative, Pulaski County

<sup>83</sup> Zoning Administrator Approval added 8/22/2005

<sup>84</sup> Certificate of Approval revised 12/19/2011

**APPENDIX B** <sup>85 86</sup>

**Defining the Subdivision**

The definition in Section 1-6 of this ordinance states that any division of property into 2 or more lots is a subdivision. The Subdivision Ordinance (see 1-0, 2-1, 2-8.1, 2-8.2, and 2-8.3) applies to all subdivisions (i.e., all new lots will be platted and approved in accordance with the ordinance).

1. Are one or more lots being created?  
Yes - go to Step 2  
Are lot lines being rearranged without an increase in the number of lots?  
Yes - see Section 2-11 Lot Line Revision
2. Is the subdivision a Family Subdivision (i.e., for the purpose of gift or sale of lots to immediate family member(s))?  
No - go to Step 3  
Yes - Is a Family Subdivision - Section 3-1.2
3. Is the purpose of the Subdivision limited to a single family residence and agricultural production and all the lot(s) are 25 acres or greater in size?  
No - go to Step 3  
Yes - Is an Agricultural Subdivision - Section 3-1.6
4. Will the subdivision create 10 or fewer parcels, all served by existing streets (i.e., no new streets), and meet appropriate frontage and VDOH requirements?  
No - go to Step 5  
Yes - Is a Lot Subdivision - Section 3-1.1
5. Are all the lots to be created 5 acres or more in size?  
No - go to Step 6  
Yes - Is a Large Lot Subdivision - Section 3-1.5
6. Does the division create 2 or more lots, one or more of which is less than 5 acres?  
No - Re-evaluate responses to earlier questions. If in doubt after re-evaluating -  
Section 3-1.3  
Yes - Is a Standard Subdivision - Section 3-1.3

Also check the following for additional guidance:

- Mobile Home Park - Section 3-1.7
- Industrial Subdivision - Section 3-1.8
- Townhouses, condominiums, and patio homes - Section 3-1.4

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<sup>85</sup> Appendix B Added 9/28/92

<sup>86</sup> Appendix B revised 12/19/2011

**APPENDIX C <sup>87</sup>**

**County of Pulaski  
Community Development**  
143 Third St., NW, Suite 1  
Pulaski, VA 24301  
Ph: 540-980-7710  
www.pulaskicounty.org

**For office use:**  
Petition no.: \_\_\_\_\_  
Date rec'd.: \_\_\_\_\_  
Fee included: \_\_\_\_\_  
Letter attached: \_\_\_\_\_

**Subdivision Variance Request**

Project/Property name: \_\_\_\_\_

Tax map no.: \_\_\_\_\_ Acreage: \_\_\_\_\_ # Lots: \_\_\_\_\_ Zoning: \_\_\_\_\_

Please review the attached information concerning conditions and procedures for variances. If you need assistance or have questions, please contact the Community Development office.

APPLICANT: \_\_\_\_\_ Phone: Day: \_\_\_\_\_  
Evening: \_\_\_\_\_  
Cell: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

OWNER (if different from above): \_\_\_\_\_ Phone: Day: \_\_\_\_\_  
Evening: \_\_\_\_\_  
Cell: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

I/we hereby petition the Pulaski County Planning Commission for a variance to the Subdivision Ordinance with respect to Article \_\_\_\_\_, Section \_\_\_\_\_ and further described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach a letter, signed by the owner, which fully explains the reasons for the request and how the request meets each of the required conditions for granting a variance.**

**Submission should include:**

- This form, completed and signed.
- Letter of explanation signed by owner.
- Check for the variance request fee (\$60).
- Plat or map with proposed construction or other changes shown.
- Copies of any additional documents relative to variance request.
- 13 copies of variance request package should be submitted to the Community Development office.

<sup>87</sup> Appendix C added 12/19/2011

## Pulaski County Subdivision Ordinance

I/we hereby grant permission for Pulaski County staff and Planning Commission members to go upon the property identified above. I/we certify that the information contained in this application package is true and correct to the best of my/our knowledge and that I am (we are) the owner(s) or the owner's consultant. It is my/our belief that this submission meets all required conditions for granting a variance to the Pulaski County Subdivision Ordinance.

Applicant/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX D <sup>88</sup>**

**Subdivision Plat Review Fees  
Pulaski County**

Subdivisions containing 5 or more lots: \$150 per plat, plus \$10 per lot.

Subdivisions containing less than 5 lots: \$75 per plat, plus \$10 per lot.

Agricultural and Family subdivisions: \$60 per plat, plus \$10 per lot.

Creation of utility lot: \$25 ea.

Creation of family or church-adjunctive cemetery lot: \$25 ea.

Lot Line Revisions: \$60

Variance Application: \$60

Fee for plat vacation: \$150

(Subdivision Ordinance, Article 2-12; Code of Virginia §§ 15.2-2271, 15.2-2272, 15.2-2273)

Lot vacation: \$30

Plat resubmission fee: \$25

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<sup>88</sup> Appendix D added 12/19/2011