

ARTICLE III. - SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 50-241. - Authority.

Pursuant to Code of Virginia, § 15.2-2240 et seq., as amended, the town council adopts the following regulations for the subdivision of land within the corporate limits of the town from and after the effective date of this ordinance. Every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivision, developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

State Law reference— Similar provisions, Code of Virginia, §§ 15.2-2241, 15.2-2243.

Sec. 50-242. - Scope.

- (a) This article is hereby amended and readopted for the subdivision of land within the corporate town limits from and after July 1, 2025. Every owner or proprietor of any tract of land to which this article applies who subdivides such tract as provided in this article shall cause a plat of such subdivision, developed and prepared in accordance with this article, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.
- (b) This article is divided into four divisions as follows:
 - (1) Division 1 includes pertinent portions of the state enabling legislation; the general purpose and title of this article; definitions of important words and phrases used in this article; and legal information dealing with amendments, modifications, and penalties, etc., for this article.
 - (2) Division 2 states the submission process which must be followed by the applicant and town officials and the review procedure which must be followed by the town officials for preliminary and final plats.
 - (3) Division 3 provides the applicant and town with the requirements for the type of information which must be shown on each plat and accompanying material.
 - (4) Division 4 presents detailed design standards and specifications for the plats.

(Ord. of 6-29-1977, Introduction)

Sec. 50-243. - Purpose.

- (a) The purpose of this article is to establish certain subdivision standards and procedures for the town, as provided for by the Code of Virginia, as amended.
- (b) This article is part of a long-range plan to guide and facilitate the orderly, beneficial growth of the community and to promote the public health, safety, convenience, comfort, and general welfare. More specifically, the purposes of the standards and procedures in this article are to:
 - (1) Provide a guide for the change that occurs when land becomes urban in character as a result of development for residential, business, or industrial purposes;
 - (2) Provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and
 - (3) Make possible the provision of public services in a safe, adequate and efficient manner.

(Ord. of 6-29-1977, § 101)

Sec. 50-244. - Title.

This article is known and may be cited as the "Subdivision Ordinance of Shenandoah, Virginia."

(Ord. of 6-29-1977, § 102)

Sec. 50-245. - Rules of construction.

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

- (1) The word "lot" includes the word "parcel."
- (2) The word "approve" shall be considered to be followed by the words "or disapprove."
- (3) Any reference to this article includes all ordinances amending or supplementing this article.

(Ord. of 6-29-1977, § 501)

Sec. 50-246. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the town manager and his or her authorized designees.

Alley means a public permanent serviceway providing a secondary means of vehicular access to the side or rear of abutting properties and not intended for general traffic circulation.

Applicant means the owner of land proposed to be subdivided or his representative authorized in writing; a subdivider.

Architect means a person licensed to practice as such in the state.

Arterial means a road designated as such by the state department of transportation.

Bearings means an angular direction measured from one position to another using reference lines.

Block means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the town. All bonds shall be approved by the town's attorney whenever a bond is required by this article.

Building means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building (setback) line means the minimum distance which a building is from the front boundary line or front lot line.

Building, main, means a building or structure in which the principal use of a lot is carried out.

Collector road means a road determined by the state department of transportation as being a collector road.

Community sewer system means a community sewer system including collection and treatment facilities established by the developer to serve a subdivision.

Community water system means a private water company formed by a developer to serve a community development. It includes water treatment and distribution facilities.

Comprehensive plan means the current comprehensive plan of the town.

Cul-de-sac means a local street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Dedication means the deliberate appropriation of land by its owner for any general and/or public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Easement means authorization by a property owner of any designated part of his property for use by another for a specified purpose.

Endorsement means the application of the reviewing and/or approving authority's stamp and the signature of the appropriate authority on the record plat.

Engineer means a person licensed to practice as such in the state.

Final plat means the final map or plan of a subdivision and any accompanying material, as described in this article.

Functional classification means a classification of roads, established by the state department of transportation to determine the function of such roads.

Grade means the slope of a road, street, or other right-of-way, specified in percentage terms.

Health department means the health department of the state.

Health director means the legally designated health authority of the state health department for the county, or his authorized representative.

Highway engineer means the resident engineer for the county employed by the state department of transportation.

Highway, limited access, means a freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from, except at such points and in such manner as may be determined by the state department of transportation.

Improvements means all required utilities and facilities as specified in this article, including but not limited to streets, storm and sanitary sewers, and water lines.

Individual on-site sewage disposal system means a septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the state health department.

Joint ownership means joint ownership of any type among persons, which shall be construed as the same owner.

Jurisdiction means the area or territory subject to the legislative control of the town council.

Land surveyor means a person licensed to practice as such in the state.

Landscape architect means a person licensed to practice as such in the state.

Local road means a road so designated by the state department of transportation.

Lot means a tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose of transfer of ownership or for building development.

Lot, corner, means a lot abutting upon two 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. If the lot lines on a street are equal in length, both shall be considered front lot lines.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

Lot, interior, means a lot other than a corner lot.

Lot of record means a lot which has been recorded among the land records in the office of the clerk of the circuit court of the county.

Lot, reverse frontage, means an interior lot having frontage on two streets.

Lot, width of, means the mean horizontal distance between the side lot lines.

Main building. See *Building, main*.

Monument means a permanent steel pin and/or iron identifying marker meeting the requirements and specifications of this article (see section 50-357).

N.G.S. means National Geodetic Survey.

Owner means any person, group of persons, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this article.

Performance bond means a bond with surety and/or cash deposit, approved by the administrator and town attorney, in an amount equal to the full cost of improvements required by this article and providing for completion of such improvements within a definite period.

Planning commission means the planning commission of the town.

Plat includes the term "map," "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 the term "plat" is synonymous with the term "subdivide."

Preliminary plat means the preliminary drawing, described in this article, indicating the proposed manner or layout of the subdivision to be submitted to the administrator for preliminary approval.

Private street means a street not to be offered for dedication.

Property means any tract, lot, or parcel of land, or several of such collected together for the purpose of subdividing.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, off-street parking area, lot improvement, or other facility for which the town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which town responsibility is established. All such improvements shall be properly bonded if required.

Record plat means the copy of the final plat which contains the original endorsement of the administrator and which is intended to be recorded with and meets the requirements of the county clerk of the circuit court.

Resubdivision means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line thereon or if it affects any map or plan legally recorded as a subdivision prior to the adoption of any regulations controlling subdivisions.

Reverse frontage lot. See *Lot, reverse frontage*.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes means that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels and adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which each right-of-way is established.

Road means a street.

Sale and *lease* mean any present or future transfer of ownership, or possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or

part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Setback. See *Building (setback) line*.

Sketch plat means a sketch preparatory to the preparation of the preliminary or final plat to enable the applicant to save time and expense in reaching general agreement with the administrator as to the form of the plat and the objectives of this article.

Street means a strip of land, other than private driveways serving a single structure, subject to vehicular and/or pedestrian traffic providing means of access to property; also designated as "street," "road," "lane," "drive," "avenue," "right-of-way," "highway," "boulevard," "trail," "court," "place," "terrace," etc.

Street, public use of, and alley, public use of, mean the unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

Street of record means any street shown on any subdivision plat recorded in the office of the clerk of the circuit court, whether such street is constructed or not.

Street, service drive, means a public right-of-way generally parallel with and contiguous to a major highway, primarily designed to promote safety by eliminating pernicious ingress and egress to the major highway right-of-way by providing safe and orderly points of access to the major highway.

Street width means the total width of the strip of land dedicated or reserved for public travel, including roadway, curb and gutter, sidewalks, planting strips and, where necessary, utility easements.

Structure. See *Building*.

Subdivide means the process of creating new lots to establish a subdivision.

Subdivider means an individual, corporation, proprietor, trust, trustee, joint venture, registered partnership or other entity, owning any tract, lot, or parcel of land to be subdivided or a group of two or more persons or entities owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision regulations. The applicant.

Subdivision means the division of a parcel of land into two or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subdivision agent means any person who represents or acts for or on behalf of a subdivider or applicant in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney at law whose representation of another person consists solely of rendering legal services.

Surveyor means a person licensed as such by the state.

(Ord. of 6-29-1977, § 502)

Cross reference— Definitions generally, § 1-2.

Sec. 50-247. - Modification.

The administrator may authorize an exception where the subdivider can show that a section of this article would cause unnecessary hardship if strictly adhered due to topographical or other conditions peculiar to the site if the administrator concludes that a departure may be made without destroying the intent of such section. No such modification may be granted by this article which is opposed in writing by the highway engineer or health official. Modifications shall be clearly defined and entered on the final plat and signed by the mayor.

(Ord. of 6-29-1977, § 601)

Sec. 50-248. - Compliance.

- (a) No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required in this article, and the penalties provided in this article shall apply to any failure to comply with this section.
- (b) No permit will be issued by any administrative officer of the town or the county for the construction of any building or other improvements requiring a permit upon any land concerned for which a plat is required by this article, unless and until the requirements of this article have been complied with.

(Ord. of 6-29-1977, § 602)

Sec. 50-249. - Penalties.

Any person violating this article shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold, and the description of such lot or parcel by metes and 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 provided in this section.

(Ord. of 6-29-1977, § 603)

Sec. 50-250. - Private contracts.

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

(Ord. of 6-29-1977, § 604)

Sec. 50-251. - Necessary changes.

A preliminary or final plat and accompanying data sheets may only be changed after approval with the written authorization of the administrator.

(Ord. of 6-29-1977, § 605)

Sec. 50-252. - Amendments.

This article may be amended in whole or in part by the town council, provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation. No such amendment shall be adopted without a public hearing having been held in accordance with Code of Virginia, § 15.2-2204. The planning commission shall have 60 days after referral by the council to make a recommendation.

(Ord. of 6-29-1977, § 608)

Sec. 50-253. - Filing of article and amendments.

When this article is adopted or an amendment to this article is adopted, a certified copy of this article and any and all amendments thereto shall be filed in the office of the administrator and in the clerk's office of the court in which deeds are admitted to record in the county.

(Ord. of 6-29-1977, § 609)

Sec. 50-254. - Effective date.

This article shall be effective on and after 12:01 a.m. July 1, 2025.

(Ord. of 6-29-1977, § 610)

Secs. 50-255—50-280. - Reserved.

DIVISION 2. - SUBMISSION AND REVIEW PROCEDURES

Sec. 50-281. - Scope.

- (a) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted, the applicant shall apply for and secure approval and endorsement of such proposed subdivision, and such subdivision shall be recorded in the office of the clerk of the circuit court.
- (b) The administrator shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned in accordance with this article, the proposed subdivision does not comply with the requirements of this article shall be relied upon to determine suitability.
- (c) Land within a 100-year floodplain or known to be subject to flooding and land deemed to be topographically or geologically unsuitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate erosion. 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 erosion and shall not produce conditions contrary to the public welfare.
- (d) All plans for the subdivision of land within the corporate town limits shall be reviewed by the administrator and other town, state or other officials as deemed necessary and shall be approved or disapproved by the administrator in accordance with procedures specified in this article. The sections and requirements of this article shall apply to and control all land subdivisions which have not been recorded in the office of the clerk of the circuit court in and for county prior to the effective date of the ordinance from which this article is derived; provided, however, that any change in a recorded plat shall constitute a resubdivision and shall make such plat subject to any and all of the regulations in this article.

(Ord. of 6-29-1977, § 201)

Sec. 50-282. - Submission of sketch plat (optional).

- (a) *Plat to be filed with administrator.* The applicant may, if he so chooses, submit to the administrator a sketch plat of the proposed subdivision prior to his preparation of engineered preliminary and final plats. The purpose of such sketch is to permit the administrator to advise the applicant whether his plans, in general, are in accordance with the requirements of this article. The administrator, upon submission of any sketch plat, shall study it and advise the applicant wherein it appears that changes would be necessary. The administrator may mark the sketch plat indicating necessary changes, and any such marked copy shall be returned to the subdivider. Plats shall fully comply with requirements of section 50-316.
- (b) *Number of copies.* Eight legible black-line or blue-line paper prints, which may be prepared in ink or pencil, of the sketch plat shall be required for this optional submission.

(Ord. of 6-29-1977, § 202)

Sec. 50-283. - Review of sketch plat.

- (a) *Generally.* A subdivision sketch plat shall be considered a submission for informal discussion between the applicant and the town. Submission of a sketch plat shall not constitute official submission of a plat to the town.
- (b) *Review by administrator.* Procedures for review of the sketch plat by the administrator are as follows:
 - (1) The submission shall include application forms available at the office of the administrator.
 - (2) The administrator shall study the sketch plat, taking into consideration the requirements of division 4 of this article. Particular attention will be given to the arrangement, location, and width of streets; their relation to the topography of the land; sewage disposal; drainage; lot sizes and lot arrangement; the further development of adjoining lands as yet unsubdivided; the guidelines for the town comprehensive plan; and the requirements of other plans and ordinances as adopted by the town.
 - (3) The administrator may seek the advice of other officials or consultants in reviewing a sketch plat.
 - (5) The administrator shall send the applicant written notice of his or her review, including changes or modifications, and what environmental protection analyses, plans, development controls or other information may be required as a condition for approval of later subdivision plat submissions.

(Ord. of 6-29-1977, § 203)

Sec. 50-284. - Official submission of preliminary plat.

- (a) *Applicability.* Submission and tentative approval of a preliminary plat is required for subdivision plats involving more than 50 lots. A preliminary plat for subdivisions involving 50 or fewer lots may be submitted for tentative approval at the option of the applicant.
- (b) *Filing.* The subdivision preliminary plat is to be filed with the administrator in accordance with the following:
 - (1) Copies of the preliminary plat and all required supporting data shall be officially submitted to the administrator by the applicant. The preliminary plat shall be considered the first official submission of a plat for subdivision. If a sketch plat has not been submitted, the subdivider may confer with the administrator as to the proper procedure for filing and obtaining approval of plats. Plats shall fully comply with the requirements of section 50-317. The subdivider should also contact the department of transportation to obtain design and construction standards, the department of health regarding water and sewer system design standards, and/or the state water control board concerning public sewer system design standards.
- (c) *Contents.* Official submission of the preliminary plat by the applicant to the administrator shall consist of the following:
 - (1) The completed application for review of preliminary subdivision plat.
 - (2) Seven legible black-line or blue-line paper prints of the preliminary plat as described in this article.
 - (3) Five copies of all other information as required by section 50-317.
- (d) *Filing fee.* The administrator shall collect a nonrefundable filing fee as established by the town council for all subdivisions. The applicant shall pay the fee at the time of filing the application for approval of a preliminary plat. The filing fee shall be \$25.00 per plat and \$1.00 for each lot if the subdivision contains five or more lots; if the subdivision contains less than five lots, the charge shall be \$10.00 per plat and \$1.00 for each lot.
- (e) *Distribution.* The administrator shall distribute copies of the preliminary plat (black-line or blue-line prints) as follows:

- (1) Three copies to the state department of transportation.
- (2) Four copies to the state health department (county office).

(Ord. of 6-29-1977, § 204)

Sec. 50-285. - Review of preliminary plat.

(a) *Review by administrator.*

- (1) The administrator shall thoroughly review the preliminary plat and make a good faith effort to identify all deficiencies, if any, in the preliminary plat. The administrator may also prepare an estimate of the cost of construction of all improvements as required by this ordinance and the amount of the performance bond which may be required as a prerequisite for approval of the final subdivision plat (see section 50-286(f)(3)e). In determining the cost of required improvements and the amount of the performance bond, the administrator may consult with a duly licensed engineer who shall prepare this data, or may require an estimate of the cost of improvements, prepared and certified by a duly licensed engineer, to be furnished by the applicant.
- (2) The administrator shall complete review and either approve or disapprove a preliminary plat within 45 days of submission. However, when approval by a local agency, state agency, or public authority is necessary, the following procedures apply:
 - (1) Within five business days of receiving the submission, the administrator shall forward the preliminary plat to the appropriate local agency, state agency or authority for review.
 - (2) The administrator shall act upon a plat within 20 days of receipt of all necessary approvals from agencies and authorities.
 - (3) All actions by the administrator, state agencies, and authorities must be completed within 90 days of submission of the plat.
- (3) If the preliminary plat is not approved, the administrator shall provide a written statement which (i) sets forth all deficiencies that caused the disapproval of the plat by referencing specific duly-adopted ordinances, regulations, or policies; and (ii) identifies modifications or corrections that will permit approval of the plat. One copy of the plat with all comments shall be maintained for the permanent records of the town, and one copy shall be sent to the applicant. The administrator's review of a resubmitted preliminary plat shall be in accordance with section 50-287(a)(5)-(7) below.
- (4) If the administrator fails to approve or disapprove the preliminary subdivision plat within 90 days after it has been officially submitted for approval, the applicant may petition the Circuit Court of Page County for entry of an order as it deems proper, which may include directing approval of the plat. The applicant shall provide 10 days' written notice of any such filing to the administrator.
- (5) If the applicant contends that the disapproval of a preliminary plat is not properly based on this appendix or is arbitrary or capricious, the applicant may appeal to the Circuit Court of Page County within 60 days of the written disapproval by the administrator.
- (6) Once a preliminary subdivision plat is approved, it shall be valid for a period of five years provided that the applicant (i) submits a final subdivision plat for all or a portion of the property within one year of such approval; and (ii) diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the applicant has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the applicant, the administrator may revoke such approval upon a specific finding of facts that the applicant has not diligently pursued approval of the final subdivision plat.

- (7) Once an approved final subdivision plat for all or a portion of the property is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the last recorded plat.
- (8) Approval of the preliminary plat shall not constitute acceptance of a subdivision for recording and does not constitute a guarantee of approval of the final plat. Approval is only an expression of approval of a general plan to be used in preparing the final subdivision plat for final approval and recording upon fulfillment of all requirements of this article.

Sec. 50-286. - Official submission of final plat (mandatory).

- (a) *Filing with administrator.* Copies of the final plat and all required supporting data shall be officially submitted to the administrator by the applicant. Plats should fully comply with the requirements of section 50-318.
- (b) *Number of copies and contents.* Official submission of the final plat by the applicant to the administrator shall consist of the following:
 - (1) The completed application for review of the final subdivision plat.
 - (2) Eleven legible black-line or blue-line paper prints of the final plat which shall comply with this article.
 - (3) Five copies of all other required information, including but not limited to the following, if applicable:
 - a. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the town attorney as to their legal sufficiency.
 - b. Such deed restrictions as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.
 - c. A certificate of appropriate approval of the state health department and/or state water control board, when required for the water supply or sanitary sewage disposal system for a proposed subdivision. If individual on-site sewage disposal systems are to be used, the applicant shall submit health department tentative approval of each lot in the subdivision as having a suitable site for a septic system at the stated lot size. This shall be done on a lot-by-lot basis. This tentative approval does not guarantee the issuance of a permit for a septic system when construction occurs. The state health department reserves the right to withdraw any tentative approval at the time a permit for a septic system is applied for.
 - d. State department of transportation approval of roads and drainage systems.
 - e. The performance bond, if required, in a form satisfactory to the town attorney and in an amount established by the administrator upon recommendation of a designated engineer. The bond shall include a provision that the principal of the bond shall comply with all the terms of the final subdivision plat approval as determined by the town and shall include but not be limited to the performance of all required subdivision and off-site improvements or parts thereof. All improvements and land included in the irrevocable offer of dedication shall be dedicated to the town free and clear of all liens and encumbrances on the premises (see section 50-346(d)).

(Ord. of 6-29-1977, § 206)

Sec. 50-287. - Review of final plat.

- (a) *Review by the administrator.*

- (1) When a final plat has been officially submitted, the administrator shall review such plat to ensure that all requirements of this ordinance are met and that any required changes to the preliminary plat have been made.
- (2) If the review is favorable, the record plat shall be endorsed "Approved by the Town of Shenandoah," and signed by the administrator with the date of approval.
- (3) A performance guarantee, cash, or other bond as required shall be submitted before the final plat is finally approved and endorsed.
- (4) If the final plat is not approved, the administrator shall provide shall provide a written statement which (a) sets forth all deficiencies that caused the disapproval of the plat by referencing specific duly-adopted ordinances, regulations, or policies; and (b) identifies to the greatest extent practicable the modifications or corrections that will permit approval of the plat. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself.
- (5) In the review of a resubmitted proposed plat, the administrator shall consider only deficiencies identified in the review of the initial submission of the plat that have not been corrected in the resubmission and any deficiencies that arise as a result of corrections made to address deficiencies identified in the initial submission. If the resubmitted plat is not approved, the administrator shall provide a written statement conforming to section 50-287(a)(4).
- (6) Upon the second resubmission of a disapproved plat, the administrator's review shall be limited solely to the previously identified deficiencies that cause its disapproval.
- (7) For any third or subsequent resubmission of a plat, the administrator shall follow any applicable procedures set forth in Virginia Code § 15.2-2259, as amended.
- (8) If the applicant contends that the disapproval of an officially submitted plat is not properly based on this appendix or is arbitrary or capricious, the applicant may petition the Circuit Court of Page County to decide whether or not the plat should be approved. The applicant shall provide 10 days' written notice of such filing to the administrator and file the appeal within 60 days of the written disapproval by the administrator. The court shall hear the matter and make and enter such order as it deems proper, which may include directing approval of the plat.

(b) *Time periods for review.*

- (1) Except as provided in subsection (2) below, the administrator shall act on any proposed plat within 60 days after it has been officially submitted.
- (2) The administrator shall act on any proposed plat solely involving parcels of commercial or residential real estate within 40 days after it has been officially submitted. The term "commercial" means all real property used for commercial or industrial uses, and the term "residential" means all real property used for single-family or multifamily use.
- (3) When approval by a local agency, state agency or public authority is necessary, the following time periods apply:
 - a. Within five business days of receiving the submission, the administrator shall forward the plat to the appropriate local agency, state agency, or authority for review.
 - b. The administrator shall act upon a plat within 20 days of receipt of all necessary approvals from other agencies and authorities.
- (4) If the applicant resubmits a previously rejected plat, a new 45-day period for review and consideration shall begin on the resubmission date, except that such review period shall be a new 30 days for resubmitted plats under subsection (2).
- (5) If the administrator fails to approve, modify or disapprove the a plat within the timeframes set forth within this section, the applicant may, after ten days written notice to the administrator, request immediate approval by the Circuit Court of Page County; provided, that approval of a plat shall not be finally effective until the subdivider has complied with the requirements of this

appendix relative to making provisions for the bonding or installation of required improvements in accordance with applicable specifications of the town, and such fact is certified on the plat.

Sec. 50-288. - Recording of final plat.

- (a) After approval by the administrator and with all endorsements indicated on the subdivision record plat, the subdivider shall record his record plat in the office of the clerk of the circuit court. No subdivision plat shall be recorded unless it bears the town approval and seal.
- (b) Such plat shall be filed and recorded in the office of the clerk of the circuit court where deeds are admitted to record for the lands contained in the plat and indexed in the general index to deeds under the names of the owners of lands signing such plat and under the name of the subdivision.
- (c) Any plat not recorded within six months after final approval by the administrator shall be considered void, and such approval shall be considered withdrawn.
- (d) The recordation of such plat shall operate to transfer, in fee simple, to the town such portion of the premises platted as is on such plat set apart for streets, alleys or other public use and to transfer to the town any easement indicated on such plat to create a public right of passage. The recordation of such plat shall also operate to transfer to the town easements shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the town may require. Nothing contained in this section shall affect any right of a subdivider of land validly reserved before the effective date of the ordinance from which this article is derived.
- (e) When the administrator approves a plat or replat of land previously subdivided, all rights-of-way, easements or other interest of the town in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished upon the recording of such plat or replat. Any such plat or replat shall not affect any interest acquired by the town by condemnation or by purchase for valuable consideration and evidenced by a separate instrument of record.

(Ord. of 6-29-1977, § 208)

Secs. 50-289—50-315. - Reserved.

DIVISION 3. - SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

Sec. 50-316. - Sketch plat.

- (a) The sketch plat of a proposed subdivision shall be clearly and legibly drawn on white paper or on a print of a topographic map of the property at a scale of between one inch equals one foot and one inch equals 100 feet. This sheet of paper submitted shall be a minimum of 8½ inches by 11 inches.
- (b) If the sketch plat requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
- (c) The sketch plat and accompanying material shall contain at least the following information which shall be shown in accordance with the standards in division 4 of this article where applicable:
 - (1) Name of subdivision, name of property, or other identifying title.
 - (2) Name, address, and telephone number of legal owner or agent of the property.
 - (3) Display of any existing legal rights-of-way or easements affecting the property, including names and widths of existing streets.
 - (4) Existing covenants on the property, if any.
 - (5) Names, addresses, and telephone numbers of persons responsible for subdivision design, for design of improvements, and for boundary surveys.
 - (6) Tract boundaries accurately labeled.

- (7) Name of the municipality in which the subdivision is located.
- (8) North point, scale (written and graphic) and date.
- (9) Names of adjoining property owners.
- (10) Significant topographical and physical features (water sources, wooded areas, etc.).
- (11) Proposed general street and lot layout, with approximate dimensions.
- (12) Preliminary proposals for connection with existing water supply and sanitary sewer systems or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

(Ord. of 6-29-1977, § 301)

Sec. 50-317. - Preliminary plat.

- (a) The subdivision preliminary plat shall be prepared at a scale of between one inch equals one foot and one inch equals 100 feet and may be prepared in either pen or pencil, and the sheets shall be numbered in sequence for filing in the office of the recorder of deeds, but in no instance shall a sheet be less than 18 inches by 24 inches. The preliminary plat may also be used for the final subdivision plat. Preparation in pencil will make required changes and additions easier.
- (b) Preparation and certification of the preliminary plat shall be in accordance with the following:
 - (1) Every plat intended for recording shall be prepared by a surveyor or engineer duly licensed by the state, 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 outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.
 - (2) Every such plat or deed of dedication to which the plat is attached shall contain, in addition to the professional engineer's or land surveyor's certificate, a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed (on the final plat) by such persons and duly acknowledged before some officer authorized to take acknowledgement of deeds.
- (c) The preliminary plat shall show the following information in accordance with the standards in division 4 of this article when applicable:
 - (1) Date, including the month, day, and year, that the original drawings were completed and the month, day and year that the original drawing was revised, for each revision.
 - (2) True north point, scale (written and graphic), and name of the subdivision.
 - (3) Names of all owners of all land next to each boundary of the land being subdivided and the names of all subdivisions, if any, next to the project being considered.
 - (4) Total tract boundaries, with dimensions, of the property being subdivided showing bearings and a statement of total acreage of the property.
 - (5) Zoning data including all of the following which are applicable:
 - a. Existing town zoning district designations, and any zoning district boundary lines going through or touching the boundary of the proposed subdivision.
 - b. Any changes in the existing zoning to be requested by the applicant.
 - (6) Contour lines at vertical intervals of ten feet. Locations and elevation of the data to which contour elevations refer shall be the closest National Geodetic Survey established benchmark or an

established benchmark approved by the town. The state department of transportation, in certain cases, may require smaller intervals in order to adequately review drainage plans.

- (7) All water and sewer lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, quarries, strip mines, watercourses, tree masses, rock outcrops, and other significant manmade or natural features within the proposed subdivision and within 500 feet from the boundaries of the proposed subdivision.
 - (8) All existing streets, including streets of record, easements and rights-of-way, including names, right-of-way widths, pavement widths and approximate grades of such streets or rights-of-way on or abutting the tract.
 - (9) The full plan of proposed development, including the following:
 - a. Location, width, and names of all streets, easements, and rights-of-way, with a statement of any conditions governing their use, and functional classification of each with dimensions.
 - b. Setback lines along each street.
 - c. Lot lines with dimensions.
 - d. Lot numbers and statement of number of lots and parcels. All lots within each block shall be numbered consecutively.
 - e. A statement of the intended use of all nonresidential lots and parcels.
 - f. Location of water supply, sanitary and/or storm sewers and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities.
 - g. Areas proposed to be dedicated or reserved for public use with any conditions governing such use, dedication, or reservation.
 - h. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
 - i. The 100-year floodplain line, if applicable.
 - j. Municipal boundaries which cut through the subdivision, showing the name of municipalities, if applicable.
 - (10) The location of all proposed monuments.
 - (11) If the preliminary plat requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
- (d) The preliminary plat shall be accompanied by the following supplementary data shown in accordance with standards in division 4 of this article, as applicable:
- (1) Street cross section drawing for all proposed streets, showing depth and type of base, type of surface, etc. Cross section drawings may be shown on either the preliminary plat or on separate profile sheets and shall show tentative profiles along the top of pavement edges or along the top of curb for both sides of each proposed street. Such profiles shall show existing and proposed grades. Information as required by the state department of transportation shall be submitted. Such information shall be submitted to the department of transportation by the administrator.
 - (2) Where deemed necessary by the administrator or the state department of transportation, a plan for the surface drainage of the tract to be subdivided shall be shown. Such plan shall include stormwater runoff calculations for the entire property being subdivided as well as the anticipated runoff of areas of higher elevation in the same watershed and shall show the proposed method of accommodating the anticipated runoff. Such plan shall also show a complete drainage layout including all pipe sizes and types, drainage easements and the means of transporting the drainage to a well-defined open stream which is considered natural drainage. Drainage computation for the appropriate drainage structures shall also be included.

- (3) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of appropriate state and local agencies and shall be submitted to such agencies by the administrator.
- (4) Where a preliminary plat shows the proposed subdivision of only a part of the applicant's total property, a sketch may be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion may be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship for extremely large properties, the administrator may, based on existing natural or manmade features, delimit the area for which a prospective street system may be sketched.
- (5) A vicinity map for the purpose of locating the property being subdivided drawn at a scale of between one inch equals 250 feet and one inch equals 2,000 feet and showing the relation of the property, set apart by tone or pattern, to adjoining property and to all streets and municipal boundaries within 1,000 feet of each subdivision boundary, giving the name of each such street. The name of the municipality in which the subdivision is located shall also be shown.
- (6) Existing covenants on the property.
- (e) The preliminary plat shall be accompanied by the following environmental protection analyses where applicable:
 - (1) Erosion, sediment, and topsoil control plans, in accordance with town ordinances. The subdivider is urged to contact the county building inspector's office for standards and specifications.
 - (2) Floodplain preservation plans.

(Ord. of 6-29-1977, § 302)

Sec. 50-318. - Final plat.

- (a) The subdivision plat submitted to the administrator for final approval shall be clearly and legibly drawn in ink on paper at a scale of between one inch equals one foot and one inch equals 100 feet, on sheets having a size of not more than 24 inches by 36 inches. In addition to the requirements of the preliminary plat, the final plat shall include the following shown in accordance with the standards in division 4 of this article where applicable:
 - (1) The total tract boundary lines and bearings of the area being subdivided. Such boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundaries adjoining additional unplatted land of the applicant are not required to be based upon field survey and may be calculated. The location and elevation of all boundary line (perimeter) monuments (corner markers) shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plat, and the placement of the monuments.
 - (2) The following data shall be shown for the pavement edges (curblines) and right-of-way lines:
 - a. The ultimate right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided;
 - b. The length and width, in feet to the nearest hundredth of a foot, of all straight lines and radii of curved lines; and
 - c. The angle in degrees, minutes and seconds, in accordance with customary surveying standards.
 - (3) All lot lines shall be completely dimensioned in hundredths of a foot if straight and by length of arc and radius if curved with the central angle in degrees, minutes and seconds in accordance with customary surveying standards. All internal angles within the lots shall be designated to the nearest second when appropriate.

- (4) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page number.
 - (5) The location of all existing and proposed required street monuments.
 - (6) All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plat, and easements shall either be shown or specifically described on the plat. Easements should be located in cooperation with the appropriate public utilities.
 - (7) Plan for water supply and distribution; locations, sizes and invert elevations of all sanitary and/or storm sewers, manholes not to exceed 300 feet apart, inlets and culverts (this data may be submitted as a separate plan). Such plans shall be drawn in accordance with appropriate town ordinances.
 - (8) If the subdivision proposes a new street intersection with a state route, department of transportation approval must be obtained for all such intersections.
 - (9) A blank oblong space three inches by five inches shall be reserved on the plat for the use of the administrator.
 - (10) 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.
 - (11) 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.
- (b) The final plat shall be accompanied by supplementary data, where applicable, as required for preliminary plats in section 50-317(d) and (e), in addition to all appropriate approvals from the state health department, the state department of transportation, the state water control board, and any other agency as required. No final plat shall be approved by the town unless all proper approvals are submitted to the town. The standards in division 4 of this article shall be complied with.

(Ord. of 6-29-1977, § 303)

Secs. 50-319—50-345. - Reserved.

DIVISION 4. - DESIGN STANDARDS AND SPECIFICATIONS

Sec. 50-346. - Applicability and general standards.

- (a) The standards and requirements contained in this division are intended as the minimum for the promotion of the public health, safety and general welfare and shall be applied as such by the administrator in reviewing all subdivision plats.
- (b) Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plat shall show adequate safeguards against them. Such safeguards shall be approved by the appropriate regulatory agencies.
- (c) Subdivision plats shall give due recognition to the policies of the comprehensive plan and to other town plans and ordinances or to such parts thereof as may have been adopted pursuant to statute.
- (d) All required on-site improvements shall be installed by the applicant at his cost. Before any subdivision plat is recorded, the applicant shall install the required improvements to the satisfaction and approval of the appropriate engineer (town, highway, and/or other) or, in lieu of construction, shall certify that the costs of construction have been paid to the person completing the requirements, with appropriate evidence that performance bonds exist, or shall furnish a bond or cash in an amount calculated by the administrator, with the necessary assistance of appropriate engineers, to secure the required

improvements for the subdivision which the subdivider has submitted for final approval. Such bond shall be payable to the town. The form of such bond shall be approved by the town attorney.

(e)

Periodic partial and final release of bonds and other performance guarantees.

- (1) The administrator shall provide periodic partial and final release of any required bond, escrow, letter of credit or other performance guaranty within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder unless the administrator notifies the subdivider or developer in writing of nonreceipt of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance guarantee and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the town or a person who has contracted with the town.
- (2) A request for a partial release shall be deemed approved if no action is taken by the administrator within 30-day time period specified above. In the case of a request for a final release, the subdivider or developer shall send an additional written request to the town manager by certified mail return receipt. If the administrator fails to act within 10 working days of receipt of the additional request, the request shall be deemed approved and final release granted to the subdivider or developer.
- (3) A request for a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee shall not be refused for any reason not directly related to the specified defects or deficiencies in construction of the public facilities covered by said bond, escrow, letter of credit or other performance guarantee.
- (4) Upon written request by the subdivider or developer, the administrator shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the administrator based upon the percentage of public facilities completed and approved by the town council. Periodic partial releases may not occur before the completion of at least 30 percent of the public facilities covered by any bond, escrow, letter of credit, or other performance guarantee. The administrator shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final completion and acceptance of the public facilities, the administrator shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the town.

(Ord. of 6-29-1977, § 401)

Sec. 50-347. - Streets.

(a) *General standards.* General standards for streets in the subdivision are as follows:

- (1) All streets, except where specifically noted, shall meet the state department of transportation standards for secondary roads.
- (2) The proposed street system shall extend existing or recorded streets at the same width or larger, but in no case at less than the required minimum width as specified in this division. Where possible, new intersections along one side of an existing street shall coincide with any existing street intersection on the opposite side of such street.
- (3) Where it is desirable to provide for street access to adjoining property, the administrator may require street stubs to be extended by dedication to the boundary of such property.

- (4) New local streets shall be so designed as to discourage through traffic, but the applicant shall give adequate consideration to providing for the extension and continuation of arterial and collector streets into and from adjoining properties.
 - (5) Where a subdivision abuts or contains an existing street of improper width or alignment, the administrator shall require the dedication of land sufficient to widen the street or correct the alignment.
 - (6) All streets shall meet the design standards of this article.
 - (7) 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.
 - (8) There shall be no private streets in the town.
- (b) *Street widths.* Street widths shall be as follows:
- (1) The minimum width of a proposed street right-of-way, measured from lot line to lot line on either side of such right-of-way, shall meet the requirements of the state department of transportation for secondary roads.
 - (2) Alley rights-of-way shall not be less than 20 feet in width.
 - (3) Additional right-of-way and pavement widths may be required by the administrator for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high-density residential development.
- (c) *Construction of streets.* All street construction shall conform to specifications and standards of the state department of transportation for secondary streets. The construction shall be subject to approval of the state department of transportation.
- (d) *Restriction of access.* Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for either a service drive or for reverse frontage lots. A service drive shall be 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 major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
- (e) *Approach angle.* All streets shall approach each other at an angle of not less than 80 degrees, unless the administrator, upon recommendation of the highway engineer, approves a lesser angle of approach for reasons of terrain, etc.
- (f) *Street grades.* Centerline grades shall meet state department of transportation standards for secondary roads.
- (g) *Cul-de-sac streets.* Standards for cul-de-sac streets are as follows:
- (1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
 - (2) Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length and shall not furnish access to more than 20 dwelling units.
 - (3) Any dead-end street intended for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turnaround within the subdivision.
 - (4) Unless future extension is clearly impractical or not desired, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

- (5) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a turnaround which is constructed in accordance with department of transportation specifications. The minimum radius shall be 50 feet.
- (6) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, adequate provisions shall be made for runoff to be carried away. Drainage easements shall be required where necessary.
- (h) *Street names.* Streets shall be named as follows:
 - (1) Proposed streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets.
 - (2) The name of a proposed street shall not duplicate or confuse an existing street in the town or in the postal district. The use of the suffixes street, road, avenue, boulevard, drive, way, place, court, lane, etc., shall constitute a duplication if used after a name which is repeated before each suffix.
- (i) *Alleys.* Standards for alleys shall be as follows:
 - (1) Alleys may be permitted provided that the subdivider produces evidence satisfactory to the administrator of the need for such right-of-way.
 - (2) No part of any main structure shall be located within 20 feet of the centerline of an alley.
 - (3) Dead-end alleys shall be avoided, but where this proves impossible, dead-end alleys shall terminate with an all-weather circular turnaround with a minimum radius of 50 feet.
 - (4) Alley intersections and sharp changes in alignment shall be avoided.
- (j) *Driveways.* Private driveways on corner lots shall be located at least 40 feet from the point of intersection of street right-of-way lines.
- (k) *Street signs.* Street identification signs of a design approved by the administrator and readable from either side shall be installed at all intersections.
- (l) *Railroad crossings.* The applicant shall be responsible for providing flashing lights and short-arm gates for any road within a subdivision which may cross a railroad track.

(Ord. of 6-29-1977, § 402)

Cross reference— Streets, sidewalks and other public places, ch. 58.

Sec. 50-348. - Blocks.

- (a) *Length.* Blocks in a subdivision shall have a maximum length of 1,200 feet and a recommended minimum length of 500 feet.
- (b) *Depth.* Blocks shall be wide enough to allow two tiers of lots consistent with subsections 50-349(a) and (f), unless prevented by topographical conditions, the size of the property, or the general development concept, in which case the administrator may approve a single tier of lots.

(Ord. of 6-29-1977, § 403)

Sec. 50-349. - Lots.

- (a) *Shape.* The shape of lots in a subdivision shall be in accordance with the following:
 - (1) Lots shall not contain peculiarly shaped elongations which would be unusable for normal building purposes solely to provide necessary square footage.
 - (2) Generally, the depth of residential lots should be not less than one nor more than four times their width.

- (b) *Location.* The location of lots shall be as follows:
- (1) Each lot shall abut on a street dedicated by the subdivision plat or on an existing public street which has been accepted by the town council or which meets the requirements of this article. If the existing streets are not constructed in accordance with the state department of transportation standards, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to such a required width.
 - (2) Municipal boundaries shall not cut through lots, but rather shall act as lot lines for those lots adjacent to either side of such municipal boundaries. All lots shall comply with subsection (f) of this section.
- (c) *Corner lots.* Corner lots shall have extra width sufficient for maintenance of an adequate sight distance at intersections as determined by the administrator.
- (d) *Sidelines.* Sidelines of lots shall be approximately at right angles to straight street lines or radial to curved street lines.
- (e) *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.
- (f) *Lot size.* Lot size shall be as follows:
- (1) For lots having individual on-site sewer systems and public water, the minimum size of any lot shall be 15,000 square feet.
 - (2) For lots having both public water and public sewer systems, minimum size of any lot shall be 7,500 square feet, with a minimum street frontage of 50 feet. The administrator shall require that tentative approval of the health department be submitted as a basis for evaluating the lot sizes of subdivisions dependent upon individual on-site water and/or sewer systems. The town shall not approve any subdivision unless tentative approval from the health department is given on a lot-by-lot basis stating that the proposed lots have satisfactory sites for the proposed water and sewer systems at the proposed lot size. The issuance of tentative approval does not guarantee the issuance of a permit when application is made for a septic system at the time of construction. The health department reserves the right to reject an application for a septic system based on further testing.
 - (3) In any instance, greater lot areas shall be required in accordance with health department findings where individual septic tanks or individual wells are used if the health director determines that there are factors of drainage, soil conditions or other conditions to cause potential health problems.

(Ord. of 6-29-1977, § 404)

Sec. 50-350. - Sanitary sewage disposal.

- (a) The applicant for subdivision approval shall provide the type of sanitary sewage disposal facility determined by the administrator to be consistent with existing physical, geographical and geological conditions. The following types of sanitary sewage disposal facilities are listed in order of desirability:
 - (1) Public sanitary sewage collection and treatment system.
 - (2) Community sanitary sewer system with a temporary sewage treatment plant.
 - (3) On-lot disposal with septic tank and drainfield.
- (b) Sanitary sewers, whether public, community, or on-site, shall be designed and constructed in strict accordance with standards of the department of health and/or state water control board, whichever is applicable.
- (c) Sanitary sewers shall not be used to carry stormwater.

(Ord. of 6-29-1977, § 405)

Cross reference— Utilities, ch. 74.

Sec. 50-351. - Soil evaluation test requirements.

- (a) Soil evaluation tests shall be performed by the health department for all subdivisions where on-site sewage disposal systems are to be used.
- (b) Soil evaluation tests shall be made by the health department in accordance with the procedure required by the state health department and shall be approved by the health department. The results of such tests shall be submitted with the final plat.
- (c) The administrator shall not approve any subdivision using septic tanks unless a tentative approval from the health department is received stating that all lots in the subdivision have a suitable site for a septic tank system. If the analysis of the soil evaluation test results reveals that the soil is unsuitable for the intended use at the lot size proposed, the administrator shall require that the lot size be increased in accordance with the testing results as determined by the state health department. This tentative approval does not guarantee that a permit will be issued for installation of a septic tank system. The health department reserves the right to reject any further request for permits based on further inspection and tests.

(Ord. of 6-29-1977, § 406)

Sec. 50-352. - Water supply.

Whenever an existing public or approved community water system is determined by the town to be geographically and economically accessible to a proposed subdivision, the applicant shall provide an approved distribution system which shall be designed to connect with such system in accordance with state health department standards. Such systems shall furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the insurance services office. A copy of the approval of such system by the appropriate public agency or utility company shall be submitted with the final plat. Suitable agreements shall also be established for the ownership and maintenance of such distribution system. In accordance with this article, the applicant may be required to provide his own community water system.

(Ord. of 6-29-1977, § 407)

Cross reference— Utilities, ch. 74.

Sec. 50-353. - Storm drainage.

- (a) Storm sewers and related installations shall be required in a subdivision only when the runoff of stormwater cannot be satisfactorily handled within the street pavement.
- (b) Where existing storm sewers are reasonably accessible, according to the administrator, the proposed subdivision shall be required to connect with such storm sewers.
- (c) In the design of storm drainage facilities, problems shall be avoided which may arise from the concentration of stormwater runoff onto adjacent developed or undeveloped properties or the collection of water at low points in the subdivision and along streets. Water shall be drained away from on-site sewage disposal facilities.
- (d) Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the watershed is fully developed.

- (e) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving, or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the state water control board.
- (f) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- (g) The applicant shall provide for all such drainage improvements together with a certified engineer's or surveyor's statement that such improvements will be adequate for proper development. The highway resident engineer shall then approve or disapprove the plans.

(Ord. of 6-29-1977, § 408)

Cross reference— Utilities, ch. 74.

Sec. 50-354. - Utility easements.

- (a) Easements with a minimum width of 20 feet shall be provided in a subdivision for poles, wires, conduits, storm and sanitary sewers, gas, water mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.
- (b) To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- (c) Easements shall be in accordance with requirements of appropriate utility companies.

(Ord. of 6-29-1977, § 409)

Cross reference— Utilities, ch. 74.

Sec. 50-355. - Erosion and sediment controls.

Erosion and sedimentation control measures for a subdivision shall meet the standards and specifications of chapter 26, article IV, pertaining to erosion and sediment control.

(Ord. of 6-29-1977, § 410)

Cross reference— Erosion and sediment control, § 26-156 et seq.

Sec. 50-356. - Floodplain regulations.

- (a) The subdivider shall consult all available engineering and soils studies and delineate the 100-year floodplain on the plat of his land.
- (b) The town shall not approve any plat in which a structure or street will be located within the area subject to flooding by a flood of 100-year frequency unless such structure is adequately floodproofed and approved under the appropriate building code or the street approved by the state department of transportation.

(Ord. of 6-29-1977, § 411)

Sec. 50-357. - Monuments (corner markers).

- (a) *Installation.* As required by this article all monuments must be installed by the subdivider. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the town are clearly visible for inspection and use. Such monuments shall be inspected and approved by the town before any improvements are accepted by the town council.
- (b) *Location of steel pins.* Steel pins shall be used as monuments at all street corners and 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. Such monuments shall meet the specifications of the state department of transportation.
- (c) *Location of iron pipe.* All other lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

(Ord. of 6-29-1977, § 412)

Sec. 50-358. - Curbs.

- (a) Curbs, where required by the town in a subdivision, shall be installed along both sides of all streets, except along alleys. Curbs shall meet the standards and specifications of the state department of transportation. Adequate provision shall be made for driveway entrances.
- (b) Installation shall be in accordance with this article and other town regulations.

(Ord. of 6-29-1977, § 413)

Sec. 50-359. - Sidewalks.

- (a) When required by the town for a subdivision, sidewalks with a minimum width of four feet shall be installed on both sides of all streets within the subdivision and the side of each street touching the subdivision, except that no sidewalks shall be required along service streets.
- (b) All sidewalks shall be installed in accordance with this article and other town regulations.

(Ord. of 6-29-1977, § 414)

Cross reference— Streets, sidewalks and other public places, ch. 58.

Sec. 50-360. - Streetlights.

The installation of streetlights, if required for a subdivision, shall be in accordance with design standards and specifications of the town and the state department of transportation.

(Ord. of 6-29-1977, § 415)