

SECTION 3 - ADMINISTRATION AND ENFORCEMENT

3-1 The administration and enforcement of all state and local laws applicable to land subdivision and development, and all subsequent amendments to said statutes and ordinances shall be vested solely in the governing body. The Planning Commission shall review and approve or disapprove all major subdivision plats in accordance with this ordinance and the laws of the State of Virginia. In the performance of its duties the Commission shall call for verbal or written opinions or decisions from other departments of the County, as well as pertinent reports from State agencies and consultants where deemed necessary. Right is reserved in the governing body to elect by resolution entered of record whether it will or will not accept the dedication of any proposed subdivision street or alley.

3-1.1 A survey plat of the original parcel showing the proposed division must be submitted to the Subdivision Agent, and approved by the Agent prior to recordation of a Minor Subdivision. Additionally, when the minor subdivision is an immediate family division, the following conditions shall apply:

1. The grantee is an immediate family member of the owner or owner(s) who are immediate family members, as defined in this ordinance.
2. No previous transfer under this provision has been granted to the grantee in this County.
3. The lot will not be voluntarily transferred to a non-immediate family member for at least five (5) years except in accordance with paragraph thirteen (13) below. Nothing in this section shall prohibit the subsequent or simultaneous transfer of a shared interest to the spouse of the grantee.
4. When creating more than two lots, a road maintenance agreement in perpetuity must be executed between the property owners with a statement that the owners will not request to be included in the Virginia Department of Transportation's Rural Addition Program.
5. The grantee is 18 years of age and able to hold real property under the laws of Virginia.
6. The purpose of the transfer is to provide for the housing needs of the grantee.
7. The transfer is not for the purpose of circumvention of the Subdivision Ordinance.
8. The grantor and grantee sign an affidavit duly acknowledged before some office authorized to take acknowledgments of deeds that certifies compliance with 1 thru 7 above.

9. The lot shall be served by a right-of-way of not less than twenty feet in width.
10. When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat or in the deed.
11. Procedures for approval shall be the same as those for minor subdivisions contained in paragraph 2-31.2 of the Subdivision Ordinance.
12. In the event the Board of Supervisors determines a circumvention to have occurred, the family subdivision approval and special exception shall be considered void and the County may take appropriate action to require compliance with all otherwise applicable subdivision and zoning requirements or may initiate action to vacate said lot. No zoning permits shall be issued for such lots(s).
13. If the Board finds that an extraordinary hardship is being caused by the five year restriction, it may reduce the time period to alleviate the hardship. This hardship provision shall be noted on the plat or in the deed.

(Amended 08/24/99)

3-2 ADMINISTRATIVE AUTHORITY

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

3-3 RIGHT OF APPEAL

In the event a plan for subdivision is disapproved by the Planning Commission the subdivider may appeal to the Board of Supervisors which may override the ruling of the Planning Commission.

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Nothing in this ordinance shall be construed to authorize the impairment of any vested right.