

**SHENANDOAH  
COUNTY**

**SUBDIVISION ORDINANCE**

Effective June 14, 1972  
Amended November 13, 1973  
Amended December 1979  
Amended September 12, 1989  
Amended June 12, 1990  
Amended July 10, 1990  
Amended June 8, 1993  
Amended April 11, 1995

AMENDMENTS TO  
THE SHENANDOAH COUNTY SUBDIVISION ORDINANCE  
TO ADDRESS NEW STREETS AND LOT ACCESS

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of Shenandoah, Commonwealth of Virginia, during a regular meeting held on August 12, 1997, that the Shenandoah County Subdivision Ordinance be amended as follows:

SECTION 4  
GENERAL REGULATIONS

4-4. IMPROVEMENTS

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established by the Virginia Department of ~~Highways~~ *Transportation* for streets, curbs, drainage facilities, utility service for power and water, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements:

4-4-1. STREETS

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality.

4-4-1-1 ALIGNMENT AND LAYOUT

The arrangement of streets in new subdivisions shall ~~make~~ provision for the continuation of existing streets in adjoining areas. The ~~street~~ arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. 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. Half streets along the boundary of land proposed for subdivision ~~may will~~ not be permitted. Whenever possible, streets should intersect at right angles. ~~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 highway engineer.~~

4-4-1-2. SERVICE DRIVES

Whenever a proposed subdivision contains or is adjacent to a public highway, provision may be required 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 of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any public highway or street projected across any railroad, or public highway shall be of adequate width to provide for the cuts and fills required for any separation of grades.

4-4-1-3. APPROACH ANGLE

Major Streets shall approach ~~major or minor~~ other streets at an angle of not less than eighty (80) degrees, unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

4-4-1-4. MINIMUM WIDTH

The minimum width of proposed streets, measured from lot line to lot line, shall be shown *as required by the Virginia Department of Transportation Subdivision Street Requirements*. ~~on the major street plan, or if not shown on such plan shall be:~~

~~Major streets - not less than eighty (80) feet; Minor streets - not less than fifty (50) feet; Local service drives or other minor streets which cannot be extended in the future and private streets - not less than forty (40) feet; and Alleys, if permitted - not less than twenty (20) feet or more than twenty-eight (28) feet. (12-79)~~

4-4-1-5. CONSTRUCTION REQUIREMENTS

All subdivision streets and roads shall be constructed in accordance with the Virginia Department of *Transportation Subdivision Street Requirements*. ~~Highways Secondary Roads specifications for major subdivision and/or tertiary streets as may be applicable.~~ Subject streets shall be dedicated for inclusion into the state secondary road system. (Amended 7/10/90)

4-4-1-6. CUL-DE-SACS

Generally, ~~minor terminal streets (cul-de-sacs)~~, designed to have one end permanently closed, shall be no longer than ~~seven hundred (700)~~ *fifteen hundred (1,500)* feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around, ~~of not less than one hundred (100) feet in diameter;~~ *the design of which shall be as approved by the highway engineer.*

4-4-1-7. ALLEYS

Alleys should be avoided whenever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turn-around facilities as determined by the agent.

4-4-1-8 PRIVATE STREETS AND RESERVE STRIPS

Repealed in its entirety.

4-4-1-8.1 Reserve Strips

Reserve strips controlling access to streets shall be prohibited. (Amended 7/10/90)

4-4-1-8.2 Lot Access

~~Each lot shall abut on and have direct access to a street meeting the requirements of this Ordinance; or an existing street eligible for inclusion into the state road system; except that any parcel of record as of (date of Adoption), may be divided into no more than two (2) lots which are to be served solely by a private access easement. (Amended 7/10/90)~~

*Except as provided herein, all lots shall front on and have direct access to a public street that is included in the Virginia State Secondary System or is to be constructed to meet Virginia Department of Transportation Subdivision Street Requirements for inclusion in the Secondary System according to an approved subdivision plat. All lots created after the date of this amendment shall meet the minimum frontage requirement for the zone, as measured from the front setback line from the public road. Spur lots are not permitted.*

*Exceptions to the above requirement are as follows:*

- a. *Lots of record as of the date of this amendment (August 12, 1997) that are served by an existing private street or private access easement may continue to be served by that private street or easement.*

b. *Lots created after the date of this amendment may front on and have direct access to a private access easement, provided the following standards are met:*

1) *The private access easement may serve no more than two lots. If an existing private street or access easement already serves two or more lots, no additional building lots may be served by that street or easement.*

2) *The number of private access easements that are allowed is as follows:*

<u>Size of Lot of Record</u>	<u># of Private Access Easements Allowed</u>
2.755-24	1
25 - 49 Ac.	2
50 - 99 Ac.	3
100 - 149 Ac.	4
150 Acres +	5

3) *Private access easements shall have a minimum right-of-way or access easement width of 40 feet.*

4) *Each private access easement shall connect directly to a public street.*

5) *The maximum length of the private access easement shall be fifteen hundred feet (1500').*

6) *The minimum travelway width shall be 12 feet.*

7) *Minimum two-foot wide graded shoulders shall be provided on both sides of the travelway.*

8) *Side ditches, relief ditches, and culverts shall be provided at appropriate locations to accommodate pre- and post-construction drainage.*

9) *Utility easements not less than fifteen feet in width shall be provided adjacent to both sides of the private access easement.*

10) *Adjacent parallel private access easements shall not be permitted.*

11) *Private access easements shall be identified on the plat and in the deeds for the lots, and all plats and deeds shall contain the following statement:*

*"ATTENTION: The access serving this lot (these lots) is private and its maintenance, including snow removal, is NOT a public responsibility. It shall not be eligible for acceptance into State secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision streets current at the time of such request. Any costs required to cause this street to become eligible for addition to the State system shall be met from funds other than those administered by the Virginia Department of Transportation or by Shenandoah County."*

4-4-1-9. STREET NAMES AND ADDRESSES

*Proposed streets in the subdivision shall be named in accordance with the Ordinance to Provide for a Shenandoah County Road Name Index to Assign Names to Street and Roads in Shenandoah County and for the Posting of Street Signs and Building Numbers. Prior to recordation of the final plat, the subdivider shall pay a street establishment and addressing fee, which shall cover the cost of entering the street and lot addresses into the County map address computer files. ~~which are obviously in alignment with already existing and named streets, shall bear the names of existing streets. In no case shall the names of proposed streets duplicate existing streets names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.~~*

4-4-1-10. IDENTIFICATION SIGNS

*Street identification signs of a design approved by ~~the agent~~ specified in the Ordinance to Provide for a Shenandoah County Road Name Index to Assign Names to Street and Roads in Shenandoah County and for the Posting of Street Signs and Building Numbers shall be installed by the developer at all intersections at his expense.*

4-4-10 EASEMENTS

The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ~~twenty (20)~~ *fifteen (15)* feet in width shall be provided for water, sewer, power lines, and other utilities in the subdivision unless specifically exempted by the agent.

4-6-2. WIDTH

Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major collector streets, unless prevented by topographical conditions or size of the property, in which the case the agent may approve a single tier of lots of minimum depth.

4-6-3. ORIENTATION

Where a proposed subdivision will adjoin a major collector road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare collector road to avoid unnecessary ingress or egress.

SECTION 8  
DEFINITIONS

8-11 HIGHWAY ENGINEER: The resident engineer employed by the Virginia Department of Highways Transportation.

8-14 (a) LOT, BUILDING: *A lot for building and development; not a lot to be used exclusively for agricultural or forestal purposes created under Section 8-30 (b) of this ordinance.*

8-26 STREET, MAJOR: ~~A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic of less than five hundred (500) vehicles per day.~~ COLLECTOR: *A street that provides direct access to more than twenty-five (25) residences, businesses, or uses or collects traffic from one or more local streets or other collector streets.*

8-27 STREET, OTHER: ~~A street which is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.~~ LOCAL: *A street that provides direct access to twenty-five or fewer residences, businesses, or uses.*

8-30 SUBDIVIDE: To divide any parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development whether such transfer or development is immediate or future and includes re-subdivision. However, the term subdivision shall not include the following:

- (a) The straightening or rearranging of property lines or the division of parcels for exchange between adjoining land owners if the number of lots remains the same or no new lots are created and the division is not in conflict with

the general intent of this ordinance; provided that the original lots are not reduced below the minimum lot size, *frontage, and yard requirements* required by the Zoning Ordinance of Shenandoah County.

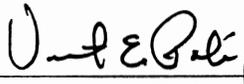
- (b) A single division of lot or parcel for the sale or gift to a member of the immediate family of the property owner. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this ordinance. *All lots created by such family subdivision that are less than five acres shall have a right-of-way of twenty (20) feet providing ingress and egress to a dedicated recorded public street.*
- (c) The division of land solely for agricultural or forestal purposes and not for building or development, *provided, however, that all lots created are zoned Conservation (C) or Agriculture (A) and contain 5 or more acres or, if the lot contains an existing dwelling, at least 6 acres.* Such division shall not be for the purpose of circumventing this ordinance; *frontage and yard requirements shall be met, though evidence of an approved on-site sewage disposal system shall not be required.*
- (d) The division of land for dedication for widening or straightening the right-of-way for roads within, or eligible for inclusion within the State Highway System or the division of land for dedication for public utilities.
- (e) A partition of land by Will or through actions of a Court of competent jurisdiction.
- (f) When a property has been changed in size or shape by reason of the taking of a part of such property for public use. Provided that the outlines and dimensions of such remainder may be clearly determined by reference to the previously recorded Plats.

Any person proposing to divide land who contends that such division is exempted from the provisions of this ordinance under subsections (a), (b), or (c) above shall submit to the Agent a *Simplified Plat* and/or other evidence satisfactory to the Agent to enable him to determine if the proposed division is exempt. If in the opinion of the Agent the division is exempted, he shall so certify on the plat or deed of conveyance by which the property is to be divided. *Any road or street created by any division or re-division of property under subsections (a), (b), or (c), regardless of size, shall be termed a private road or street and shall have fixed to the plat and deeds thereof a statement as cited under Section 4-4-1-8.2.b.11, unless the road or street is intended for and built to a standard allowing it to be added to the secondary system of state highways or other system of state highways.* Except for divisions of land defined by subsections (d), (e), or (f) above, no person shall record a plat or conveyance for a division of land without complying with the provisions of this ordinance or without obtaining the Agents certification of exemption. (9/12/89)

8-32            ~~SPUR LOTS: Irregular shaped lots, located behind regular interior lots, having a direct vehicular access of twenty (20) feet or more in width to a public street. Also known as pipestem or flag lots, these irregular shaped lots have frontage on a public street of less than the minimum lot frontage.~~

This amendment was approved by the Shenandoah County Board of Supervisors on August 12, 1997, on a motion by Martin G. Emswiller and second by Gilbert Davidson and a vote as follows:

Supervisor Gilbert Davidson	Aye	Supervisor Beverley Fleming	Aye
Supervisor Andrew L. Dawson	Aye	Supervisor David A. Nelson	Aye
Supervisor Martin G. Emswiller	Aye	Supervisor Barry D. Murphy	(Absent)

TESTE:  Clerk  
          Vincent E. Poling

c:subdvsts.ame

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SUBDIVISION ORDINANCE

SECTION 1  
PURPOSE AND TITLE

1-1 PURPOSE

The purpose of this ordinance is to establish certain subdivision standards and procedures for Shenandoah County, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the 1950 Code of Virginia, as amended.

These are part of a long-range plan to guide and facilitate the orderly and beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purpose of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities.

1-2. TITLE

This ordinance is known and may be cited as the "Subdivision Ordinance of Shenandoah County, Virginia" and is authorized pursuant to the provisions of Title 15.1, Chapter 11, Article 7, of the Code of Virginia, as amended. (Amended December 1979).

SECTION 2  
ADMINISTRATOR

2-1 ADMINISTRATOR

The Director of Planning and Code Enforcement or his designee, as appointed by the governing body is hereby

delegated to administer this Ordinance. In so doing, the Subdivision Administrator shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval as though it were given by the governing body. The agent shall not take final action on a subdivision plan until the Planning Commission has made a recommendation to the Board of Supervisors and the Board of Supervisors has acted on the plan.

However, the division of land into two (2) parcels (one (1) and two (2) lot subdivision) where there is not dedication of land to public use other than widening of an existing right-of-way, may be approved administratively by the agent. Such administratively approved division of the original parcel or newly created parcel shall not occur more than once during a twelve (12) month period, nor shall such a division be an attempt to circumvent the subdivision ordinance. In the event a plan for subdivision is disapproved by the agent, the subdivider may appeal to the governing body who then may override the decision of the agent and approve said plat. (Amended December 12, 1989).

#### 2-2. DUTIES

The agent shall perform his duties regarding subdivisions and subdividing in accordance with this ordinance and the Land Subdivision and Development Act.

#### 2-3. TO CONSULT

The agent shall contact the governing body of a town and invite written comments and/or recommendations prior to considering for approval any proposed subdivision or development situated within one mile of the corporate limits of that town. If the town has an approved utilities plan encompassing the area in which the proposed subdivision or development situated, said subdivision or development shall comply with provisions of the utilities plan prior to being approved by the County. (12/79).

#### 2-4. ADDITIONAL AUTHORITY

In addition to the regulations herein contained for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance. (12/79).

SECTION 3  
PROCEDURE FOR MAKING AND RECORDING PLATS

3-1. PLATTING REQUIRED

Any owner or developer of any tract of land situated within Shenandoah County who subdivides the same shall cause a plat of such division, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.

3-2. DRAW AND CERTIFY

Every such plat shall be prepared by a surveyor or engineer, duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outline of several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.

3-3. OWNERS STATEMENT

Every such plat, or the deed of dedication to which plat is attached, shall contain in addition to the surveyor's or engineer's certificate a statement to the effect that "the above and foregoing 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, if any," which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds and when thus executed and approved herein, specified shall be filed and recorded in the office of the clerk of the appropriate court, and indexed under the names of land owners signing such statement and under the name of the subdivision.

3-4. REPEALED September 12, 1989

3-5. PRIVATE CONTRACTS

This ordinance bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, or agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contract the provisions of this ordinance shall control.

3-6. NECESSARY CHANGES

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 on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

3.7. FEES

The governing body shall establish, by resolution, a schedule of fees, charges, expenses and collection procedures for the review and approval of subdivision plats. (9/12/89).

3-8. REPEALED 12/79

SECTION 4  
GENERAL REGULATIONS

4-1. MUTUAL RESPONSIBILITY

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

4-2. LAND MUST BE SUITABLE

The agent shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, 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.

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8-27 ~~STREET, OTHER: A street which is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.~~ *LOCAL: A street that provides direct access to twenty-five or fewer residences, businesses, or uses.*

8-30 SUBDIVIDE: To divide any parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development whether such transfer or development is immediate or future and includes re-subdivision. However, the term subdivision shall not include the following:

- (a) The straightening or rearranging of property lines or the division of parcels for exchange between adjoining land owners if the number of lots remains the same or no new lots are created and the division is not in conflict with

the general intent of this ordinance; provided that the original lots are not reduced below the minimum lot size, *frontage, and yard requirements* required by the Zoning Ordinance of Shenandoah County.

- (b) A single division of lot or parcel for the 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 for the purpose of circumventing this ordinance. *All lots created by such family subdivision that are less than five acres shall have a right-of-way of twenty (20) feet providing ingress and egress to a dedicated recorded public street.*
- (c) The division of land solely for agricultural or forestal purposes and not for building or development, *provided, however, that all lots created are zoned Conservation (C) or Agriculture (A) and contain 5 or more acres or, if the lot contains an existing dwelling, at least 6 acres.* Such division shall not be for the purpose of circumventing this ordinance; *frontage and yard requirements shall be met, though evidence of an approved on-site sewage disposal system shall not be required.*
- (d) The division of land for dedication for widening or straightening the right-of-way for roads within, or eligible for inclusion within the State Highway System or the division of land for dedication for public utilities.
- (e) A partition of land by Will or through actions of a Court of competent jurisdiction.
- (f) When a property has been changed in size or shape by reason of the taking of a part of such property for public use. Provided that the outlines and dimensions of such remainder may be clearly determined by reference to the previously recorded Plats.

Any person proposing to divide land who contends that such division is exempted from the provisions of this ordinance under subsections (a), (b), or (c) above shall submit to the Agent a *Simplified Plat* and/or other evidence satisfactory to the Agent to enable him to determine if the proposed division is exempt. If in the opinion of the Agent the division is exempted, he shall so certify on the plat or deed of conveyance by which the property is to be divided. *Any road or street created by any division or re-division of property under subsections (a), (b), or (c), regardless of size, shall be termed a private road or street and shall have fixed to the plat and deeds thereof a statement as cited under Section 4-4-1-8.2.b.11, unless the road or street is intended for and built to a standard allowing it to be added to the secondary system of state highways or other system of state highways.* Except for divisions of land defined by subsections (d), (e), or (f) above, no person shall record a plat or conveyance for a division of land without complying with the provisions of this ordinance or without obtaining the Agents certification of exemption.  
(9/12/89)

8-32

~~SPUR LOTS: Irregular shaped lots, located behind regular interior lots, having a direct vehicular access of twenty (20) feet or more in width to a public street. Also known as pipestem or flag lots, these irregular shaped lots have frontage on a public street of less than the minimum lot frontage.~~

This amendment was approved by the Shenandoah County Board of Supervisors on August 12, 1997, on a motion by Martin G. Emswiler and second by Gilbert Davidson and a vote as follows:

Supervisor Gilbert Davidson	Aye	Supervisor Beverley Fleming	Aye
Supervisor Andrew L. Dawson	Aye	Supervisor David A. Nelson	Aye
Supervisor Martin G. Emswiler	Aye	Supervisor Barry D. Murphy	(Absent)

TESTE: Vincent E. Poling Clerk

c:subdvsts.ame

4-3. FLOODING

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for other such uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to the public welfare.

4-4. IMPROVEMENTS

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Highways for streets, curbs, drainage facilities, utility service for power and water, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements:

4-4-1. STREETS

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality.

4-4-1-1. ALIGNMENT AND LAYOUT

The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. 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. Half streets along the boundary of land proposed for subdivision may not be permitted. Whenever possible, streets should intersect at right angles. 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 highway engineer.

4-4-1-2. SERVICE DRIVES

Whenever a proposed subdivision contains or is adjacent to a public highway, provision may be required 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 of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any public highway or street projected across any railroad, or public highway shall be adequate width to provide for the cuts and fills required for any separation of grades.

4-4-1-3. APPROACH ANGLE

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

4-4-1-4. MINIMUM WIDTH

The minimum width of proposed streets, measured from lot line to lot line, shall be shown on the major street plan, or if not shown on such plan shall be:

Major streets - not less than eighty (80) feet;  
Minor streets - not less than fifty (50) feet;  
Local service drives or other minor streets which cannot be extended in the future and private streets - not less than forty (40) feet; and  
Alleys, if permitted - not less than twenty (20) feet or more than twenty-eight (28) feet. (12-79)

4-4-1-5. CONSTRUCTION REQUIREMENTS

All subdivision streets and roads shall be constructed in accordance with the Virginia Department of Highways Secondary Roads specifications for major subdivision and/or tertiary streets as may be applicable. Subject streets shall be dedicated for inclusion into the state secondary road system. (Amended 7/10/90)

4-4-1-6. CUL-DE-SACS

Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be no longer than seven hundred (700) feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter.

4-4-1-7. ALLEYS

Alleys should be avoided whenever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turn-around facilities as determined by the agent.

4-4-1-8. PRIVATE STREETS AND RESERVE STRIPS

Repealed in its entirety.

4-4-1-8.1 Reserve Strips

Reserve strips controlling access to streets shall be prohibited. (Amended 7/10/90)

4-4-1-8.2 Lot Access

Each lot shall abut on and have direct access to a street meeting the requirements of this Ordinance; or an existing street eligible for inclusion into the state road system, except that any parcel of record as of (date of Adoption), may be divided into no more than two (2) lots which are to be served solely by a private access easement. (Amended 7/10/90)

4-4-1-9. NAMES

Proposed streets which are obviously in alignment with already existing and named streets, shall bear the names of existing streets. In no case shall the names of proposed streets duplicate existing streets names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.

4-4-1-10. IDENTIFICATION SIGNS

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

4-4-2. MONUMENTS

As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications. 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 inspected and approved by the agent before any improvements are accepted by the governing body.

4-4-2-1. LOCATION - CONCRETE

Concrete monuments four (4) inches in diameter or square, three (3) feet long with a flat top, or 3/4" iron pipe 24 inches long, shall be set at all street corners at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points and points of curve in each street. These monuments or pins shall be set flush with the finished grade.

4-4-2-2. LOCATION - IRON PIPE

All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finishing grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one half (1/2) inch in diameter, the top of which shall be set flush with the finished grade.

4-4-3. WATER FACILITIES

Where public water is available the service shall be extended to all lots within a subdivision, including hydrants installed by the subdivider in accordance with the design standards and specifications for construction, and improvements in Shenandoah County meeting the approval of the agent. Every subdivision containing twenty-five (25) or more lots to which public water cannot or will not be provided shall be required by the subdivider with a complete central water distribution system to serve each and every lot of less than twenty thousand (20,000) square feet.

4-4-4. SEWERAGE FACILITIES

Where public sewerage facilities are available the service shall be extended to all lots within a subdivision and septic tanks will not be permitted. In case of a subdivision in which the size of lots are less than twenty thousand (20,000) square feet, a plan for the satisfactory and sanitary means of sewage disposal shall be submitted by the subdivider, subject to the approval of the health official.

4-4-5. PRIVATE WATER AND/OR SEWER

Nothing in this regulation shall prevent the installation of privately owned water and/or sewerage facilities in areas where public water and/or sewerage facilities are not available, provided, however, that pit privies will not be allowed, and other private installations must meet all requirements of the State Water Control Board, the State Health Department, and any other State or local regulation having authority over such installation. (12-79)

4-4-6. LOT SIZES

All lots shall meet or exceed the minimum lot size required by the Zoning Ordinance of Shenandoah County.

(4-4-6-1 through 4-4-6-3 are repealed in their entirety.) (12-79)

4-4-8.

#### STORM DRAINAGE FACILITIES

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 all such improvements together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The County may submit storm drainage plans to the County's consulting engineer for review. In instances where roads are to be included in the State Highway system the plans are to be submitted to the VDOT engineer. The subdivider shall provide any other information required by the reviewing engineer. The subdivider shall reimburse the County for engineering cost incurred during the review process. (9/12/89)

4-4-9.

#### FIRE PROTECTION

The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary public water is available. The agent shall consult with the proper authority before approving such location.

4-4-10.

#### EASEMENTS

The agent may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than twenty (20) feet in width shall be provided for water, sewer, power lines, and other utilities in the subdivision unless specifically exempted by the agent. (12/79).

4-4-11.

#### BOND

Before any subdivision plat will be finally approved by the agent the subdivider shall, in lieu of construction, furnish bond in an amount calculated by the agent to secure the required improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the appropriate engineer, which bond shall be payable to and held by the governing body.

4-4-12.

#### PLANS AND SPECIFICATIONS

Five (5) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by an engineer and shall be submitted to the agent for approval or disapproval with in forty-five (45) days. If approved, one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in forty-five (45) days such subdivision shall be deemed approved. (12/79).

4-5.

#### LOTS AND BUILDING SITES

In addition to the area and width re contained in the Zoning Ordinance of County, lots shall be arranged in orde following considerations are satisfied: (12

4-5-1.

#### SHAPE

The lot arrangement, design, and shape shall be such that lot will provide satisfactory and desirable sites for buildings, and be properly related to topography and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

4-5-2.

#### LOCATION

Each lot shall abut on a street created by the subdivision plat, or on an existing street, except in one- and two-lot subdivisions as approved by the agent. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots so as to permit the widening by dedication of such roads or streets to a width of fifty (50) feet.

4-5-3.

#### CORNER LOTS

Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets pursuant to the Zoning Ordinance.

4-5-4.

#### BUILDING SETBACK LINES

(Original subsection deleted)

Building setback lines shall be shown on all plats, at a minimum distance not less than that required by the Zoning Ordinance of Shenandoah County. (12/79).

4-5-5.

#### SIDE LINES

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

4-5-6.

#### REMNANTS

All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

4-5-7.

#### SEPARATE OWNERSHIP

Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) 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. (12/79)

4-6.

#### BLOCKS

Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following general requirements:

4-6-1.

#### LENGTH

Generally, the maximum length of blocks shall be twelve hundred (1,200) feet, and the minimum length of blocks upon which lots have frontage shall be five (500) feet.

4-6-2.

#### WIDTH

Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which the case the agent may approve a single tier of lots of minimum depth.

4-6-3.

#### ORIENTATION

Where a proposed subdivision will adjoin a major road, the agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

4-7.

#### DEDICATION AND RESERVATION OF LAND

4-7-1.

The subdivider shall dedicate to Shenandoah County all land required for streets and alleys as provided in this Ordinance.

4-7-2.

Where the size of the subdivision warrants, the subdivider shall dedicate to Shenandoah County such reasonable amount of land for parking lots, parks, playgrounds, schools, and fire stations, and for preserving outstanding natural or historic features, as the Board of Supervisors, after receiving the recommendation of the Commission, finds necessary to protect the safety (fire and traffic hazards considered) and general public welfare of the area. Also, the Commission may require the subdivider to reserve, for not more than seven years, areas for churches, libraries, municipal buildings, and similar public and semi-public uses on a reimbursement basis. The reimbursement required shall not exceed the proportionate cost, plus 5 percent per annum, plus a profit not to exceed 10 percent. The size, location, and character of land dedicated or reserved, if any, shall be determined by the Commission after (a) consultation with the subdivider, (b) consideration of the purpose of this Ordinance (Section 1-1), and (c) consideration of any related objectives approved by the Board of Supervisors and Shenandoah County.

4-7-3.

If reserved land is not purchased within a period of time of the reservation it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of the reserve land as separate lots, the subdivider shall show on his Final Plat, by dotted lined, the sizes 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.

AN ORDINANCE AMENDING THE  
SHENANDOAH COUNTY SUBDIVISION ORDINANCE

BE IT ORDAINED, by the Board of Supervisors of the County of Shenandoah, Commonwealth of Virginia, during a regular meeting on June 8, 1993, that the Subdivision Ordinance be amended as follows:

An amendment to the Shenandoah County Subdivision Ordinance to repeal Section 4-8 as it pertains to Homeowners' Associations and adopting Section 4-9 pertaining to Property Owners' Associations.

Section 4-9      Property Owners' Associations

4-9-1      The intent of this section is to require the establishment of a nonprofit organization to be known as the "Property Owners' Association." The Property Owners' Association shall be created by the subdivider whenever the subdivision contains dedicated common areas, easements, stormwater management facilities and/or public roads. The Property Owners' Association shall be charged with the continuous maintenance and management of all common areas, easements, stormwater management facilities and dedicated facilities associated with an approved subdivision.

4-9-2      The subdivider shall file legal documents that establish procedures for the establishment of a nonprofit Property Owners' Association prior to the sale of any lot in an approved subdivision. These legal documents shall be submitted to the Subdivision Administrator and the Commonwealth's Attorney for review and approval prior to the approval of the final subdivision plats. These documents shall include but not be limited to provisions for dedication of common properties, declarations of covenants, conditions and restrictions, articles of incorporation, bylaws and deed clauses for common areas. All final contracts between the subdivider and all lot purchasers shall include a consumer disclosure statement listing the Property Owners' Association's annual assessments and the copy of the final approved Property Owners' Association bylaws. Membership in the Property Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot in any approved subdivision.

- 4-9-3 The subdivider shall be responsible for the management and maintenance of all private common areas, easements and improvements in the approved subdivision until the improvements are taken over by the Property Owners' Association. The subdivider shall exercise all powers and duties of the Property Owners' Association, including assessment and collection of charges. Prior to the sale of the lot constituting fifty percent (50%) of all approved buildable lots, all common areas, easements and improvements shall be transferred from the developer to the Property Owners' Association. All private common areas, easements and improvements shall be in good operating order and condition and in compliance with applicable laws, codes and regulations at the time of transfer to the Property Owners' Association. The subdivider shall notify the Department of Planning and Code Enforcement when the transfer of control to the Property Owners' Association occurs.
- 4-9-4 Within subdivisions containing twenty (20) or more lots, all funds associated with a Property Owners' Association shall be maintained in interest-bearing escrow accounts approved by the Property Owners' Association's Board of Directors. The Treasurer of the Property Owners' Association shall be bonded and shall be responsible for providing annual statements, preparing and submitting an annual budget and making financial recommendations to the Board of Directors.
- 4-9-5 All private common areas, easements, stormwater management facilities and dedicated facilities shall be continuously maintained in a fashion where the use, function and appearance is in conformance to the provisions of the Shenandoah County Code. The County shall have the right to inspect any common area, easement, stormwater management facility or dedicated facility to ensure that the requirements of the Shenandoah County Code are complied with. If the maintenance of common areas, easements, stormwater management facilities or dedicated facilities is neglected or becomes a danger to public health or safety, the locality shall have the authority to perform the work necessary to bring the area into compliance with all applicable codes and recover all costs from the owner(s).

4-9-6 In the event that the subdivider or the Property Owners' Association is found to be in violation of any provision established in this section, the County of Shenandoah shall have all powers of enforcement to insure compliance with all applicable laws, codes and regulations.

This amendment was approved on a motion and second by Supervisors Dennis W. Pence and A. Jay Hirsch on June 8, 1993.

Cynthia G. Dellinger Aye  
A. Jay Hirsch Aye  
Dennis M. Morris Aye

W. Williams Ortts Aye  
Dennis W. Pence Aye  
Eunice L. Taylor Aye

TESTE:



Clerk

4-7-4. Nothing in this Ordinance shall be construed to mean that land set aside or reserved for commercial or industrial purposes may be so used unless such use is in conformity with the requirements of any existing zoning or other applicable ordinances.

4-8. HOMEOWNERS ASSOCIATION

Whenever any subdivision of land contains private streets or roads, or private water and/or sewerage system, or common open space to be maintained by the owners of the subdivision, the subdivider shall provide for an association of all property owners within the subdivision which shall be responsible for the ownership, maintenance, repair, and replacement of such common elements for the benefit of the owners and residents of the subdivision. Such association shall be created in accordance with the provisions of the Virginia Condominiums Act. Membership in such association by all property owners shall be mandatory. (12/79)

4-9 See attached amendment.  
(Property Owner's Association)  
SECTION 5

APPROVAL OF PLATS

5-1. APPROVAL REQUIRED BEFORE SALE

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the agent for the approval of the subdivision plat and submit five (5) copies of the preliminary plat including the lot, street and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the following manner: (12/79)

5-2. PRELIMINARY SKETCH

The subdivider may, if he so chooses, submit to the agent 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 in

general are in accordance with the requirements of this ordinance. The Commission, upon submission of any preliminary sketch, shall study it, and advise the subdivider where it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the commission with the preliminary plat. The preliminary sketch shall be as follows:

5-2-1. It shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to a scale of not less than one hundred (100) feet to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions. (12/79)

5-2-2. PART OF TRACT

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.

5-3. PRELIMINARY PLAT

The subdivider shall present to the commission five (5) prints of a preliminary layout at a scale no smaller than one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

5-3-1. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If the true north is used, method of determination must be shown.

- 5-3-2. Location of proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
- 5-3-3. The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2500); total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- 5-3-4. All existing, platted and proposed streets, their names, number and widths; existing utility or other easements, public areas and parking spaces, culverts, drains and water courses, their names and other pertinent data.
- 5-3-5. 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. The layout shall include the computed drainage area.
- 5-3-6. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- 5-3-7. A profile of 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.
- 5-3-8. A location map tying the subdivision into our present road system, either by aerial photographs or topographic maps of the U.S. Department of Interior.
- 5-3-9. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewerage disposal and water supply.

5-3-10. All parcels of land to be dedicated for public use and the conditions of such dedication.

5-4. PROCEDURE

The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance.

The subdivider shall then be advised in writing within forty-five (45) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and an estimate of the cost of the construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of the 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, or preferably may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

5-5. NO GUARANTEE

Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

5-6. SIX MONTHS LIMIT

The subdivider shall have not 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 the preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

5-7. FINAL PLAT

The subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink, or black or blue pencil, on linen tracing cloth

or mylar, at a scale no smaller than one hundred (100) feet to the inch, on sheets having a size of 8 1/2" x 14". In addition to the requirements of the preliminary plat, the final plat shall include the following:  
(12/79)

- 5-7-1. Final plats shall be submitted in two (2) copies for distribution as follows:  
    (a) Original for records of the County Clerk.  
    (b) Copy for file of Planning Commission.
- 5-7-2. Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- 5-7-3. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any which shall be signed by such owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take the acknowledgment of deeds. (12/79)
- 5-7-4. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dash-lines and identification of the respective tracts shall be placed on the plat.
- 5-7-5. The accurate location and dimensions by bearings and distances with all curve data on all lots and streets lines and center line of streets, boundaries of all proposed or existing easements, parks, school sites or other public areas, the number and area of all building sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivisions and adjoining said boundaries. Plans for control siltation and erosion during development, pursuant to the requirements of the

Erosion and Sedimentation Control Ordinance, shall accompany the plat. (12/79)

5-7-6. Distances and bearing must balance and close with an accuracy of not less than one (1) in five thousand (5,000)

5-7-7. The data of all curves along the street frontage 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.

5-7-8. A provision shall be made on each page of each copy of a plat for dating and initialing by each approving officer.

5-8. CONDITIONS

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for a performance bond to cover the cost of necessary improvements, in lieu of construction to the satisfaction of the agent. Approval of final plat shall be written on the face of the plat by the agent. The subdivider shall record plat within sixty (60) days after final approval; otherwise agent shall mark plat "void" and notify the Clerk of the Court.

5-9. SIMPLIFIED PLAT

For one- and two- lot subdivision a simplified plat may be submitted for approval. Such simplified plat may serve as both the preliminary and final plat and shall include at least the following information:

- (a) Bearings and distances of all property lines.
- (b) Area in square feet, or acres.
- (c) Type of monuments at property corners, and indicate whether set or found.
- (d) Center or boundary lines, widths, and route number or adjoining highways, and distance to the nearest highway intersection.

(e) The right-of-way and distance to the highway (for lots not bordering a highway.)

(f) North directional arrow (indicate whether magnetic or true north).

(g) Scale (shall conform to subdivision ordinance requirements).

(h) Names of adjoining property owners.

(i) Name of present landowner and reference (deed book, page number, etc.)

(j) Date surveyed, state certified surveyor's or engineer's seal.

(k) Signature(s) of the owner(s), proprietors, and trustees, if any.

(l) Certificate of approval for Virginia Department of Highways & Transportation, Health Department, Agent of County Governing body. (12/79)

5-9-1. Simplified Plats shall be submitted in five (5) copies as follows:

(a) Original for approval and subsequent recording by the County Clerk, which shall be clearly and legibly drawn in ink, or black or blue pencil on linen tracing cloth or mylar, at a scale no smaller than one hundred (100) feet to the inch on a sheet having a size of 8 1/2" x 14".

(b) Four (4) copies for review purposes submitted to the agent. (12/79)

5-10. All subdivisions submitted for approval which are not for development purposes shall include the following certification:

#### DECLARATION OF INTENT OF SUBDIVISION

I hereby certify that the intent of the plat of subdivision shown hereon is for acquisition of additional acreage for property enlargement, readjustment of property lines, and/or correction of deed discrepancies, and not for the development of same. Any plans for development of this land will be submitted to the Planning Commission in accordance with the rules and regulations of Shenandoah County. (12/79)

ORDINANCE AMENDING THE  
SHENANDOAH COUNTY SUBDIVISION ORDINANCE  
REGARDING VACATION OF INTERIOR LOT LINES IN SUBDIVISIONS

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of Shenandoah, Commonwealth of Virginia, during a regular meeting held on April 11, 1995, that the Shenandoah County Subdivision Ordinance be amended as follows:

An amendment to Section 6-1:

6-1 Interior boundary lines of any lots or parcels of land may be *relocated or otherwise altered including vacated as a part of an otherwise valid and properly recorded plat of subdivision or re-subdivision approved as provided in such subdivision ordinance or properly recorded prior to the applicability of a subdivision ordinance and executed by the owner or owners of such land. Such action may be approved administratively by the Subdivision Administrator provided, such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements of utility right-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.*

This amendment was approved on a motion and second by Supervisors A. Jay Hirsch and Eunice L. Taylor on April 11, 1995.

Cynthia G. Dellinger	<u>Aye</u>	W. William Orttts	<u>Aye</u>
A. Jay Hirsch	<u>Aye</u>	Dennis W. Pence	<u>Aye</u>
Dennis Morris	<u>Aye</u>	Eunice L. Taylor	<u>Aye</u>

TESTE: John A. Petty Clerk

SECTION 6  
VACATION OF INTERIOR LOT LINES

- 6-1 ~~Interior boundary lines of lots or parcels of land may be vacated administratively by the Subdivision Administrator provided, such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility right-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.~~
- 6-2 The owner or owners of any lots or parcels of land situated in Shenandoah County who desires to vacate any interior lot line shall cause a plat to be made by a surveyor or engineer, duly licensed by the Commonwealth of Virginia and recorded in the office of the Clerk of the Circuit Court of Shenandoah County. No such plat or vacation shall be recorded until it has been executed by the owner or owners as provided in Section 15.1-477 of the Code of Virginia, as amended, and approved by the Subdivision Administrator.
- 6-3 Interior lot/parcel lines to be vacated shall be identified on the plat by broken lines.
- 6-4 The consolidation of one or more lots/parcels into a single lot/parcel by vacation of interior lot lines shall not reduce the landowners liability for assessment of road maintenance fees of that property is serviced by private roads under a homeowner's association or other road maintenance agreement.

SECTION 7  
EFFECTUAL CLAUSES

Exceptions (This subsection is repealed in its entirety)

The remaining subsections are re-numbered consecutively as follows: (12/79)

7-1. PENALTIES

Any person violating the foregoing provisions of this section shall be subject to a fine of not more than one hundred (100) dollars for each parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes or bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

7-2. VALIDITY

Should any article, section, subsection or provision of this subdivision 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 subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

7-3. REPEAL

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

7-4. AMENDMENTS

This ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body, in accordance with Section 15.1-431 of the Code of Virginia. (12/79)

7-5. This ordinance was duly considered, following a required public hearing on June 13, 1972, and was duly adopted by the Board of Supervisors of Shenandoah County at its regular meeting on June 13, 1972, to be effective on June 14, 1972.

This ordinance shall be effective on and after 12:01 A.M. on June 14, 1972.

SECTION 8

DEFINITIONS (12/79)

WORDS AND TERMS

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows:

Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not discretionary; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane.

- 8-1 AGENT: The representative of the governing body who has been appointed to serve as the agent of the board in approving the subdivision plats.
- 8-2 ALLEY: A permanent service way providing a secondary means of access to abutting properties.
- 8-3 BUILDING LINE: The distance which a building is from the front lot line or front boundary line.
- 8-4 COMMISSION: The Planning Commission of Shenandoah County, Virginia.
- 8-5 CUL-DE-SAC: A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.
- 8-6 DEVELOPER: An owner of property being subdivided, whether or not represented by an agent.
- 8-7 EASEMENT: A grant by a property owner of the use of land for a specific purpose or purposes.
- 8-8 ENGINEER: An engineer licensed by the Commonwealth of Virginia.
- 8-9 GOVERNING BODY: The Board of Supervisors of Shenandoah County, Virginia.
- 8-10 HEALTH OFFICER (OR OFFICIAL): The health director or sanitarian of Shenandoah County, Virginia.
- 8-11 HIGHWAY ENGINEER: The resident engineer employed by the Virginia Department of Highways.

- 8-12 IMMEDIATE FAMILY: For the purpose of this ordinance, a member of the immediate family is defined as any person who is the natural or legally defined offspring, spouse, or parent of the owner of the property to be divided.
- 8-13 JURISDICTION: All of Shenandoah County, excluding incorporated towns, unless the towns request the application of this ordinance.
- 8-14 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.
- 8-15 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.
- 8-16 LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.
- 8-17 LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 8-18 LOT, INTERIOR: A lot other than a corner lot.
- 8-19 LOT OF RECORD: A lot which has been recorded in the office of the clerk of the appropriate court.
- 8-20 LOT, WIDTH OF: The mean horizontal distance between the side lot lines.
- 8-21 PERFORMANCE BOND: Any security which may be accepted by the governing body of Shenandoah County in lieu of a requirement that certain improvements be made prior to approval of a subdivision plat, including but not limited to: surety bonds, cash escrow agreements,

cash bonds, certified checks, a letter of credit from a bank or savings and loan association on certain designated funds satisfactory to the governing body as to the bank or savings and loan association, the amount and form.

- 8-22 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".
- 8-23 PROPERTY: Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 8-24 STREET: The principal means of access to abutting properties.
- 8-25 STREET OR ALLEY, PUBLIC USE OF: The unrestricted use of a specified area of right-of-way for ingress and egress to two (2) or more abutting properties.
- 8-26 STREET, MAJOR: A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.
- 8-27 STREET, OTHER: A street which is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
- 8-28 STREET, SERVICE DRIVE: A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
- 8-29 STREET, WIDTH: The total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks and planting strips.
- 8-30 SUBDIVIDE: To divide any parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development whether such transfer or development is immediate or future and includes re-subdivision. However, the term subdivision shall not include the following:

MUST HAVE "FARM" TO BE  
AGRICULTURAL OR FORESTAL  
EXEMPTION.

BASED ON LAND USE  
LAW

MINIMUM OF 5 ACRES,  
6 ACRES IF THERE IS  
A HOUSE ON THE LOT.

(a) The straightening or rearranging of property lines or the division of parcels for exchange between adjoining land owners if the number of lots remains the same or no new lots are created and the division is not in conflict with the general intent of this ordinance. Provided that the original lots are not reduced below the minimum lot size required by the Zoning Ordinance of Shenandoah County.

*no fee*

(b) A single division of lot or parcel for the 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 for the purpose of circumventing this ordinance.

*no fee*

(c) The division of land solely for agricultural or forestal purposes and not for building or development. Such division shall not be for the purpose of circumventing this ordinance.

*(REQUIRES 5 ACRES FOR LOT, OR 6 ACRES IF THERE IS A HOUSE ON IT.)*

(d) The division of land for dedication for widening or straightening the right-of-way for roads within, or eligible for inclusion within the State Highway System or the division of land for dedication for public utilities.

(e) A partition of land by Will or through actions of a Court of competent jurisdiction.

(f) When a property has been changed in size or shape by reason of the taking of a part of such property for public use. Provided that the outlines and dimensions of such remainder may be clearly determined by reference to the previously recorded Plats.

Any person proposing to divide land who contends that such division is exempted from the provisions of this ordinance under subsections (a), (b), or (c) above shall submit to the Agent a Plat and/or other evidence satisfactory to the Agent to enable him to determine if the proposed division is exempt. If in the opinion of the Agent the division is exempt, he shall so certify on the plat or deed of conveyance by which the property is to be divided. Except for divisions of land defined by subsections (d), (e), or (f) above, no person shall record a plat or conveyance for a division of land without complying with the provisions of this ordinance or without obtaining the Agents certification of exemption.  
(9/12/89)

8-30.1 The word "subdivide" and any derivative and thereof shall have reference to the term "subdivider" as defined in Section 8-31.

8-31. 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, lots or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

8-32 SPUR LOTS: Irregular shaped lots, located behind regular interior lots, having a direct vehicular access of twenty (20) feet or more in width to a public street.

(Attachment A)

**Application Submission Deadlines  
for Rezonings, Special Use Permits, Site Plans and Subdivision Plats**

Submission Deadline*	Joint Hearing before Planning Commission & Board of Supervisors	Board of Supervisors Meeting
1996 Dec. 9	1997 Jan. 2	Jan. 28
1997 Jan. 13	Feb. 6	Feb. 25
Feb. 10	Mar. 6	Mar. 25
Mar. 10	Apr. 3	Apr. 22
Apr. 7	May 1	May 27
May 12	June 5	June 24
June 9	July 3	July 22
July 14	Aug. 7	Aug. 26
Aug. 11	Sept. 4	Sept. 23
Sept. 8	Oct. 2	Oct. 28
Oct. 13	Nov. 6	Nov. 25
Nov. 10	Dec. 4	Dec. 23
Dec. 15	1998 Jan. 8	1998 Jan. 27

\* A complete application must be submitted by this deadline. An application is not considered complete until it includes all required agency comments as well as other required application forms, plats, plans, etc.



## SHENANDOAH COUNTY PLANNING COMMISSION

### DISTRICT #1

Clarence A. Lawson  
Term Expires: 10/31/98

53 Jiggady Road  
New Market, VA 22844

740-8387 (Home)

### DISTRICT #2

John J. Jordan  
Term Expires: 10/31/2000

4888 Conicville Road  
Mt. Jackson, VA 22842

477-2374 (Home)

### DISTRICT #3

Harry W. Murray  
Term Expires: 10/31/2000

P.O. Box 156  
Edinburg, VA 22824

984-8126 (Home)  
984-4212 (Work)

### DISTRICT #4

James Rodney Spotts  
Term Expires: 10/31/97

285 North River Drive  
Woodstock, VA 22664

459-2741 (Home)  
459-2154 (Work)

### DISTRICT #5

Gordon (Sonny) C. Bayles, Jr., Chairman  
Term Expires: 10/31/98

2150 Mt. Olive Road  
Toms Brook, VA 22660

436-3628 (Home)

### DISTRICT #6

Jeffrey C. Aimonetti, Vice Chairman  
Term Expires: 10/31/97

208 West Queen Street  
Strasburg, VA 22657

465-4962 (Home)  
459-2220 (Work)

### SECRETARY

Phoebe Kilby, Services Manager

P.O. Box 452  
Woodstock, VA 22664

459-6211 (Office)

Barry D. Murphy (Board of Supervisors)  
Beverly H. Fleming (Ex-Officio from Board)

**\*Four Year Terms\***  
**Appointed by Board of Supervisors**  
**Meetings Held First Thursday of Every Month**

**SHENANDOAH COUNTY BOARD OF SUPERVISORS**

Terms begin 1/1/96

Meets 2nd Tuesday ... 10:00 A.M.

4th Tuesday ... 7:30 P.M.

**DISTRICT 1**

Andrew L. Dawson, Vice Chairman . . . . . 740-8007 (Home)  
247 Periwinkle Lane . . . . . 740-3132(Work)  
New Market, VA 22844 . . . . . 740-3100 (FAX)  
(Term expires 12/31/97)

**DISTRICT 2**

Beverley H. Fleming, Chairman . . . . . 477-2181 (Home)  
542 Fleming Road  
Mt. Jackson, VA 22842  
(Term expires 12/31/99)

**DISTRICT 3**

Gilbert Davidson . . . . . 984-4431 (Home)  
188 Davidson Lane  
Edinburg, VA 22824  
(Term expires 12/31/99)

**DISTRICT 4**

Barry D. Murphy . . . . . 459-8484 (Home)  
147 S. Muhlenberg Street . . . . . 459-8800 (Work)  
Woodstock, VA 22664 . . . . . 459-8466 (FAX)  
(Term expires 12/31/97)

**DISTRICT 5**

Martin G. Emswiller . . . . . 459-4244 (Home)  
6676 Back Road . . . . . 459-5474 (Work)  
Maurertown, VA 22644  
(Term expires 12/31/97)

**DISTRICT 6**

David A. Nelson . . . . . 465-8396 (Home)  
395 Fox Ridge Drive  
Strasburg, VA 22664  
(Term expires 12/31/99)

## TECHNICAL REVIEW COMMITTEE

### Towns

#### **Town of Edinburg**

Dan Harshman  
P.O. Box 295  
206 Printz Street  
Edinburg, VA 22824  
459-4755

#### **Town of New Market**

Pam Hile  
9418 John Sevier Road  
P.O. Box 58  
New Market, VA 22844  
740-3432

#### **Town of Strasburg**

Kevin Fauber  
143 East King Street  
P.O. Box 351  
Strasburg, VA 22657  
465-9197

#### **Town of Woodstock**

Larry Bradford  
Michelle Lohr  
135 North Main Street  
P.O. Box 169  
Woodstock, VA 22664  
459-3621

#### **Town of Mt. Jackson**

John Poole  
P.O. Box 487  
Mt. Jackson, VA  
477-2121

### County Agencies

#### **Building Official**

Bill Golladay  
P.O. Box 421  
Woodstock, VA 22664  
459-6185

### County Agencies (Con't)

#### **Economic Development Council**

Vince Poling  
P.O. Box 402  
Woodstock, VA 22664  
459-6210

#### **Fire Marshal**

Larry Gochenour  
118 West Court Street  
Woodstock, VA 22664  
459-6184

#### **Shenandoah County Health Department**

Richard Black  
P.O. Box 269  
Woodstock, VA 22664  
459-3733

#### **Shenandoah Planning & Zoning**

Robert. E. Kinsley  
118 West Court Street  
Woodstock, VA 22664  
459-6190

#### **Stoney Creek Sanitary District**

Rodney McClain  
P.O. Box 42  
Basye, VA 22810  
856-2741

## **ate Agencies**

### **ord Fairfax Soil & Water Conservation District**

m Hepner  
95 North Main Street  
Woodstock, VA 22664  
59-5735

### **Virginia Department of Forestry**

ary Yew  
O. Box 121  
Woodstock, VA 22664  
59-3151

### **Virginia Department of Transportation**

ob Childress  
4031 Old Valley Pike  
O. Box 278  
Edinburg, VA 22824  
84-5600

## **Utilities**

### **Columbia Gas**

oseph Bartoletta  
P.O. Box 1273  
Charleston, WV 25325-1273

### **The Potomac Edison Company**

Chuck Anna  
P.O. Box 3200  
Winchester, VA 22601  
800) 654-3317

### **Shenandoah Gas Company**

Kim Hickerson  
P.O. Box 2400  
Winchester, VA 22604  
540) 869-1111

### **Shenandoah Telephone Company**

Doug McIlwee  
P.O. Box 459  
Edinburg, VA 22824  
984-5257

### **Shenandoah Valley Electric Coop.**

Wayne Craun  
P.O. Box 424  
Mt. Jackson, VA 22842  
477-3168

### **Virginia Power**

Lee Dingus  
1133 S. Hisey  
Woodstock, VA 22664  
459-6507

<u>Subdivision Name</u>	<u>Tax Map Page</u>
Aspen East Town Houses	65A3
Black Bear Crossing Subdivision	47A
Brice Family Enterprises (Sun Air Homes)	64D1 (2)
Brice Family Enterprises, Inc.	64D1 (4)
Bryce Mountain Ski & Country Club	66 (2), 76(9)
Bryce Mountain Resort	64D1, 65A1, 65A2, 65A3, 65A 4, 65 A 5, 65 A 6, 66A1, 66A2
Chalet High	65A7
Deer Rapids	35A1, 35A2, 35A3
Fleming Park	92 (2) (3), 104G (1)
Forest Hills	104F
Fort Valley	83 (1)
Helsley Shrum Subdivision	33A
Hidden Pass Subdivision	93A
Horseshoe Bend	104A
Kay Hill (Formerly Cedar Grove)	99A (1)
Kings Crossing Subdivision	83A
Leisure Point Subdivision	59A
Massanutten Heights Subdivision	69A, 104D

<b><u>Subdivision Name</u></b>	<b><u>Tax Map Page</u></b>
<b>Meadows (Strasburg Junction)</b>	15, 24
<b>Pine Mountain Subdivision</b>	47D1, 47D2, 47D3
<b>Mountain Crest</b>	105A
<b>Mountain Run Subdivision</b>	92A, 92B, 92C, 92D
<b>Orchard Place Subdivision</b>	45B
<b>Orkney Springs</b>	64A, 64C
<b>Quarry Hill</b>	103C
<b>Rivermont Estates</b>	46D
<b>Shenandoah Ski &amp; Hunt Club</b>	77A
<b>Spring Hollow Estates</b>	45 (10) Lots 1-18, (11) Lots 1-42A
<b>Sundance Subdivision</b>	87A1, 87A2, 107
<b>Trails End Mountain Estates</b>	104E
<b>Valley View</b>	57B
<b>Valley Vista Park Subdivision</b>	104C

## SHENANDOAH COUNTY SURVEYORS

Cameron G. Copp  
128 West Court Street  
Woodstock, VA 22664

Larry C. Himelright  
694 Red Bud Road  
Strasburg, VA 22657

Morris & Newman Surveyors  
P.O. Box 391  
Mt. Jackson, VA 22842

James B. Walsh, Jr. L. S.  
109K North Main Street  
Woodstock, VA 22664

Greenway, Inc.  
1104 Baker Lane  
Winchester, VA 22601  
540-662-4185

## ENGINEERS

Blackwell Engineering  
P.O. Box 1034  
Harrisonburg, VA 22801  
540-432-9555

G. W. Clifford & Associates  
200 North Cameron Street  
Winchester, VA 22601  
540-667-2139

Greenway Engineering  
1104 Baker Lane  
Winchester, VA 22601  
540-662-4185

Brasil W. Hamrick, Jr.  
P.O. Box 137  
Mount Sidney, VA 24467-0137  
1-800-515-7256

F. D. Neal Construction  
641 West High Street  
Woodstock, VA  
540-703-459-8634

Patton, Harris, Rust & Associates  
P.O. Box 46  
100 South Main Street  
Bridgewater, VA 22812  
540-828-2616