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# FLOYD COUNTY SUBDIVISION ORDINANCE

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## Comparison of Current and Proposed Ordinances

*This document compares the existing Floyd County Subdivision Ordinance to a new potential ordinance that has been recommended to the Board of Supervisors for consideration by the Floyd County Planning Commission. The Board of Supervisors will receive a presentation on this recommended ordinance at their meeting on November 16, 2023. Sometime after that date the Board will schedule and advertise a special public hearing and will review and make changes to the proposal as they deem appropriate. Written public comments can be sent to [KChiddo@floydcova.gov](mailto:KChiddo@floydcova.gov) at any time. Special thanks go to the members of the Subdivision Ordinance Committee, the Planning Commission, and associated county staff who worked diligently on the development of the proposal.*

**NOTE: “Public road(s)” = VDOT-Maintained Road(s) and “PDR” = PRIVATE Division Road(s)**

**KEY DIFFERENCES FOR ALL DIVISIONS, UNLESS OTHERWISE SPECIFIED IN A DIVISION**

CURRENT	PROPOSED
<b>Surveying</b>	
<ul style="list-style-type: none"> <li>▪ Survey of residual land is required</li> </ul>	<ul style="list-style-type: none"> <li>▪ Survey of residual land is not required, except for Townhouse Divisions</li> </ul>
<b>Pre-perking</b>	
<ul style="list-style-type: none"> <li>▪ Lots under 25 acres must be perked for a drainfield and 100% drainfield, except for family subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lots do not have to be perked prior to plat approval, unless a central water system is proposed in order to obtain smaller lot sizes</li> </ul>
<b>Central Water</b>	
<ul style="list-style-type: none"> <li>▪ Central public water to serve 15+ connections, approved by Dept. of Drinking Water (State VDH)</li> <li>▪ Central private water to serve 15+ connections, requires HOA</li> <li>▪ PSA water within 500 ft. of any lot in a subdivision, the PSA may require connection</li> </ul>	<ul style="list-style-type: none"> <li>▪ Central private water less than 15 connections,               <ul style="list-style-type: none"> <li>○ VDH approval required</li> <li>○ Owned, operated, maintained by POA</li> <li>○ Proposed well must be drilled and tested for sufficient capacity; approved by VDH before plat approval</li> <li>○ Capable of 3 gal/minute to each household</li> <li>○ Tested annually by VDH</li> <li>○ Must be on a Special Lot, owned by POA</li> </ul> </li> </ul> <p><i>(Central water systems, privately developed, with 15 or more connections is regulated by the Dept. of Drinking Water, and not this Ordinance.)</i></p>
<b>Shared Water and Septic Between Lots</b>	
<ul style="list-style-type: none"> <li>▪ Shared well is allowed with easement</li> <li>▪ Septic system must remain on lot with the structure it serves</li> </ul>	<ul style="list-style-type: none"> <li>▪ Shared well and septic system allowed with an easement shown on plat</li> </ul>
<b>Depth and Width</b>	
<ul style="list-style-type: none"> <li>▪ Depth must be greater than width as measured at the minimum setback line</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum depth = minimum width required at setback line</li> </ul>

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<b>Location of Minimum Setback Line</b>	
<ul style="list-style-type: none"> <li>▪ For public roads that are prescriptive easements, the setback line is located 60 ft. from the centerline of the road</li> <li>▪ For all other public roads, the setback line is located 35 ft. from the front property line</li> </ul>	<ul style="list-style-type: none"> <li>▪ For public roads that are prescriptive easements, the setback line is located 60 ft. from the centerline of the road</li> <li>▪ For all other public roads, the setback line is located 35 ft. from the edge of the constructed road</li> </ul>
<b>Road Frontage</b>	
<ul style="list-style-type: none"> <li>▪ All lots in a subdivision required to have public road frontage, except for Family, Agricultural, and Townhouse Subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>▪ All lots required to have public road frontage OR frontage on an approved PDR, except for Family, Large Lot, and Townhouse Divisions</li> </ul>
<ul style="list-style-type: none"> <li>▪ If Agricultural lot has public road frontage: <ul style="list-style-type: none"> <li>○ 50 ft. minimum road frontage</li> <li>○ 175 ft. minimum width at the setback line</li> </ul> </li> <li>▪ If Family lot has public road frontage: <ul style="list-style-type: none"> <li>○ 50 ft. minimum road frontage</li> <li>○ 100 ft. minimum width at the setback line</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ If Large Lot has public road frontage: <ul style="list-style-type: none"> <li>○ 100 ft. minimum road frontage</li> <li>○ 175 ft. minimum width at the setback line</li> </ul> </li> <li>▪ No change to Family lots with public road frontage:</li> </ul>
<b>Divisions on Private Division Roads (PDR) (NEW SECTION 6)</b>	
<ul style="list-style-type: none"> <li>▪ Divisions of land are not allowed on private roads, except for Family and Agricultural Subdivisions if required width of easement is met</li> </ul>	<ul style="list-style-type: none"> <li>▪ Divisions of land will be allowed on an approved PDR: <ul style="list-style-type: none"> <li>○ Must be owned, constructed, operated, and maintained by a Property Owner's Association (POA)</li> <li>○ POA maintenance agreement required</li> <li>○ Divider pay for all fees (including review fees from an Engineer retained by the County)</li> <li>○ Must meet basic construction standards</li> <li>○ Max # of lots per PDR is 14</li> <li>○ PDR must connect to a public road</li> </ul> </li> </ul> <p><i>(There are no limits on number of lots that can be created off a new public road)</i></p>

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<b>Review and Approval</b>	
<ul style="list-style-type: none"> <li>▪ Subdivision Agent:               <ul style="list-style-type: none"> <li>○ 1-3 lots (including residual)</li> <li>○ Lot Line Revisions</li> </ul> </li> <li>▪ Planning Commission               <ul style="list-style-type: none"> <li>○ 4+ lots (including residual)</li> <li>○ Any plat proposing a new public road</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Subdivision Agent:               <ul style="list-style-type: none"> <li>○ Minor Divisions                   <ul style="list-style-type: none"> <li>▪ 1-6 lots (including residual)</li> </ul> </li> <li>○ Special Lots, unless part of a Major division</li> <li>○ Lot Line Revisions</li> </ul> </li> <li>▪ Planning Commission:               <ul style="list-style-type: none"> <li>○ Major Divisions                   <ul style="list-style-type: none"> <li>▪ 7+ lots (including residual)</li> </ul> </li> <li>○ Special Lots only if part of a Major Division</li> </ul> </li> </ul>

### KEY DIFFERENCES FOR PLAT SUBMITTALS

<b>CURRENT</b>	<b>PROPOSED</b>
<p><b>Font Type</b></p> <ul style="list-style-type: none"> <li>• No set standard</li> </ul>	<ul style="list-style-type: none"> <li>• The font type and size must be clear and legible. Letters, numbers, and symbols must be properly spaced to avoid touching each other or “bleeding” together. Cursive, script, and scroll fonts will not be accepted.</li> </ul>

## DIVISION TYPE NAMES CHANGES

CURRENT	PROPOSED
▪ Subdivision (all types)	▪ Division (all types)
▪ Agricultural Subdivision	▪ Large Lot Division
▪ Lot Subdivision	▪ Standard Division
▪ Standard Subdivision	▪ Standard Division
▪ Townhouse Subdivision	▪ Townhouse Division
▪ Family Subdivision	▪ Family Division
▪ Cemetery Subdivision	▪ Special Lot Division
▪ Public Utility Lot Subdivision	▪ Special Lot Division
▪ Industrial Subdivision	▪ Special Lot Division
▪ Lot Line Revision	▪ Lot Line Revision
▪ Condominium Subdivision	▪ Condominium Division
▪ N/A	▪ Parcel of Record and Boundary Survey

## KEY DIFFERENCES FOR AGRICULTURAL/LARGE LOT DIVISIONS (NEW SECTION 4-1)

CURRENT	PROPOSED
<b>Name Change</b>	
<ul style="list-style-type: none"> <li>• Agricultural                             <ul style="list-style-type: none"> <li>○ Gives impression that land can only be used for agricultural purposes. We don't control use</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Large Lot                             <ul style="list-style-type: none"> <li>○ This better describes the type of divisions that people are actually doing. 25+ acres is not always used for farming</li> </ul> </li> </ul>
<b>Minimum Lot Size</b>	
<ul style="list-style-type: none"> <li>▪ 25 acres with 1 retained parcel</li> </ul>	<ul style="list-style-type: none"> <li>▪ 25 acres with 1 Limited Access Parcel of at least 2 acres allowed</li> </ul>
<b>Retained Parcel</b>	
<ul style="list-style-type: none"> <li>▪ Lot must be 2 acres or more</li> <li>▪ Lots must be perked for a drainfield and 100% reserve drainfield</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lot must be 2 acres or more. Name changed due to no requirement to retain the parcel</li> <li>▪ Lots do not have to be perked prior to plat approval</li> </ul>
<b>Road Frontage</b>	
<ul style="list-style-type: none"> <li>▪ Agricultural Lots                             <ul style="list-style-type: none"> <li>○ Not required to have public road frontage</li> <li>○ Allowed to have a 50 ft. easement to a public road</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Large Lots                             <ul style="list-style-type: none"> <li>○ Not required to have public road frontage</li> <li>○ Allowed to have a 50 ft. easement to a public road</li> <li>○ If access by an approved PDR, it will count towards max number of lots allowed for that road</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ Retained Parcel                             <ul style="list-style-type: none"> <li>○ Not required to have public road frontage</li> <li>○ Allowed to have a 50 ft. easement to a public road</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Limited Access Lot                             <ul style="list-style-type: none"> <li>○ Not required to have public road frontage</li> <li>○ Allowed to have a 50 ft. easement to a public road</li> <li>○ If access by an approved PDR, it will count towards max number of lots allowed for that road</li> </ul> </li> </ul>

**SEE KEY DIFFERENCES FOR ALL DIVISIONS, BEGINNING ON PAGE 1**

## KEY DIFFERENCES FOR LOT/STANDARD DIVISIONS (NEW SECTION 4-2)

CURRENT (Lot and Standard)	PROPOSED (Standard)
<b>Minimum Lot Size, Minimum Road Frontage, Minimum Width at Setback, Minimum Lot Depth</b>	
<ul style="list-style-type: none"> <li>▪ No public water/sewer               <ul style="list-style-type: none"> <li>○ 2 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 175 ft. width at setback</li> <li>○ Depth greater than width</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ No public water/sewer               <ul style="list-style-type: none"> <li>○ 2 acres</li> <li>○ 100 ft. road frontage</li> <li>○ 175 ft. width at setback</li> <li>○ 175 ft. lot depth</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ No public water/sewer but new public road               <ul style="list-style-type: none"> <li>○ 1 acre</li> <li>○ 50 ft. road frontage</li> <li>○ 100 ft. width of setback</li> <li>○ Depth greater than width</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ No public water/sewer but new public road               <ul style="list-style-type: none"> <li>○ 2 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 175 ft. width of setback</li> <li>○ 175 ft. lot depth</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Public water OR sewer               <ul style="list-style-type: none"> <li>○ 0.50 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 100 ft. width of setback</li> <li>○ Depth greater than width</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Public water OR sewer               <ul style="list-style-type: none"> <li>○ 0.50 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 100 ft. width of setback</li> <li>○ 100 ft. lot depth</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Public water AND sewer               <ul style="list-style-type: none"> <li>○ 0.26 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 75 ft. width of setback</li> <li>○ Depth greater than width</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Public water AND sewer               <ul style="list-style-type: none"> <li>○ 0.25 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 75 ft. width of setback</li> <li>○ 75 ft. lot depth</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Central water OR sewer               <ul style="list-style-type: none"> <li>○ 2 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 175 ft. width at setback</li> <li>○ Depth greater than width</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Central water OR sewer               <ul style="list-style-type: none"> <li>○ 0.50 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 100 ft. width at setback</li> <li>○ 100 ft. lot depth</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Central water AND sewer               <ul style="list-style-type: none"> <li>○ 2 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 175 ft. width at setback</li> <li>○ Depth greater than width</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Central water AND sewer               <ul style="list-style-type: none"> <li>○ 0.25 acres</li> <li>○ 50 ft. road frontage</li> <li>○ 75 ft. width at setback</li> <li>○ 75 ft. width at setback</li> </ul> </li> </ul>

**SEE KEY DIFFERENCES FOR ALL DIVISIONS, BEGINNING ON PAGE 1**

## KEY DIFFERENCES FOR TOWNHOUSE DIVISIONS (NEW SECTION 4-3)

CURRENT	PROPOSED
<b>Frontage and Access</b>	
<ul style="list-style-type: none"> <li>• Vehicle and pedestrian access provided to a public road right-of-way through an easement or parking of at least 30 ft in width</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicle and pedestrian access provided to a public road via a PDR</li> </ul>
<ul style="list-style-type: none"> <li>▪ Master tract not required to have public road frontage</li> <li>▪ If townhouse lots have public road frontage, a min. of 3 townhouse lots must share an entrance from public road</li> </ul>	<ul style="list-style-type: none"> <li>▪ Master tract is required to have a min. of 50 ft. of public road frontage</li> <li>▪ If townhouse lots have public road frontage, parking must be to the rear of the townhouses, on individual lots or in a common parking area</li> </ul>
<b>Water and Sewer</b>	
<ul style="list-style-type: none"> <li>• Shall be served by the PSA</li> </ul>	<ul style="list-style-type: none"> <li>• Shall be served by: <ul style="list-style-type: none"> <li>○ PSA, OR</li> <li>○ Central water and sewer</li> </ul> </li> </ul>
<b>Parking</b>	
<ul style="list-style-type: none"> <li>▪ Master tract not required to have public road frontage</li> <li>▪ If townhouse lots have public road frontage, a min. of 3 townhouse lots must share an entrance from public road</li> </ul>	<ul style="list-style-type: none"> <li>▪ Master tract is required to have a min. of 50 ft. of public road frontage</li> <li>▪ If townhouse lots have public road frontage, parking must be to the rear of the townhouses, on individual lots or in a common parking area</li> </ul>
<b>Surveying</b>	
<ul style="list-style-type: none"> <li>• All lots within a Townhouse Subdivision must be surveyed</li> </ul>	<ul style="list-style-type: none"> <li>• All lots within a Townhouse Division must be surveyed</li> </ul>
<b>SEE KEY DIFFERENCES FOR ALL DIVISIONS, BEGINNING ON PAGE 1</b>	



## NEW DIVISION TYPE – SPECIAL LOT (NEW SECTION 4-4)

CURRENT	PROPOSED
<b>Specific Uses</b>	
<ul style="list-style-type: none"> <li>• Replaces Cemetery, Public Utility, and Industrial Subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>• Public or private utilities</li> <li>• Publicly owned or operated facilities</li> <li>• Publicly owned or operated parks, including business parks and parcels that are publicly owned</li> <li>• Storm-water management facilities</li> <li>• Historical markers, buildings, or plots</li> <li>• Cemeteries</li> <li>• Required Townhouse Division common areas</li> <li>• No Special Lot shall be used for dwelling or camping purposes</li> </ul>
<b>Minimum Lot Size</b>	
<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• No minimum lot size</li> </ul>
<b>Road Frontage</b>	
<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>	<ul style="list-style-type: none"> <li>▪ Access may be provided by a public road, a PDR, or right-of-way, except for:               <ul style="list-style-type: none"> <li>○ Publicly owned/operated parks placed on Special Lots:                   <ul style="list-style-type: none"> <li>▪ Shall have at least 50 ft. of frontage on a public road or PDR.</li> <li>▪ Shall not be accessed by right-of-way only</li> </ul> </li> <li>○ All other Special Lots:                   <ul style="list-style-type: none"> <li>▪ Shall have a minimum 20 ft. right-of-way to a public road, OR</li> <li>▪ Shall have 50 ft. of public road frontage</li> </ul> </li> </ul> </li> </ul>
<p><b>SEE KEY DIFFERENCES FOR ALL DIVISIONS, BEGINNING ON PAGE 1</b></p>	

## KEY DIFFERENCES FOR FAMILY DIVISIONS (NEW SECTION 4-5)

CURRENT	PROPOSED
<b>Immediate Family Member</b>	
<ul style="list-style-type: none"> <li>Child, spouse, sibling, grandchild, grandparent, or parent of an owner</li> </ul>	<ul style="list-style-type: none"> <li>Child, stepchild, parent, stepparent, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, or nephew of an owner</li> </ul>
<b>Immediate Family Member Rules</b>	
<ul style="list-style-type: none"> <li>May be conveyed to immediate family member of an owner</li> </ul>	<ul style="list-style-type: none"> <li>Each Grantor shall be immediate family member of each other grantor</li> <li>Each Grantee shall be immediate family member of each other grantee</li> <li>At least one grantee must be an immediate family member of at least one grantor</li> </ul>
<b>Who Property Can Be Conveyed To During Holding Period</b>	
<ul style="list-style-type: none"> <li>May be conveyed to immediate family member</li> </ul>	<ul style="list-style-type: none"> <li>May be conveyed to an immediate family member of the original grantor(s)</li> </ul>
<ul style="list-style-type: none"> <li>Financing purposes (such as the lender)</li> </ul>	<ul style="list-style-type: none"> <li>Financing purposes (such as the lender)</li> </ul>
<b>Road Frontage</b>	
<ul style="list-style-type: none"> <li>Not required to have public road frontage</li> <li>In lieu of public road frontage, may have a 20 ft. easement to a public road</li> </ul>	<ul style="list-style-type: none"> <li>Not required to have public road frontage</li> <li>In lieu of public road frontage, may have a 20 ft. easement to a public road</li> </ul>
<b>SEE KEY DIFFERENCES FOR ALL DIVISIONS, BEGINNING ON PAGE 1</b>	

## KEY DIFFERENCES FOR LOT LINE REVISIONS (NEW SECTION 4-6)

CURRENT	PROPOSED
<ul style="list-style-type: none"> <li>• A lot line on an existing parcel may be revised as long as               <ul style="list-style-type: none"> <li>○ An additional lot will not be created;</li> <li>○ A substandard lot will not be created; or</li> <li>○ Such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas, and</li> <li>○ Provided further that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein, and</li> <li>○ The revision will not be in conflict with any provisions of the Floyd County Subdivision Ordinance;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• All parcels depicted on the plat of lot line revision shall meet each and every requirement of the underlying division type (Large Lot Division, Standard Division, Townhouse Division, Special Lot Division, or Family Division) with the exception of those parcels falling under the highlighted information below;</li> <li>• New or additional parcels shall not be created via Lot Line Revision;</li> <li>• If the existing parcels conform to the current division regulations, a lot line revision may not cause any parcel to lose such conforming status or violate any requirement of the applicable subdivision type;</li> <li>• If an existing parcel is non-conforming:               <ul style="list-style-type: none"> <li>○ A lot line revision may be approved if the revision will reduce the non-conformity without bringing the parcel into full compliance;</li> <li>○ A lot line revision may not increase the degree to which an existing parcel is non-conforming with the requirements of this Ordinance;</li> <li>○ The lot lines of a non-conforming parcel may be revised if the revision will reduce the degree of non-conformity, and the resulting parcel includes at least part of the original parcel area.</li> </ul> </li> </ul>
<p><b>SEE KEY DIFFERENCES FOR ALL DIVISIONS, BEGINNING ON PAGE 1</b></p>	