

OCT 25 1976

JAMES BLAND MARTIN
C. FLIPPO HICKS
McCLANAHAN INGLES

MARTIN, HICKS & INGLES, LTD.
ATTORNEYS AND COUNSELLORS AT LAW
GLOUCESTER, VIRGINIA 23061
804 693-2500

COURTS:
GLOUCESTER
MATHEWS
YORK
MIDDLESEX
KING AND QUEEN
WILLIAMSBURG

October 21, 1976

John D. Cutlip, Esquire
County Administrator
Shenandoah County
P. O. Box 452
Woodstock, Virginia 22664

Dear John:

This acknowledges receipt of your letter of October 5, 1976.

There is no question but that under Sections 15.1-474 and 15.1-475 the governing body of a county may delegate the administration of a subdivision ordinance, including the approval of plats and bonds, to the Planning Commission or to any other agent designated by the governing body.

In my opinion, a good deal that ordinarily is accomplished through a zoning ordinance could be accomplished through a subdivision ordinance. Section 15.1-466(a) provides that subdivision ordinances shall include reasonable regulations and provisions to apply to or provide for size, scale, and other plat details. A subdivision ordinance could provide one size lot for residential lots which have public utilities and another size lot for residential lots which do not have public utilities and then a size lot for commercial and industrial, and provide that in the lots for commercial and industrial that, if the lot is bound on any side by property which is used for other than industrial or commercial, the lot shall be of sufficient size to allow for screening and for adequate light and air between the lot and any agricultural or residential property.

The ordinance should further provide that it is a public purpose of the county to provide for screening and light and air to separate commercial and industrial property from property used for residential and agricultural purposes. And further, that it is a public purpose that there shall be sufficient distance between commercial and industrial use of property and property used for residential and agricultural purposes so as to constitute a reasonable barrier to eliminate noise from reaching residential property.

Under the same section of the Code, you can further provide for wider streets, curbs, and gutters for commercial and industrial property than for residential and agricultural property.

MARTIN, HICKS & INGLES, LTD.

John D. Cutlip, Esquire
Page 2
October 21, 1976

Thank you.

Warmest personal regards,

A handwritten signature in blue ink, appearing to read "C. F. Hicks", written in a cursive style.

C. F. Hicks

CFH:p

cc: George R. Long, Executive Director
Virginia Association of Counties
P. O. Box 6306
Charlottesville, Virginia 22906