

AN ORDINANCE AMENDING
ARTICLE I GENERAL PROVISIONS and
ARTICLE II ADMINISTRATION AND ENFORCEMENT and
ARTICLE III PROCEDURE FOR MAKING AND RECORDING PLATS and
ARTICLE IV GENERAL REGULATIONS and
ARTICLE V IMPROVEMENTS and
ARTICLE VI LOTS, BLOCKS, AND BUILDING SITES and
ARTICLE VII DEDICATION AND RESERVATION OF LAND and
ARTICLE IX APPROVAL OF PLATS of
CHAPTER 142 OF THE CODE OF SHENANDOAH COUNTY

BE IT ORDAINED by the Board of Supervisors of Shenandoah County, Virginia, that Chapter 142 of the Shenandoah County code, “**Subdivision**”, is amended as follows:

(1) By amending § 142-3. Definitions and word usage, to amend and reenact only the below-listed subsections and leaving all other subsections unaltered and in full force and effect, as follows:

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

PARCEL IDENTIFICATION NUMBER – A number or series of numbers assigned by the County, which uniquely identifies each parcel of land in the County. A Parcel Identification Number can include the Map ID, Insert map ID, Double circle ID, Block ID, Lot ID, Sublot ID.

PARCEL, PRIMARY – Land assigned with a Parcel Identification Number, but not to include the Sublot ID.

PARCEL, SUB – A parcel that has been divided from the primary parcel and has been assigned a Parcel Identification Number including the Sublot ID.

Commented [TH1]: These definitions are the same as Zoning Text Amendment 23-05-01 from May 2023 in order to ensure each ordinance are using the same verbiage.

SUBDIVIDE

(1) 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 resubdivision. 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 landowners 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 chapter, 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.[3]

(b) A single division of a lot or parcel for the sale or gift to a member of the immediate family of the property owner, provided that the following requirements are met:

[1] Only one such division shall be allowed per member of the property owner's immediate family and shall not be for the purpose of circumventing this chapter.

[2] All lots less than five acres shall have a right-of-way of 20 feet providing ingress and egress to a dedicated recorded public road.

[3] The property owner requesting such subdivision shall have held fee simple title to the property to be subdivided for a period of five years prior to the filing of the family subdivision application.

[4] For a period of five years after approval of the family subdivision plat, the lot may not be voluntarily transferred to anyone other than an immediate family member of the property owner requesting such subdivision.

[5] The applicant shall sign an affidavit for family subdivision, which shall be recorded with the deed of conveyance and plat.

[6] All applicable requirements of Chapter 165, Zoning, shall apply.

~~(e) 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 five or more acres or, if the lot contains an existing dwelling, at least six acres. Such division shall not be for the purpose of circumventing this chapter; frontage and yard requirements shall be met, though evidence of an approved on-site sewage disposal system shall not be required.~~

(ed) 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.

(ee) A partition of land by will or through actions of a court of competent jurisdiction.

(ef) 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.

(ei) The division of land for a family cemetery, provided the family cemetery is set apart, marked, and distinguished from adjoining ground as a graveyard by plat recorded in the Circuit Court of Shenandoah County.

(2) Any person proposing to divide land who contends that such division is exempted from the provisions of this chapter under Subsections (1)(a), (b) or (c) above shall submit to the Agent a simplified plat and/or other evidence satisfactory to the Agent to enable ~~him~~ them to determine if the proposed division is exempt. If in the opinion of the Agent the division is exempted, ~~he~~ they 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 redivision of property under Subsections (1)(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 § 142-20I(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 Subsection (1)(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 chapter or without obtaining the Agent's certification of exemption.

(2) By amending § 142-3.1. Limitation on number of divisions to amend and reenact only the below-listed subsections and leaving all other subsections unaltered and in full force and effect, as follows:

A. Except as provided in Subsection B below, in zoning classifications C-1 (Conservation) and A-1 (Agriculture), no more than one division of land shall be created from ~~an existing~~ a primary parcel or sub-parcel or newly created parcel during a thirty-six month period, and no sub-parcel that has existed for

Commented [TH2]: This is to remove the agricultural loophole where someone can divide land faster than our ordinance allows and there is nothing we can legally do to stop them from selling the land for residential development. Removing this will ensure Shenandoah County does not allow unnecessary suburban sprawl faster than our ordinance specifies under § 142-3.1 Limitation on number of divisions.

A. Except as provided in Subsection B below, in zoning classifications C-1 (Conservation) and A-1 (Agriculture), no more than one division of land shall be created from an existing parcel or newly created parcel during a thirty-six month period, except for open space cluster subdivisions as provided in § 142-3.1C. All such divisions shall follow the process established in § 142-5B, as pertaining to administrative approved divisions of land.

B. The limitation in Subsection A above shall not prevent the division of land through any of the exceptions listed in Subsection (1)(a) through (f) of the definition of "subdivide" in § 142-3B.

C. The limitation in Subsection A applies only to property zoned C-1 (Conservation) or A-1 (Agriculture), except that open space cluster development divisions as provided by Article X of Chapter 165 are exempt from the limitation of Subsection A. If property is rezoned to a different classification, therefore, the limitation in Subsection A shall no longer apply. Any other applicable subdivision limitations will continue to apply, however.

Commented [TH3]: Our subdivision administrator is not a him, this is to ensure the code is applying to whoever is in the position.

~~less than thirty-six months may be divided~~, except for open space cluster subdivisions as provided in § 142-3.1C. All such divisions shall follow the process established in § 142-5B, as pertaining to administrative approved divisions of land.

Commented [TH4]: These changes are the same as Zoning Text Amendment 23-05-01 from May 2023 in order to ensure each ordinance is using the same verbiage.

(3) By amending and reenacting § 142-5. Administering agent, as follows:

~~A. The Director of Planning and Code Enforcement or his-their~~ designee as appointed by the governing body is hereby designated to administer this chapter. 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 Subdivision Administrator is also referred to in this Chapter as the "Agent". 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.~~

~~B. However, the division of land into two parcels (one- and two-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-month period, nor shall such a division be an attempt to circumvent this chapter. In the event that 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.~~

~~C. The division of property zoned C-1 (Conservation) or A-1 (Agriculture) using the open space cluster development option and 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.~~

Commented [TH5]: This is to mirror the shift with site plans so that staff review applications for completeness. We can only deny applications if they do not meet all of the standards in the code and cannot apply unnecessary or capricious requirements that we have not already specified in our code.

(4) By amending and reenacting § 142-6. Duties of agent, as follows:

The ~~A~~agent shall perform ~~his-their~~ duties regarding subdivisions and subdividing in accordance with this chapter and the Land Subdivision and Development Act.

(5) By amending and reenacting § 142-10 Platting required, as follows:

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 ~~A~~agent in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded. Preliminary plats may be drawn so as to constitute two or more groups of lots (sections or phases) which may then be recorded in two or more sequential phases, not more than one-year apart. Such phases must be clearly marked on the plat, showing which lots are in each phase and the sequence in which the phases will be recorded. The ~~Planning Commission~~Agent may approve extensions of the one-year time limit for phasing. However, this provision does not negate the requirements of § 142-3.1.

Commented [TH6]: Same change as above

(6) By amending and reenacting § 142-18 Flooding to reenact only the below-listed subsections and leaving all other subsections unaltered and in full force and effect, as follows:

Land subject to flooding, as defined in Article XVI, Floodplain Regulations, of Chapter 165, Zoning, and

land to be topographically unsuitable including the presence of sinkholes, critical slopes, or wetlands 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. Compliance with Article XVI, Floodplain Regulations, of Chapter 165, Zoning, shall be required.

Commented [TH7]: This ensures that all new lots must have enough land so the house is not located on top of a sinkhole, critical slope, or wetland but does not impact already platted lots. The intent is to set future homeowners up for success so they don't have to spend unnecessary money to remediate issues that could have been avoided by ensuring they have good quality land to develop in the first place. These are resources that were both identified during our comprehensive plan research and the solar ordinance update.

(7) By amending and reenacting § 142-20 Streets, as follows:

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.

A. Alignment and layout.

(1) The arrangement of streets in new subdivisions shall make provision for the continuation of and connection to 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. Streets shall follow the layout of the Shenandoah County Comprehensive Plan including street master plan diagrams.

Commented [TH8]: This ensures that streets are connected so we can continue to increase our value per acre.

(2) Where, in the opinion of the A#gent, 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.

Commented [TH9]: This is to ensure that future streets will have to comply with the Comprehensive Plan, especially if a Town has laid out where new streets should go or the County has laid out where new streets should go.

(3) Half streets along the boundary of land proposed for subdivision will not be permitted. Whenever possible, streets should intersect at right angles.

C. Approach angle. Streets shall approach other streets at an angle of not less than 80° unless the A#gent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns. An exemption shall be provided if a lesser angle is identified in an officially adopted street master plan as part of the Shenandoah County Comprehensive Plan.

Commented [TH10]: This allows for plans laid out by the County and the Towns to be exempt from the angle requirement as there may be interesting streets we can plan for that require a lesser angle.

D. 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 unless otherwise exempted by 142-20(M).

Commented [TH11]: This allows for smaller streets if it helps to reduce the design speed of the streets.

F. Culs-de-sacs. Culs-de-sacs should be avoided whenever possible as streets and alleys should be used as first options. If necessary, then they shall be Generally, culs-de-sac-designed to have one end permanently closed to vehicles but with a sidewalk connecting it to nearby streets. It shall be no longer than 1,500 feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround, the design of which shall be as approved by the highway engineer.

Commented [TH12]: This ensures that all streets are connected so we don't wind up with cul-de-sacs and so its easier for people in a neighborhood to visit each other. This also makes it so that if cul-de-sacs have to be built, because there are occasions where it is necessary, the cul-de-sac has to have a pedestrian connection to the nearest streets so the residents can still walk to their neighbors' houses.

G. Alleys. All blocks must have an alley. Alleys shall be privately maintained and considered part of private common areas. Alleys should run parallel to the length of blocks and bisect their width to allow for access for purposes such as rear garages, accessory dwellings, and parking. All alleys must connect one street to another street and no alley can have a dead end. Entrances to alleys shall be level with entrances to alleys across the road to promote connectivity. Alleys shall be traversable by an automobile. Alleys should be avoided whenever possible. Dead end alleys, if unavoidable, shall be provided with adequate turnaround facilities, as determined by the agent.

Commented [TH13]: Previously we discouraged alleys as they were required to be public, this change makes all new alleys private and allow a landowner to have more flexibility in how they can use their land as they might want to have their garage in the back of the lot and the alley can be used to access the rear garage. All alleys must be maintained privately and will not require public dollars to be maintained.

M. Traffic calming. New Sstreets within the interior of a residential subdivision shall have a design speed

of 25 miles per hour or less and shall employ traffic-calming measures as outlined in VDOT's Traffic Calming Guide for Neighborhood streets, including any amendments or replacements thereto.

Commented [TH14]: This reflects typical neighborhood streets that we see in our community already and ensures public safety on our streets.

(7) By amending and reenacting § 142-30.1 Special provisions regarding subdivisions in Residential Districts, as follows:

In all subdivisions of more than four parcels located in any Residential District (R-1, R-2, R-3 or R-4), the following additional requirements shall be satisfied:

A. All utilities shall be located underground.

B. All portions of stormwater management systems located along new streets shall be located underground and shall meet the requirements of § 142-26. Curb drop inlets shall be installed at street intersections and at such intermediate locations as required to collect surface water.

C. Curb and gutter shall be installed along both sides of all streets within the subdivision. Curb and gutter shall meet VDOT standards and specifications and any standards and specifications which are adopted by the Board of Supervisors prior to the filing of the preliminary plat by the subdivider. Adequate provisions shall be made for driveway entrances.

D. Street trees shall be planted 30 feet on center in planting strips with a width of six feet along both sides of all streets within a subdivision and along the side of each street touching the subdivision. Street trees may be shifted to a central median but must still follow the order of improvements.

Commented [TH15]: Previously we did not require street trees and this sets a minimum number of required trees. Without a minimum, our office of Community Development would need to apply for the Department of Forestry's native tree program and organize a planting with paid staff or volunteers if we are lucky. Or we could ask the developer to go ahead and plant the trees the residents will ask for years later so when they typically would be asking for the trees they will be well on their way to being mature and all of it takes place at the same time in a seamless fashion. Trees have also been proven to improve one's quality of life with shady areas being more comfortable to walk than hot pavement with no shade, and that same shade can fall on someone's house and help them reduce AC costs during the summer. This shows that we value the quality of life for the future of the homeowner rather than the bottom dollar of the developer, but also allows for some flexibility in the design and layout of future county infrastructure.

E. Streets with a design speed greater than 20 miles per hour shall have bike lanes with a minimum width of 5 feet installed on the outside of street tree planting strips along both sides of all streets within a subdivision and along the side of each street touching the subdivision in accordance with VDOT standards and specifications and any standards and specifications which are adopted by the Board of Supervisors prior to the filing of the preliminary plat by the subdivider. Bike lanes shall be curb separated from the sidewalk to avoid collisions between cyclists and pedestrians. Bike lanes may be shifted to a central median but must still follow the order of improvements.

Commented [TH16]: In following the new comprehensive plan that is underway, streets with a design speed of 20 mph are safe for a bike to share the same lane as a motor vehicle. This both ensures the safety of our residents but also allows for the developer to have some flexibility so if they don't want to pay for bike lanes they can just design the street to be slower and we still receive the measure of safety either way. This also allows for some flexibility in the design and layout of future county infrastructure.

F. Streets with a design speed greater than 15 miles per hour shall have sidewalks with a minimum width of ~~four~~ six feet ~~shall be~~ installed on the outside of bike lanes or street trees along both sides of all streets within a subdivision and along the side of each street touching the subdivision in accordance with VDOT standards and specifications and any standards and specifications which are adopted by the Board of Supervisors prior to the filing of the preliminary plat by the subdivider. Sidewalks may be shifted to a central median but must still follow the order of improvements.

Commented [TH17]: Currently we have no exemptions to building sidewalks. This update increases the sidewalk width to 6 feet as the common rule of thumb is the sidewalk should be wide enough for two baby carriages to pass each other without one needing to go into the road. On average baby carriages are 26 inches so 4 feet would make it impossible for two to pass each other currently.

G. Streetlights shall be on the outside of sidewalks in a 3-foot reserved zone installed along all streets within the subdivision in accordance with any VDOT standards and specifications and any standards and specifications which are adopted by the Board of Supervisors prior to the filing of the preliminary plat by the subdivider. Streetlights shall be downfacing to reduce light pollution. Streetlights and the 3-foot reserved zone may be shifted to a central median but must still follow the order of improvements.

This update also allows for an exemption to building sidewalks so if the streets have a design speed of 15 mph then no sidewalks have to be built. This ensures we have the level of safety we expect but also does not lock a developer in and allows some flexibility.

H. Benches and bike racks shall be provided every 100 feet within the 3-foot reserved zone along with the streetlights along both sides of all streets within a residential subdivision and along the side of each street touching the residential subdivision. This requirement only applies to residential subdivisions with new streets exceeding 100 feet in length. Benches and bike racks may be shifted to a central median but must still follow the order of improvements.

Commented [TH18]: To improve the quality of life in our communities we should plan for our streets to be linear parks and those parks would need space to stop from your walk, sit down, and enjoy the environment. It also needs to have space for someone to park their bike and secure it in an appropriate space.

F.I. The subdivider shall provide all necessary information needed to determine whether the design of the improvements required by this section are sufficient to develop the subject property in accordance with local, state and federal requirements. The subdivider shall also provide plans for all such improvements together with a properly qualified certified engineer's statement that such improvements, when properly installed, will be adequate for proper development and in accordance with local, state and federal requirements. The county may submit such plans to the county's consulting engineer for review and approval. 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 costs incurred during the review process.

(8) By amending and reenacting § 142-32 Blocks, as follows:

Where created by the subdivision of land, all new blocks shall be of ~~modern-traditional~~ design based on the downtowns of Shenandoah County and shall comply with the following general requirements:

Commented [TH19]: In our work on the Comprehensive Plan we have never heard the call for new development to be modern, rather we have heard a call to look to our past and our traditional methods of development.

- A. Length. Generally, the maximum length of blocks shall be ~~1,200~~600 feet, and the minimum length of blocks upon which lots have frontage shall be ~~500~~200 feet.
- B. Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on 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. The maximum block width shall be 600 feet.
- C. Orientation. Where a proposed subdivision will adjoin a collector road, the Agent may require that the greater dimension of the block shall front or back upon such collector road to avoid unnecessary ingress or egress.

Commented [TH20]: This reduces the extremely large blocks and allows for blocks that are more typical in Downtown Edinburg, Mount Jackson, or Toms Brook rather than a block one might find in Fairfax, Houston, or anywhere USA.

(9) By amending and reenacting § 142-34 Dedication of land for certain public uses, as follows:

- A. 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 Planning Commission, Agent finds necessary to protect the safety (fire and traffic hazards considered) and general public welfare of the area.
- B. Also, the Commission Agent may require the subdivider to reserve, for not more than seven years, areas for churches, libraries, municipal buildings and similar public and semipublic uses on a reimbursement basis.
- C. The reimbursement required shall not exceed the proportionate cost, plus 5% per annum, plus a profit not to exceed 10%.

D. The size, location and character of land dedicated or reserved, if any, shall be determined by the Commission Administrator after consultation with the subdivider, consideration of the purpose of this chapter (§ 142-1), Comprehensive Plan and Future Land Use Map of Shenandoah County, and consideration of any related objectives approved by the Board of Supervisors and Shenandoah County.

Commented [TH21]: This is to mirror the shift with site plans so that staff review applications for completeness.

Commented [TH22]: This is to ensure that future streets will have to comply with the Comprehensive Plan, especially if a Town has laid out where new streets should go or the County has laid out where new streets should go.

(10) By amending and reenacting § 142-39 Transfer of responsibilities from developer to association, as follows:

The subdivider shall be responsible for the management and maintenance of all private common areas including alleys, 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 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 including alleys, 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.

Commented [TH23]: This is to ensure that alleys are privately maintained.

(11) By amending and reenacting § 142-43 Approval required before sale, as follows:

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or ~~his~~ their agent shall apply in writing to the Agent for the approval of the subdivision plat and submit ~~20~~ 20-5 copies of the preliminary plat, including the lot, street and utilities layout. ~~The agent shall forward the preliminary plat to the Planning Commission, which shall make a recommendation to the Board of Supervisors.~~ The ~~Board of Supervisors~~ Agent shall approve or deny the preliminary plat. Once a preliminary plat has been approved, the applicant shall submit 20-5 copies of a final plat to the Agent within six months of preliminary plat approval. ~~The agent shall forward the final plat to the Planning Commission, which shall make a recommendation to the Board of Supervisors.~~ The ~~Board of Supervisors~~ Agent shall approve or deny the plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded.

Commented [TH24]: This is to mirror the shift with site plans so that staff review applications for completeness.

(12) By amending, reenacting, and renaming § 142-44 (Reserved) as a new section entitled Dedication of Public Improvements and Variation of Requirements as follows:

A. Deed of Dedication. The subdivider shall be required to submit a deed of dedication to the Subdivision Administrator for review, and approval, and acceptance prior to the approval of any final plat which provides for public improvements, including without limitation streets and public utilities.

Commented [TH25]: This ensures that the deed records drainage easements and other easements so its clear and in writing.

B. Variations. The Agent may, but shall not be required to, approve a variation in or exception to any of the requirements of Article V, as authorized by Virginia Code Section 15.2-2242(1), in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

Commented [TH26]: This allows for variations to be granted in the event of a hardship.

(13) By amending and reenacting § 142-45 Preliminary plat, as follows:

A. ~~The subdivider shall present to the Commission (or to the Agent in the case of a cluster subdivision) Agent, 20~~ prints of a preliminary layout at a scale no smaller than 100 feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

Commented [TH27]: This is to mirror the shift with site plans so that staff review applications for completeness.

(1) Name of subdivision, owner, subdivider, surveyor or engineer, original Tax Map parcel identification number(s), date of drawing, number of sheets, North point and graphic scale. If the true North is used, method of determination must be shown. The plat shall also show the signature of all owner(s) and the seal of the engineer or surveyor.

(2) Location of proposed subdivision by an inset map at a scale of not less than two inches equal one mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.

(3) The boundary survey or existing survey of record, provided that such survey shows a closure with an accuracy of not less than one in 2,500; 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.

(4) All existing, plated and proposed streets **and private alleys**, their names, number and widths; existing utility or other easements, public areas and parking spaces, culverts and drains and cemeteries, graves or other object or structure marking a place of burial, their names and other pertinent data.

Commented [TH28]: This is ensure that alleys are listed on the plat.

(5) The complete drainage layout, including all pipe sizes, types, drainage easements, stormwater management facilities and means of transporting the drainage to a well defined open stream which is considered natural drainage, with drainage calculations and design details.

(6) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.

(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.

(8) A location map tying the subdivision into the County's present road system, either by aerial photographs or topographic maps of the United States Department of Interior.

(9) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewerage disposal and water supply.

(10) All parcels of land to be dedicated for public use and the conditions of such dedication.

(11) An approved sedimentation and erosion control plan.

(12) Zoning and current use of the subject property, description of area, frontage, yard, building coverage, height, parking, open space and other requirements of the zone, and tabulation of how the subdivision meets such requirements.

(13) Names of owners, zoning classification and existing use of all adjacent properties.

(14) Natural features of the land, including streams, rivers, watercourses, ponds, sinkholes and wooded areas, and for plats of open space cluster developments, one-hundred-year floodplain,

steep slopes greater than ~~25~~15%, dam break inundation zones, historic structures, and wetlands.

Commented [TH29]: Ensuring the definition of steep slopes matches the zoning ordinance.

(15) Delineation of the approximate one-hundred-year floodplain as shown on the Shenandoah County Flood Insurance Rate Map (1978) or as delineated by a flood study prepared and certified by a licensed professional engineer.

(16) Signature line for the Agent.

(17) For plats of open space cluster developments, the location on each lot of the building envelope for the principal structure.

B. Procedure.

(1) The Agent or ~~his-their~~ appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not ~~his-their~~ preliminary plat generally conforms to the requirements of this chapter.

(2) The subdivider shall then be advised in writing within 45 days, which may be by formal letter or by legible markings on ~~his-their~~ 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.

(3) ~~The subdivider shall then submit 20~~ copies of a preliminary plat for the ~~Commission's Agent's~~ review. ~~The Commission will make a recommendation to the Board of Supervisors, who will approve or deny the preliminary plat.~~

(14) By amending and reenacting § 142-48 Final plat, as follows:

A. The subdivider shall submit ~~20~~5 copies of a final plat to the ~~Commission~~Agent. The ~~Commission~~Agent will review the final plat and ~~make a recommendation to the Board of Supervisors who will deny or approve the final plat.~~

Commented [TH30]: This is to mirror the shift with site plans so that staff review applications for completeness.

B. The subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn, at a scale no smaller than 100 feet to the inch, on sheets having a size of eight and one-half by fourteen (8 1/2 x 14) inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

(1) 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.

(2) 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.

(3) 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.

(4) The accurate location and dimensions by bearings and distances with all curve data on all lots and street 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, watercourses 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 Chapter 87, Erosion and Sediment Control, shall accompany the plat.

(5) Distances and bearings which must balance and close with an accuracy of not less than one in 5,000.

(6) The data of all curves along the street frontage, shown in detail at the curve or in a curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

(7) Provision on each page of each copy of a plat for dating and initialing by each approving officer.

(15) By amending and reenacting § 142-49 Conditions, as follows:

A. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter 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 the final plat shall be written on the face of the plat by the Agent. The subdivider shall record the plat within six months after final approval; otherwise the Agent shall mark the plat "void" and notify the Clerk of the Court. The six-month time period shall start the date the ~~Board of Supervisors~~Agent approves the final plat.

B. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Agent, or where the developer has furnished surety to the Agent by certified check, cash escrow, bond or letter of credit in the amount required under § 142-29, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the Agent, whichever is greater.

C. If a developer records a final plat which may be a section of a subdivision as shown or an approved preliminary plat and furnishes to the Agent a certified check, cash escrow, bond or letter of credit in the amount required under § 142-29, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, subject to the engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

(16) By amending and reenacting § 142-52 Certification, as follows:

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 the same. Any plans for development of this land will be submitted to the ~~Planning Commission~~ Subdivision Agent Administrator in accordance with the rules and regulations of Shenandoah County.

Commented [TH31]: This is to mirror the shift with site plans so that staff review applications for completeness.

(17) All other sections of Chapter 142 not amended or modified by this Ordinance shall continue in full force and effect.

The undersigned Chairman and Clerk of the Board of Supervisors of Shenandoah County, Virginia hereby certify that the foregoing constitutes a true and correct copy of ordinance entitled "An Ordinance Amending Article I General Provisions And Article II Administration And Enforcement And Article III Procedure For Making And Recording Plats And Article IV General Regulations And Article V Improvements And Article VI Lots, Blocks, And Building Sites And Article VII Dedication And Reservation Of Land And Article IX Approval Of Plats Of Chapter 142 Of The Code Of Shenandoah County" adopted by the Board of Supervisors at a meeting held on October 24th, 2023. A record of the roll-call vote by the Board is as follows:

| NAME | AYE | NAY | ABSTAIN | ABSENT |
|--------------------|-----|-----|---------|--------|
| Karl Roulston | | | | |
| Dennis Morris | | | | |
| Joshua Stephens | | | | |
| Steven A. Baker | | | | |
| Timothy F. Taylor | | | | |
| Bradley G. Pollack | | | | |

Date: _____, 2023

[SEAL]

ATTEST: _____

Clerk, Board of Supervisors
Shenandoah County, Virginia

Chairman, Board of Supervisors,
Shenandoah County, Virginia