

SUBDIVISION ORDINANCE

Town of New Market, Virginia

Chapter 50, Code of Ordinances of the Town of New Market, Virginia

This book contains all amendments to the New Market Subdivision Ordinance (Chapter 50 of the Code of Ordinances of the Town of New Market, Virginia) up to and including the following:

| | Resolution Number | Date Adopted |
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TOWN OF NEW MARKET
SUBDIVISION OF LAND

Chapter 50

For state law as to duty of town to adopt subdivision ordinance, see Code of Va., sec. 15.2-2240.

As to planning commission, see sec. 2-116 to 2-118 of this Code. As to buildings generally, see ch. 18. As to streets and sidewalks, see ch. 46. As to water and sewers, ch. 62. As to Zoning, see ch. 70.

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Article I. In General.

Sec. 50-1. Adoption of Subdivision Ordinance.

This section is set forth in the Code of the Town of New Market, as adopted April 17, 1995.

Sec. 50-2. Purpose of Chapter.

It is declared to be the policy of the town to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town. Such subdivisions shall be guided and regulated in such manner as to meet the following requirements for orderly and harmonious growth:

(a) Land to be developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or smoke, or other menace.

(b) Proper provisions shall be made for drainage, water supply, sewage disposal and other appropriate utility services.

(c) The proposed streets shall provide a safe, convenient and functional system for vehicular traffic flow.

(d) Streets shall be of such width, grade, and location as to meet state standards and to accommodate prospective traffic as determined by existing and probable future land and building uses in accordance with the New Market Comprehensive Plan.

(e) Buildings, lots, blocks, and streets shall be arranged as to afford adequate light, view, and air, to facilitate fire protection, and to provide ample access for fire-fighting equipment to building.

(f) Land shall be developed with due regard to topography, so that the natural beauty of the land and vegetation shall be protected and enhanced.

(g) Adequate sites for parks, playgrounds, and other community services shall be located so that residents of all neighborhoods shall have convenient access to such facilities.

Sec. 50-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley - A service way providing a secondary means of public access to abutting property and was not intended for general traffic circulation.

Block - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

Buffer - A strip of land established to protect one type of land use from another which have different allowable densities of development.

Building Setback Line - A line, beyond which a building cannot extend, which is fixed at a specific distance from the front, side or rear boundaries of a lot.

Catch Basin - An inlet designed to intercept and redirect surface waters.

Cluster - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Covenant - A private agreement between all or part of the owners of land within a subdivision or other defined area, which is normally contained in the property deed or otherwise formally recorded, that asserts legal requirements on the use of that real estate.

Cul-de-sac - A street with only one (1) outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Dedication - Under subdivision regulations, the transfer of property or property rights from private to public ownership.

Density - Number of dwelling units per unit of land area.

Detention Basin (Pond) - A storage facility for the temporary storage of stormwater runoff.

Developer - The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development - The division of a parcel of land into two or more parcels, or the reconstruction, conversion, structural alteration, relocation or enlargement of any structure.

Drainage Easement or Drainage Right-of-Way - Assignable rights-of-way across land to provide for the alignment and maintenance of a drainage course, installation of drainage facilities, enlargement of existing drainage ways or for similar or related storm drainage purposes.

Drainage Structures - Pipes, swales, natural features, and man-made improvements designed to carry drainage.

Drainageway - Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Easement - A dedication by a property owner to another party for the use or non-use of, or limited use of land for a specific purpose on a repeating or continuous basis.

Egress - An exit.

Engineer - An engineer licensed by the Commonwealth of Virginia.

Flood, 100-Year - The highest level of flooding that, based upon an analysis of past floods, is likely to occur once in every one hundred (100) years. The 100-Year flood plain is defined in boundary by FEMA (Federal Emergency Management Agency).

Flood Plain - The channel and relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

Highway Engineer - The Resident Engineer employed by the Virginia Department of Highways and Transportation.

Homeowners Association - A community association which is organized in a development in which individual owners share common interests and responsibilities in and for open space or facilities within a designated area. The Homeowners Association also administers and enforces restrictive covenants.

Improvement - Streets, sidewalks, gutters, water mains, drainage facilities, landscaping, recreational facilities and all other such betterment as may be required under the provisions of this Ordinance.

Ingress - Access or entry.

Landscaping - Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

Lot - A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Reverse Frontage - An interior lot having frontage on two (2) streets.

Lot, Through - A lot that fronts on two parallel streets, or that fronts upon two streets which do not intersect at the boundaries of the lot.

Lot, Width Of - The horizontal distance between the side lot lines measured along the front building setback line.

Off-Site - Pertaining to areas and/or functions not included within the boundaries of a subdivision or proposed subdivision.

Off-Street Parking Space - A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Open Space - Any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

Parking Aisle - The travelled way by which cars enter and depart parking spaces.

Performance Bond - Any security that may be accepted by a municipality as a guarantee that improvements required as a part of an application for development are satisfactorily completed.

Plan - The map or plat illustration or describing a subdivision or land development.

Plat - A map, generally of a subdivision, showing the location, boundaries, and ownership of individual properties.

Plat, Final - The final map of all or a portion of a subdivision or site plan which is presented to the proper review authority for final approval.

Plat, Preliminary - A map of a proposed land subdivision showing the character and proposed layout of the tract in conformance with the regulations set forth in this Ordinance to indicate the suitability of the proposed subdivision of land.

Plat, Recordation- A final map of all or a portion of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and shall be in a form suitable for recording.

Private Street - A way which is intended to afford the principle means of access to abutting lots and is not owned or controlled by a government entity.

Prorata - According to a calculated share.

Right-of-Way - A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, cross walk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer and similar uses.

Screening - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls or densely planted vegetation.

Sketch Plan - An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of proposed subdivision.

Street - The principle means of public access to any lot in a subdivision. The term 'street' shall include road, drive, place, avenue, highway, boulevard, or any other throughway for a similar purpose, but shall not include a private easement.

Arterial streets - Those which are used primarily for fast or heavy traffic, usually with complete or partial control over access from abutting property.

Collector streets - Those which carry traffic from minor streets to major system of arterial highways.

Minor streets - Those which are used primarily for access to abutting properties.

Subdivide - To voluntarily divide any tract, parcel, or lot of land into two (2) or more parts for the purpose of sale, development or lease in a manner consistent with the requirements of this Ordinance.

Subdivider - Any person, persons, firm, corporation, partnership, or other entity, and the agent or agents thereof, subdividing or proposing to subdivide land as herein defined.

Subdivision - The process (and the result) of dividing a property or parcel of land into smaller individual parcels, lots or buildable sites.

Subdivision Administrator - The Town Manager of New Market, Va.

Surveyor - A surveyor licensed by the Commonwealth of Virginia.

Swale - A depression in the ground which channels runoff.

Tract - An area, parcel, site, piece of land, or property which is the subject of a development application.

Watershed - A basin in which all surface water drains to a centrally located stream, river or other body of water.

Zoning Administrator - The Town Manager of New Market, Virginia.

Article II. General Regulations.

Sec. 50-4. General Effects.

The effects of this Ordinance shall be consistent with the objectives of the Town to assure the orderly subdivision of land and its development; to coordinate the development of streets within and contiguous to subdivision; to establish adequate provisions for drainage, flood control and other public purposes; to ensure acceptable physical standards and criteria for subdivision improvements; to provide for the dedication of public rights-of-way; and to serve in implementing the New Market Comprehensive Plan, as adopted.

Sec. 50-5. Prior Approvals.

Nothing in this Ordinance shall be deemed to require any change in or invalidation of plats previously approved and of record prior to the effective date of this Ordinance.

Sec. 50-6. Administration and Enforcement.

The administration and enforcement of this Ordinance shall be vested in the New Market Town Council.

1. The Administrative Body

The New Market Planning Commission is hereby designated as the Administrative Body of the Town Council for the subdivision of land within the Town boundaries. In doing so, the New Market Planning Commission is hereby delegated the power to administer this Ordinance. The Administrative Body shall review and act to approve or disapprove preliminary and final plats and plans within its jurisdiction unless otherwise provided for in this ordinance. In the performance of its duties, the Administrative Body shall request and consider comments of the Town and applicable public agencies in making recommendations on all subdivision plats and plans. The Administrative Body may employ or engage additional assistance required for technical review of subdivision plats or plans.

2. The Administrative Body's Agent

The Administrative Body may act through the Town's Subdivision Administrator (15.2-2217) of the Code of Virginia, to the extent that the Administrative Body finds appropriate for the administration of this Ordinance; provided, however, that no person, other than the Agent, may act for the Administrative Body in approving, conditionally approving, or disapproving any Preliminary Plan, Final Plan, Preliminary Plat, or Final Plat.

Sec. 50-7. Application and Compliance.**1. Subdivision -- conformance with this Ordinance**

No person, by deed or plat, shall divide, subdivide, or cause a subdivision to be made, of any tract of land located within the Town of New Market, except in conformity with the provisions of this Ordinance. No land shall be subdivided for any use if the Administrative Body, in consideration of applicable criteria, deems such land unsuitable for such purposes.

2. Administrative Body approval required

Whenever the owner of any tract of land within the Town of New Market desires to subdivide the same, the owner shall submit a plat of the proposed subdivision with reference to known or permanent monuments to the Administrative Body or its Agent in accordance with the requirements of

this Ordinance. No owner shall subdivide land without making and recording a plat of such subdivision in the office of the Clerk of the Circuit Court of Shenandoah County, and no such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the Administrative Body, in accordance with the regulations set forth in this Ordinance.

3. Subdivision approval required before sale of lots

No person, shall sell, offer for sale, or transfer any land of a subdivision, before a plat of such subdivision has been duly approved and recorded as provided herein.

4. Ordinance relationship with private agreements

This Ordinance bears no relation to any private easement, covenant, agreement or restriction. The responsibility of enforcing such private easement, covenant, agreement or restriction is not implied to any public official.

Sec. 50-8. Waiver Of Ordinance Requirements

Where a single lot or parcel is proposed to be divided into not more than two (2) parcels, any one or more of the requirements of this Ordinance may be waived and approved by the Agent, provided that such subdivision;

1. Conforms in area and street frontage to the regulations and requirements of the zoning district regulations of the governmental entity wherein the land lies;

2. Does not involve any new public street, road or easement of access;

3. Does not--in the opinion of the county, town, or state--obstruct any natural drainage or planned transportation facility;

4. Does not adversely affect any part of The New Market Comprehensive Plan, as adopted;

5. Does not in any way violate the intent of this Ordinance, the Zoning Ordinance of the Town, the Town Code of New Market, or the Code of Virginia.

Sec. 50-8.1. Exceptions to Ordinance Requirements.

1. Where the subdivider can show that strict adherence to the provisions of this chapter would cause unnecessary hardship and where, because of topographical or other conditions peculiar and unique to the site, in the opinion of the Town Council, a departure may be made without destroying the intent of such provisions, the Council may authorize an exception; provided that the following conditions have been satisfied:

(a.) No such exception may be granted which is opposed in writing by the health official or highway engineer.

(b.) Recommendations on the proposed exception have been received from the Administrative Body.

(c.) Any exception thus authorized shall be stated in writing in the minutes of the Town Council with the reasoning on which the exception was justified. In addition, such exceptions shall be clearly defined and entered on the final plat prior to final approval by the Administrative Body.

2. Requests for an exception to this chapter shall be made to the Agent, who shall forward such request to the Administrative Body at its next regularly scheduled meeting. Upon receiving recommendations of the Administrative Body, the Town Council may, in its discretion, schedule a public hearing prior to acting upon a request for an exception to this chapter.

Sec. 50-9. Erosion And Sedimentation Control Regulations

1. For the purpose of alleviating the adverse effects of on- and off-site erosion, siltation and sedimentation before, during and after development, adequate controls of both a temporary and permanent nature shall be provided. Plans and specifications for such controls shall be subject to final subdivision plat and plan approval and shall comply with the Virginia Erosion and Sediment Control Handbook and the guidelines set forth by the applicable Town or County Erosion and Sediment Control Ordinance. A maintenance plan for detention ponds and other erosion and sedimentation and/or stormwater management structures shall be submitted to Shenandoah County by the developer for review at the same time as the general erosion and sedimentation plan review.

2. No site improvements may be initiated prior to (i) posting of a performance bond, and, (ii) approval of the construction and maintenance methods for all vegetative and structural erosion and sediment control measures, which shall be in accordance with the minimum standards and specifications of the Virginia Erosion and Sediment Control Handbook, the Virginia Department of Transportation, and the standards set forth by the applicable Town or County Erosion Sediment Control Ordinance.

Sec. 50-10. Dedications For Public Use.

No plat of a subdivision showing any public lands, easements or rights-of-way shall be recorded, nor shall any such lands, easements or rights-of-way otherwise be accepted for dedication to public use until such dedication shall first be approved and accepted by the Town Council, upon recommendation by the Administrative Body, and evidence of such approval shown on the instrument to be recorded. Such approval shall not be given by the Town Council until any such easement or right-of-way complies with all requirements as the Town Council may impose.

Sec. 50-11. Minor Subdivisions.

For the purpose of this division, a minor subdivision shall be defined as the creation of no more than five lots of record which do not require the extension of any public or private street, or any public utility main.

Minor subdivisions shall not include those divisions of land which create either pipestem lots or cluster subdivisions. Applications qualifying as minor subdivisions need not include the submittal of preliminary plat information, but need only submit the materials necessary for final plat approval. The Administrative Body shall review minor subdivisions in the same manner as final plats, as specified in Section 50-22 of these regulations.

Sec. 50-12. Boundary Line Adjustments.

The Agent may approve the relocation or adjustment of the boundary of any adjoining lots or parcels of land, which were established as part of an otherwise valid and properly recorded plat of subdivision or re-subdivision approved as provided in this Ordinance and properly executed by the owner(s) of such land, if such relocation or alteration does not create any additional lots or involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility right-of-way shall be relocated or altered without the express consent of all persons holding interest therein. A boundary line adjustment shall result in lots which conform to the requirements of the Zoning Ordinance, or in the case of non-conforming lots, does not increase the extent of non-conformance. The plat approving the boundary line adjustment shall be in a form approved by the Agent and shall bear the signature of the Agent. The subdivider or developer shall record the boundary line adjustment plat in the land records of Shenandoah County within six months of approval. Any plat not so recorded shall be deemed null and void.

Sec. 50-13. Management of Open Space and Improvements.

All open space, common land, facilities, utilities and improvements, including but not limited to detention ponds and other erosion and sedimentation and/or stormwater management structures, in any development established under this chapter, shall be managed as follows:

1. All such lands and improvements shall be preserved for their intended purpose as expressed in the approved Final Plat.
2. The developer shall provide for the establishment on an incorporated property owner association of all individuals or corporations owning property within the development to insure the maintenance of all open space, common land, facilities, utilities and improvements.
3. An organization established for this purpose shall meet the following requirements:
 - a. The organization shall be established prior to the sale of any lots.

b. Membership in the organization shall be mandatory for all property owners, present or future, within the development, and said organization shall not discriminate in its membership or shareholders.

c. The organization shall manage all common open space and recreational facilities, provide for the maintenance, administration and operation of said land and improvements, and any other common land within the development, and shall secure adequate liability insurance on the land.

d. All such lands and improvements shall be described as to location, size, use and control in the declaration of covenants, conditions and restrictions. This declaration shall set forth the method of assessment for maintenance of such land and improvements, and shall constitute a pro-rata lien upon the individual lots. Covenants, conditions and restrictions shall run with the land and be for the benefit of present, as well as future property owners.

4. The developer shall be responsible for the management and maintenance of all private common areas, easements and improvements within the development until such common areas, easements and improvements are taken over by the property owner association, and all such lands, easements and improvements shall be in good operating order and condition and in compliance with all applicable laws, codes and regulations at the time of transfer to the property owner association. The developer shall notify the zoning administrator when the transfer of control to the property owner association occurs.

5. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current Town standards, as determined during the erosion and sedimentation plan approval process. A maintenance plan for such structures shall be submitted for review at the time of erosion and sedimentation plan review by Shenandoah County. A formal agreement for the maintenance of such structures shall be made with the Town prior to Final Plat approval and subject to review after final site inspection, in accordance with current administrative guidelines.

6. The Town shall have the right to inspect any common area, easement, detention pond or other erosion and sedimentation and/or stormwater management structure or dedicated facility to ensure that the requirements of the Code of the Town of New Market are complied with. If the maintenance of such areas, easements, structures or facilities is neglected or becomes a danger to public health or safety, the zoning administrator shall give ten (10) days written notice to the responsible party to correct the violation. Upon failure to comply with this notice, the Town shall have the authority to perform the work necessary to bring the area into compliance with all applicable codes and recover all costs from the owner(s).

7. All maintenance within the development shall be provided for in such a manner so as to discharge any responsibility from the Town.

8. All property deeds shall include the above restrictions, conditions and covenants and shall contain a prohibition against partition.

9. No common space shall be denuded, defaced or otherwise disturbed without approval of the Town Council.

Article III. Preliminary And Final Plats

Sec. 50-14. Sketch Plat (Optional)

The applicant may, if he so chooses, submit to the Administrator a Sketch Plat of the proposed subdivision prior to his preparation of an engineered Preliminary and Final Plat. The purpose of such sketch is to permit the Administrator and Town Planning Commission to advise the applicant wherein it appears that changes would be necessary. The Commission may mark the Sketch Plat indicating necessary changes and any such marked copy shall be returned to the subdivider.

Sec. 50-15. Application Procedures for Preliminary and Final Plats.

No property shall be transferred or offered for sale, nor shall a building permit be issued on the basis of an approved Preliminary Plat.

1. Whenever the owner of any tract of land in the Town of New Market desires to apply to subdivide the same, the applicant shall submit a Preliminary Plat of the proposed subdivision to the Agent. This plat shall be in compliance with the provisions of this Ordinance.

2. The subdivider shall pay a fee when Preliminary and Final Plats are filed. The fee shall be in the form of cash or check, the amount thereof to be determined in accordance with a schedule set and adopted by resolution of the Town Council. The fee amount cannot be waived by the Agent.

3. An applicant shall file ten (10) blue line or black line prints of Preliminary and Final Plats with the Agent of the Administrative Body. Preliminary and Final Plats shall be prepared by a professional engineer or land surveyor. The plat and other documents comprising an application shall be available for public viewing in an office designated by the Agent.

4. Preliminary or Final Subdivision Plats which lack any information required by this Ordinance, shall be deemed to be incomplete and shall be rejected by the Agent within ten (10) working days of submitted.

5. Upon receipt of the application, the Agent shall submit the request to the Administrative Body at their next regular monthly meeting for formal determination of completeness. If the application is received less than ten (10) working days prior to the next regular meeting, the Agent can wait until the following meeting to submit the application. At the regular meeting of the Administrative Body, at which time the application is formally deemed complete, the Administrative Body may schedule a public hearing within sixty (60) days.

Sec. 50-16. Notice Requirements for Preliminary Plats.**Notice to abutting owners.**

The Administrative Body, in its discretion, may recommend that the Agent mail written notice of the meeting at which time the Administrative Body shall consider the the Preliminary Plat Application for any subdivision to the owner or owners of abutting properties as listed on the tax roles for the Town of New Market and/or the County of Shenandoah. This notice shall be mailed at least five (5) days prior to said meeting. Notice mailed to the owner as identified on the tax roles at the address contained therein by registered mail shall constitute the notice hereunder. A copy of the proposed agenda for the meeting of the Administrative Body shall constitute adequate notice hereunder. Failure to comply with the terms of this section shall in no way affect the validity of the approval or disapproval of a Preliminary or Final Subdivision Plat.

Sec. 50-17. Agency Review Procedures For Preliminary And Final Plats.

1. The Agent or the Administrative Body may, in its discretion, submit a copy of the Preliminary Plat Application for any subdivision to any one or more of the following agencies. In those Cases where submission of the Preliminary Plat Application to one or more of the following agencies is deemed appropriate, it shall be accompanied by a copy of the agenda of the regular meeting of the Administrative Body during which this application will be considered and shall be be provided to such agency five (5) days prior to such meeting.

2. The following is a list of reviewing agencies or individuals which may submit comments regarding a proposed subdivision:

- a. Shenandoah County Department of Planning
- b. New Market Public Works Department
- c. County Fire Marshall
- d. Virginia Department of Health
- e. Virginia Department of Transportation
- f. United States Soil and Conservation Service
- g. Private Utilities (Gas, Electric, T.V. Cable, Telephone)
- h. Architecture Review Board (where applicable)
- i. Historic Preservation Commission (where applicable)
- j. School Board (Bus Transportation)

3. All agency review and comments shall be completed within forty five (45) calendar days of the agency's receipt of the Preliminary or Final Plat. If no comments are received within the forty five (45) day period, such shall be deemed to be approval or "no comment."

4. The developer shall respond to all requirements of the the reviewing agencies and shall submit any revisions by a date prescribed by the Agent.

5. Nothing contained herein shall obligate the developer to revise the Plat to include recommendations of the reviewing agencies which are specified in this Ordinance. However, if the developer does not revise the plat to include recommendations of reviewing agencies, the developer shall submit in writing, to the Agent, by the revision date, a statement as to the reasons and justification for not incorporating such recommendations into the revised plat.

6. At such time as the Agent determines that the plat is in compliance with the requirements of this section, the Agent shall forward the plat, along with recommendations of reviewing agencies and the Agent's comments and recommendations to the Administrative Body.

Sec. 50-18. Preliminary Plat Approval Procedures.

1. The Administrative Body shall approve or disapprove Preliminary Plats within forty-five (45) calendar days from the date that the Agent receives the approvals from all applicable state agencies, except that Preliminary Plats shall be approved or disapproved within ninety (90) days of formal acceptance by the Administrative Body.

2. The approval of the Preliminary Plat by the Administrative Body does not guarantee approval of the final plat; neither does Preliminary Plat approval constitute acceptance of the subdivision--or public dedications of areas within--by the Town Council, or establish authorization to proceed with construction or improvements within the subdivision.

3. Applicants shall have not more than twelve (12) months after Preliminary Plat approval to submit a final plat for a portion or all of the subdivision. Failure to do so shall render the Preliminary Plat approval null and void. The Administrative Body may, upon written request by the subdivider, grant an extension or extensions beyond the twelve (12) months.

Sec. 50-19. Final Plat Approval And Recordation Procedures.

1. Prior to final adoption, all restrictive covenants shall be submitted to and reviewed by the Administrative Body. Town standards shall apply if the Town standards are more restrictive than the covenant.

2. Prior to final approval, a formal agreement for the maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be made with the Town, in accordance with current administrative guidelines. Such agreement shall be subject to review prior to final site inspection.

3. The Administrative Body shall act to approve or disapprove a Final Plat within sixty (60) days of submission or within sixty (60) days from the revision date as set by the Agent; however, the Final Plat shall not be approved

until the subdivider has complied with the requirements and standards of design in accordance with this Ordinance.

4. Nothing herein shall require the approval of any subdivision or any part or feature thereof, which shall be found to constitute a danger to public health, safety, or general welfare, or which shall be determined by the Administrative Body, or by its Agent, to be a departure from or a violation of sound engineering design or standards.

5. The approval of the Final Plat by the Administrative Body does not constitute acceptance of the public dedications of areas within the subdivision by the Town Council.

6. Approval of the Final Plat shall be indicated by attaching a certificate of approval from the Administrative Body to the Final Plat.

7. The subdivider must provide a collateral guaranty pursuant to Article IV Section 50-24 to cover the cost of improvements required by this Ordinance. Prior to receiving approval of the Final Plat, the Administrative Body may vote to approve the Final Plat subject to the filing of appropriate collateral guaranty within twelve (12) months from date of said vote.

8. Approval of a Final Plat by the Administrative Body submitted under the provisions of this Ordinance shall expire six (6) months after the date of such approval, unless:

(a.) The Final Plat has been recorded in the Office of the Clerk of the Circuit Court.

(b.) An extension has been granted by the Administrative Body upon receipt of written request by the applicant. Such extension granted shall not exceed a period of six (6) months.

Sec. 50-20. Appeal Procedures.

An applicant may appeal any adverse decision of or failure to act by the Administrative Body according to the provisions of Section 15.2-2259 of the Code of Virginia, 1950, as amended.

Sec. 50-21. Preliminary Plat Information.

Preliminary Plats shall include the following:

1. Preliminary Plat title sheet

a. Title Block

- i.) Subdivision or site name
- ii.) Name and address of surveying or engineering firm
- iii.) Magisterial District, Town, County, and State
- iv.) Scale of Preliminary Plat
- v.) Date of preparation
- vi.) Subdivision land use description

- b. Fees in accordance with fee schedule.
- c. Surveying and mapping control information.
- d. A vicinity map at a scale of one inch equals not more than two thousand feet shall be included on the plat showing the relationship of the proposed subdivision to the adjoining property and the area within one mile radius describing all adjoining roads and their names and numbers, Town Corporate limits, neighboring subdivisions and other landmarks.
- e. Composite Tax Map with site shaded.
- f. General information section provided, including the number of sheets comprising the preliminary plat and an index showing the location of various sheets.
- g. A copy of proffers, if any, Conditional Use Permit conditions and Waivers or Variances granted.
- h. Seal and signature (on each sheet) by a Virginia registered professional engineer or land surveyor.
- i. Title under which the subdivision is proposed to be recorded and the names, addresses and signatures of the owner(s) and subdivider.
- j. Name and address of the individual or firm who prepared the preliminary plat.
- k. A blank space three inches (3") by five inches (5") shall be reserved for the use of the approving authority.

2. General information on Preliminary Plats.

- a. North arrow, match lines and sheet numbers.
- b. Certified boundary survey and topographic mapping with a horizontal scale of one inch (1") equals not more than one hundred feet (100').
- c. Contour intervals of not greater than five feet (5') describing the area covered by the proposed subdivision on a separate sheet from the other information.
- d. Boundary survey.
- e. Property owners, town Tax Map and Parcel Number, present zoning and use of all abutting or contiguous parcels.
- f. Number of lots, total site acreage, approximate acreage of each lot, approximate dimensions of all lots and approximate right-of-way acreage.

- g. Estimated average daily trips and typical street sections.
- h. Anticipated sewerage flows (gallons / day).
- i. Typical front, side and rear building setback lines.
- j. Holders of any easements affecting the property.
- k. Location and dimension of proposed streets, right-of ways, alleys, and lot lines.
- l. Location of all pertinent natural and historic features and landmarks.
- m. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels shall be indicated by dashed lines, and identification of the respective parcels shall be placed on the preliminary plat.

3. Existing features to be shown on the Preliminary Plats.

- a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.).
- b. Existing storm drainage systems.
- c. Existing easements showing width and use.
- d. Existing storm water management location(s).
- e. Watercourses and their names.
- f. One hundred (100) year HUD / FEMA flood plain limits shall be delineated where applicable and the source of the flood plain information.
- g. One hundred year flood plain boundaries.
- h. Open spaces, recreation areas and buffer areas.
- i. Location, width and names of all existing or platted streets within or adjacent to the subdivision.
- j. Location of all existing lot lines and total acreage in each lot.
- k. Location of all existing buildings within the subdivision.

4. Proposed features to be shown on Preliminary Plats.

- a. Proposed travel ways, sidewalks and bike trails.
- b. Proposed major drainage structures.

- c. Proposed stormwater management location(s).
- d. Location, width and names of all proposed streets to be platted within or adjacent to the subdivision.
- e. Adequate utility and drainage easements.
- f. Satisfactory lot arrangement, design and shape.
- g. Parcels of land and their acreages intended to be dedicated, or reserved for public use or to be reserved in deed for the common use of property owners in the subdivision.
- h. Preliminary sketch plans indicating the provisions for utilities, including but not limited to, the proposed method of accomplishing the water supply, sewerage disposal, stormwater management, and preliminary sketch plans for any bridges or culverts that may be required shall be submitted.
- i. Location and method of lighting provisions for private driveways, streets and parking areas.

5. New Market Comprehensive Plan recommendations to be shown on Preliminary Plats.

- a. New Market Plan recommendations for the subject property.
- b. Areas presented in the New Market Comprehensive Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided.
- c. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed and the anticipated timing to achieve the same.
- d. Gross acreages of various physical and environmental related characteristics shall be graphically identified for every property subject to this Ordinance and shall be computed to the nearest 0.1 acre. These shall include, among others, the following:
 - i.) Slopes in the 15% to 25% range
 - ii.) Slopes greater than 25%
 - iii.) Areas of geological rock outcroppings
 - iv.) Sinkholes
 - v.) Flood Plains
 - vi.) Established drainage channels
 - vii.) Flood plain soils
 - viii.) Existing water bodies
 - ix.) Stormwater management facilities
 - x.) Utilities
 - xi.) Wetlands

- xii.) Other sensitive areas defined by the Town or its Agent

6. Waiver of Preliminary Plat Requirements.

The Administrative Body or its Agent may waive one or more of the Preliminary Plat requirements if it deems appropriate. This waiver must be in writing, signed by the Agent and filed by the subdivider with the plat.

Sec. 50-22. Final Plat And Plan Information Requirements.

The Final Subdivision Plat and related improvements plan shall be submitted to the Agent in clearly legible blue or black line copies and shall indicate the following information:

1. Final Plat Title Sheet

- a. Title Block
 - i.) Subdivision or site name
 - ii.) Name and address of surveying or engineering firm
 - iii.) Magisterial District, Town, County, and State
 - iv.) Scale of Final Plat
 - v.) Date of preparation
 - vi.) Subdivision land use description
- b. Fees in accordance with fee schedule.
- c. Surveying and mapping control information.
- d. Location of proposed subdivision by an insert map at a scale of not less than one inch (1") equal to two thousand feet (2,000'), describing thereon north point, adjoining roads, and their names and identifying numbers, town corporate limits, neighboring subdivisions, and other landmarks.
- e. Composite Tax Map with site shaded.
- f. General information section provided, including the number of sheets comprising the Final Plat and an index showing the location of various sheets.
- g. A copy of proffers, if any, Conditional Use Permit conditions and Waivers or Variances granted.
- h. Seal and signature (on each sheet) by a Virginia registered professional engineer or land surveyor.
- i. Surveyor's certificate.
- j. Title under which the subdivision is proposed to be recorded and the names, addresses and signatures of the owner(s) and subdivider.

- k. Name and address of the individual or firm who prepared the final plat.
- l. Owner's dedication and consent properly worded and notarized.
- m. A blank space three inches (3") by five inches (5") shall be reserved for the use of the approving authority.

2. General information to be shown on the Final Plat.

- a. North arrow and designation of north orientation used for survey.
- b. An index to multiple sheets (when applicable).
- c. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.
- d. All final plats of subdivisions shall be prepared at a scale of one inch (1") equals not more than one hundred feet (100'). Letters and figures shall not be less than 0.10 inch in height. The plat sheet or sheets shall not exceed twenty-four inches by thirty-six inches (24" X 36").
- e. Contour intervals of not greater than five feet (5'). The contour lines should be shown on a separate sheet from the other drawings.
- f. All dimensions shown in feet to the nearest one hundredth (0.01) of a foot; all bearings in degrees, minutes and seconds to the nearest second.
- g. Boundary survey.
- h. Parcel and subdivision boundaries with bearings and distances
- i. County Tax Map and Parcel Number, zoning classifications and proposed use for the area being subdivided.
- j. Number of lots as proposed by the subdivider.
- k. Numbers and areas for all building sites.
- l. Total site acreage.
- m. The name and number of section if part of a larger tract.
- n. Right-of-way acreage.
- o. Area of each new parcel (in acres or square feet).

- p. Separate parcels or units shall be individually identified with a separate and sequential number (address numbers or alpha identifiers shall not be used to identify parcels or units). Blocks shall also be identified.
- q. Property owners, County Tax Map and Parcel number, Deed Book and Page citation, present zoning, and use of all abutting or contiguous parcels.
- r. Holders and location of any easements affecting the property.
- s. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels shall be indicated by dashed lines, and identification of the respective parcels shall be placed on the preliminary plat.
- t. Estimate of daily vehicle trips generated by the site development.
- u. Typical roadway and parking area pavement and design section.
- v. The front, side and rear building setback lines.
- w. Street right-of-way boundaries with bearings and distances.
- x. Location of all pertinent natural and historic features and landmarks.
- y. All curve data used in a complete curve table.
- z. Sources of data used in the final plat, including, but limited to, plats of record and the deed book and page number citation of the last instruments in the chain of title.
- aa. Certificate signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the places of record of the last instruments in the chain of title.
- bb. A statement that " The division of land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, and shall be signed and duly acknowledge before the Town Office authorized to take acknowledgement of deeds. All statements affixed to this plat are true and correct to the best of my knowledge."
- cc. Additional information specific to proposed use as deemed necessary by the Agent for adequate subdivision plat and plan improvements review.
- dd. All applicable notes.

3. Existing features to be shown on the Final Plats.

- a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.).
- b. Existing storm drainage systems.
- c. Existing easements showing width and use.
- d. Existing storm water management location(s).
- e. Watercourses and their names.
- f. One hundred (100) year HUD / FEMA flood plain limits shall be delineated where applicable and the source of the flood plain information.
- g. One hundred year flood plain boundaries.
- h. Open spaces, recreation areas and buffer areas.
- i. All existing streets adjacent to or providing access of subdivision, including centerline and right-of-way.
- j. Location of all existing lot lines and total acreage in each use.
- k. Location of all existing buildings within the subdivision.
- l. Location, width and names (or route numbers) of all existing or platted streets within or adjacent to the subdivision.

4. Proposed features to be shown on Final Plats.

- a. Proposed travel ways, sidewalks and bike trails.
- b. Proposed major drainage structures.
- c. Proposed stormwater management location(s).
- d. Location, width and names of all proposed streets to be platted within or adjacent to the subdivision.
- e. Adequate utility and drainage easements.
- f. Satisfactory lot arrangement, design and shape.
- g. Area of each lot shown within the parcel.
- h. Proposed finished grading by contours to be supplemented where necessary by spot elevations and sectional information. Limits of grading shall be clearly indicated.

i. A geotechnical report prepared by or under the direction of a professional engineer, experienced in soil and foundation engineering, shall be submitted for subdivisions located in areas where special soil or water conditions are deemed by the Town to be potentially unsuitable for normal development.

j. Location and method of garbage and refuse collection.

k. Streets shall be named but shall not duplicate existing or platted street names unless the new street is a continuation of an existing or platted street. All dimensions both linear and angular for location of lots, streets, alleys, public easements and private easements, the linear dimensions shall be expressed to the nearest ten (10) seconds. All curves shall be defined by their radius, central curve, tangent, distances, tangent bearing and arc lengths. Such curve data shall be expressed by a curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.

l. Centerline and right-of-way for proposed roadways.

m. Plans and profiles for all public streets, including centerline elevations computed to nearest one hundredth (0.01) of a foot at fifty (50) horizontal station intervals and at other locations of geometric importance.

n. Ingress - egress easements.

o. All off-street parking, related driveways, entrance types, loading spaces and walkways, indicating type and dimensioning of surfacing, size, stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of the Zoning Ordinance.

p. Location and method of lighting provisions for private driveways, streets and parking areas.

q. Plans of contributing drainage area and the computed limits of the 100-year flood plain, with drainage way cross-sections and water surface elevations plotted on profile of the pre- and post development condition, where required by the Agent.

r. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction, along with a continuing maintenance plan for all detention ponds and other soil and erosion and/or stormwater management structures.

s. Location, width and names of all proposed rights-of-way and easements, other than streets, within and adjacent to the subdivision.

- t. Geometric location data and areas for all private or public rights-of-way, common areas, utility center lines and easements, structures and lot lines.
- u. Plans and profiles detailing all existing and proposed utilities, including water and sanitary sewer facilities, indicating all pipe sizes, types and grades with supporting capacity calculations, and where connection is to be made to the Town or to other utility system.
- v. Right-of-way dedication.
- w. If any land is being dedicated or reserved for streets, easements, parking space, or for the common use of future property owners of the subdivision, the Recordation Plat shall so state and indicate which.
- x. Areas to be dedicated must be labeled as such.
- y. Locations for all open spaces, identifying areas for, and improvements to, all recreation facilities, tot lots, natural areas, and related pedestrian accommodations.
- z. Area of new dedicated street right-of-way (in acres or square feet).
- aa. Sufficient information to show how the physical improvements associated with the proposed subdivisions are compatible with existing or proposed development of record on adjacent properties, which may include schematic plans for stormwater management, sanitary sewer, water supply and future transportation improvements.
- bb. Location and dimension of proposed streets, right-of-way, alleys, lot and building lines.

5. New Market Comprehensive Plan recommendations to be shown on Final Plats.

- a. New Market Plan recommendations for the subject property.
- b. Areas presented in the New Market Comprehensive Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided.
- c. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed and the anticipated timing to achieve the same.
- d. Gross acreages of various physical and environmental related characteristics shall be graphically identified for every property

subject to this Ordinance and shall be computed to the nearest 0.1 acre. These shall include, among others, the following:

- i.) Slopes in the 15% to 25% range
- ii.) Slopes greater than 25%
- iii.) Areas of geological rock outcroppings
- iv.) Sinkholes
- v.) Flood Plains
- vi.) Established drainage channels
- vii.) Flood plain soils
- viii.) Existing water bodies
- ix.) Stormwater management facilities
- x.) Utilities
- xi.) Wetlands
- xii.) Other sensitive areas defined by the Town or its Agent

6. Waiver of Final Plat Requirements.

The Administrative Body or its Agent may waive one or more of the Final Plat requirements if it deems appropriate. This waiver must be in writing, signed by the Agent and filed by the subdivider with the plat.

Sec. 50-23. Recordation Plat - Requirements and Contents.

The Recordation Plat is the official plat that is recorded in the Clerk's Office of the Circuit Court of Shenandoah County, Virginia. When more than one sheet is necessary an index sheet of the same size may be required showing the entire subdivision. The Recordation Plat shall show:

- a. Bearings and distances to nearest existing street lines or bench marks or other permanent monuments and shall be accurately described on the plat.
- b. Exact boundary lines of the tract.
- c. Name of subdivision, acreage, exact location, width and names of all streets and alleys within and immediately adjoining the plat.
- d. Streets and lines showing angles of deflection, angles of intersection, radii and lengths of tangents.
- e. Lot lines with dimensions to the nearest one-tenth (1/10) foot bearings.
- f. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use. Easements shall be labelled specifically as to type, e.g. "15 foot stormwater drainage easement."
- g. Accurate location and description of monuments and markers.

- h. Be oriented so that north is shown at the top of the page, wherever practicable.
- i. Comply with the standards adopted under Section 42.1-82 of the Virginia Public Records Act. (See Code Of Virginia, Section 15.2-2241.

Article IV. Subdivision Improvements Required.

Sec. 50-24. General.

1. Design and specification approval.

No Subdivider shall begin the clearing of land, including tree removal, or the construction of any improvements without first submitting plans and specifications to the Agent. Such improvements may require the written approval of the Virginia Department of Transportation, or other applicable state or local agency.

2. Installation of Improvements.

The Administrative Body shall require that the subdivider show all improvements on the plat as specified herein for Final Plat Approval. Said improvements shall be installed in compliance with the requirements of any or all plans and plats approved by the Administrative Body, Virginia Department of Transportation, or any other applicable state or local agency.

3. Cost of Improvements.

All required on-site public improvements shall be installed at the cost of the subdivider and approved by the Town Council, unless Town cost sharing or other means of Town participation are approved by the Town Council. Such agreements shall be formally entered into prior to Final Plat approval. In order to guarantee installation of the improvements, the subdivider shall furnish collateral guaranties, the instruments of guaranty being in appropriate legal form, satisfactory to the Council, and consisting of:

- a. A certified check or cash escrow, or
- b. A corporate bond with surety satisfactory to the Council, or
- c. An irrevocable letter of credit from a Federally Insured Financial Institution, or
- d. Such other legal instrument or guaranty as may be acceptable to the Council.

4. Inspection Fee.

A certified check, in the amount of one percent (1%) of the cost of the required improvements, as determined by the Town to meet the costs of inspection of required improvements, is required, unless the improvements are to be provided by special district. This fee is fixed and no portion of it can be refunded. The certified check is required for final plat approval.

5. Requirements for Easements.

Easements and lines for water and sewer services as well as drainage easements shall be subject to approval by the Town Council or its Agent. In cases where specifications have been established, either by the Virginia Department of Transportation for streets, etc., or by this Ordinance, such specifications shall be followed.

6. Penalties.

Any subdivider initiating any construction in violation of this Section shall be guilty of a misdemeanor, and punishable by a fine of not more than that which is allowed by State Statute. Any person who should knowingly continue construction after the issuance of a STOP WORK order by the Zoning Administrator, Building Inspector, or other authorized representative of the Town shall be subject to a penalty of five hundred dollars (\$500), for each day of said construction which should continue after issuance of said of the STOP WORK order. The Town Council may require that any construction done after a "stop work order" be removed and restored, and the area restored to its original condition.

7. Bond release.

Any required subdivision bond shall not be released until all required construction has been satisfactorily completed and approved by the Town Council, wherein discharge and release of the subdivision bond shall be executed.

8. Clearing for surveying.

Limited clearing for the purpose of surveying may be done before preliminary plat application, if the Agent is given prior notification in writing and approves such clearing.

Sec. 50-25. Transportation Improvements.

No final plat or plan shall be approved until the Administrative Body is assured that the following will have been provided:

1. Construction of, and right-of-way dedication for, required vehicular travel lanes, service drives, driveway entrances or other access connections, which will permit vehicular travel within the subdivision, and, to and from adjacent properties.

2. Construction of, or fee dedication for, widening of existing roads, existing roads on new alignments and proposed roads, all as indicated on the adopted New Market Comprehensive Plan and where the need for such roads are substantially generated by the proposed subdivision.

3. Subdividers shall be required to reserve right-of-way for widening of existing major highways and interstate highways where applicable.

4. Subdividers shall be required to dedicate and construct off-site streets, or to improve existing streets, if in the opinion of the Town Council, or its Agent, the subdivision does not have adequate ingress or egress.

5. Where a subdivision has occurred on public streets with less than fifty feet (50') right-of-way width, additional right-of-way shall be dedicated in order that the total public right-of-way shall equal fifty feet (50') in width.

6. Curb and Gutter (CG-6, or approved equivalent) shall be required on all new public streets. The Administrative Body shall require curb and gutter on private streets and/or private parking areas, where traffic conditions warrant and on recommendation from the Agent. Construction of curb and gutter may be required around all medians that separate travel lanes and service drives from existing streets, and which separate off-street parking areas from streets, service drives, and travel lanes.

Sec. 50-26. Construction of Sidewalks.

1. Sidewalks shall be constructed on both sides of a street, at no cost to the Town, that provide access from one block to another and to adjacent subdivision sidewalks, etc.

2. The subdivider shall provide all improvements necessary to sidewalks in the subdivision in conformity with Section 15.2-2021 of the Code of Virginia, as amended, requiring curb ramps for the handicapped.

3. The sidewalks must be at least four feet (4') in width and be made of concrete or some other suitable material as determined by the Administrative Body or its Agent.

Sec. 50-27. Utilities.

1. All necessary utilities shall be provided and constructed by the subdivider or utility company to serve the proposed subdivision and shall be installed underground in accordance with adopted Town standards, tariffs, standards and regulations issued by the appropriate regulatory agency; provided, however, that:

2. Equipment such as the electric distribution transformers, switch-gear, meter pedestals and telephone electronic cabinets pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution;

3. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;

4. Temporary facilities required for construction purposes may be permitted. The removal of such facilities shall be subject to a schedule approved by the Town of New Market;

5. Easements and/or rights-of-way shall be dedicated for all utilities and other facilities within subdivisions which are intended to be publicly maintained. Such easements or right-of-ways shall be clearly defined on the plat or plan for the purposes intended.

6. The utility line can be placed aboveground on existing pole lines or new pole lines if the utility company can show either financial hardship or that the topography of the land warrants the lines to be aboveground. This request must be in writing and must be approved by the Administrative Body before Final Plat approval.

Sec. 50-28. Stormwater Management Facilities.

The developer shall provide an approved stormwater drainage system and shall dedicate easements necessary for maintenance of the system. The developer must provide for the integrity of the drainage system by attaching a covenant running with the lots in the subdivision, in substantially the following form:

"Some lots in the subdivision are encumbered by a stormwater drainage easement, and no lot owner shall interfere with the drainage system within that easement - by grading, filling, landscaping, or otherwise - without the written permission of the developer and/or the property owner association, whichever the case may be, and the Town of New Market."

Sec. 50-29. Water and Sewerage Facilities.

All subdivisions of land in the Town of New Market under the terms of this Ordinance shall be approved for connection to the Town's water and sewer systems prior to final subdivision approval. No waiver shall be granted where there exists an adopted comprehensive facilities plan to provide future water and sewer service to the area in which the subdivision is located. All easements required by the Town of New Market shall be provided for by the subdivider.

Sec. 50-30. Miscellaneous Improvements.

1. Street Lights.

- a. Street lights shall be installed to light streets and other public ways.
- b. Street lights shall be completed in accordance with plans prepared for the subdivider or developer and approved by the Agent as meeting the required specifications for street lighting.

2. Monuments.

- a. Two permanent monuments shall be placed in the ground within each block of a subdivision.

b. Permanent monuments shall be composed of concrete not less than four inches (4") square or four inches (4") in diameter and at least thirty inches (30") long. The top of permanent monuments shall be set not less than one inch (1") nor more than four inches (4") above the finished grade at their respective locations. All required monuments shall be clearly visible. Such monuments shall be inspected and approved by the Subdivision Administrator before any improvements are accepted by the Administrative Body.

c. All lot corners other than those with permanent reference monuments shall be marked with solid metal pins (or of a material approved by the Town) of not less than five-eighths (5/8) inch in diameter and twenty-four inches (24") long and driven so as to be flush with the finished grade. When rock is encountered, the solid metal monument shall be set and secured in a hole drilled at least one-half inch (1/2") deep in the rock.

d. All points of angles and curves in street rights-of-way shall be identified as required for lot corners.

3. Other Improvements.

a. Subdivision Plat approval may be subject to the installation of other improvements as specified in this Ordinance or the Zoning Ordinance to include, where applicable, but not limited to, off-street parking and loading facilities, driveways, private streets, fences, walls, screening and landscaping.

b. Subdivision Plat approval may be subject to the installation of other improvements as specified by other town ordinances or may be required to conform with standards of the Virginia Department of Transportation. If no such standards exist, such improvements shall conform to good standard engineering practice and are subject to approval by the Town.

Article V. Subdivision Design Standards.

Sec. 50-31. General.

The quality of a community is dependent on the quality of the individual subdivisions that are a part of it. A high-quality community is made possible by a well-designed infrastructure which requires the cooperation of each subdivider and developer of land. Therefore, the design of each subdivision in the Town of New Market shall be prepared in accordance with the principles and recommendations established by the New Market Comprehensive Plan for land use, traffic circulation, community facilities and public services, and in accordance with the following general principles:

1. Size of lots and blocks.

The size of lots and blocks and other areas for residential, commercial, industrial, and public uses shall be designed to provide

adequate light, air, open space, landscaping, and off-street parking and loading facilities.

2. Preservation of natural features.

The arrangements of lots and blocks and the street system shall be designed to make the most advantageous use of topography and natural features. Tree masses and large individual trees shall, whenever possible and consistent with the provisions of this Ordinance, be preserved. Any system of sidewalks and roadways and lot layout shall be designed to take advantage of the visual qualities of the area.

3. Materials and construction techniques.

a. It is the intent of this Ordinance that all plat work, design, and construction work; normally done by Surveyors, Engineers, and Contractors; be performed in accordance with good standard practices, whether specifically addressed in this Ordinance or not. Such "standard practice" shall refer not only to work performed in the installation of necessary improvements and facilities, but also to the work of restoration of existing features and underground facilities.

b. All construction shall conform to standards of the Town (as indicated in the New Market Town Code) or, in the event no Town standards exist, to the standards of the Virginia Department of Transportation. Unless otherwise shown, all material and construction technique specifications shall be in accordance with the requirements of the Virginia Department of Transportation, in effect at the time of the plan and specification submission.

c. All other design criteria and construction standards shall be in accordance with applicable Town Design and Construction Standards. Where standards and criteria are not provided or are found not applicable, the Director of Public Works and/or the Town Manager shall provide the governing standards or shall rule upon those standards proposed by the developer.

In furtherance of the purposes of this Ordinance, the following minimum subdivision design standards, as applicable, shall be required and delineated on final subdivision plats:

Sec. 50-32. Streets.

1. General standards.

a. All streets, except where specifically noted, shall meet the Virginia Department of Transportation standards for secondary roads.

b. 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 Ordinance. When possible, new intersections along one side of an existing street shall coincide with any existing street intersection on the opposite side of such street.

c. Where, upon recommendation of the Town Planning Commission, it is desirable to provide access to adjoining property, the Town Council shall require street stubs to be extended by dedication to the boundary of such property.

d. 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.

e. Where a subdivision abuts or contains an existing street of improper width or alignment, upon recommendation of the Planning Commission, the Town Council shall require the dedication of land sufficient to widen the street or correct the alignment.

f. 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.

2. Partial and half streets.

New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

3. Street widths.

a. 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 Virginia Department of Transportation for secondary roads (50').

b. Alley rights-of-way shall not be less than twenty four feet (24') in width.

c. Additional right-of-way and pavement widths may be required by the Administrative Body or Town Council 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.

4. Construction of streets.

All street construction shall conform to specifications and standards of the Virginia Department of Transportation for secondary streets. The construction shall be subject to approval of the Virginia Department of Transportation.

5. 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 land between such highway and 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.

6. Approach angle.

All streets shall approach each other at right angles, plus or minus ten (10) degrees, unless the Commission, upon recommendation of the highway engineer, shall recommend and the Council approve a lesser angle of approach.

7. Street grades.

Centerline grades shall meet the Virginia Department of Transportation standards for secondary roads but in no case shall they be greater than seven (7) percent for collector streets and ten (10) percent for minor streets.

8. Cul-de-sac streets.

- a. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- b. Cul-de-sac streets, permanently designed as such, shall not exceed seven hundred feet (700') in length and shall not furnish access to more than twenty five (25) detached housing units.
- c. 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 turn-around within the subdivision.
- d. 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.
- e. 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 the Virginia Department of Transportation specifications. The minimum radius shall be fifty feet (50').
- f. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is carried toward the closed end, adequate provisions shall be made for runoff to be carried away. Drainage easements shall be required where necessary.

9. Street names.

- a. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets.
- b. The name of a proposed street shall not duplicate or confuse an existing street in the Town, County, or in the postal district. The use of the following 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.
- c. Street names shall be subject to the approval of the Town Council. Names of existing streets shall not be changed except by approval of the Town Council.

10. Alleys.

- a. Alleys may be permitted provided that the subdivider produces evidence satisfactory to the Administrative Body and Town Council of the need for such right-of-way.
- b. No part of any main structure shall be located within twenty four feet (24') of the centerline of any alley.
- c. 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 fifty feet (50').
- d. Alley intersections and sharp changes in alignment shall be avoided.

11. Driveway.

Private driveways on corner lots shall be located at least forty feet (40') from the point of intersection of street right-of-way lines.

12. Street signs.

Street identification signs of a design approved by the Town Council and readable from either side, shall be installed at all intersections.

Sec. 50-33. Blocks.

1. Block length.

The length of a block in a proposed subdivision shall not be less than four hundred feet (400') nor more than one thousand feet (1,000').

2. Block width.

The width of a proposed subdivision block shall be sufficient to allow two tiers of lots of minimum depth, except where fronting on arterial streets. The Administrative Body, upon recommendation by the Zoning Administrator, may approve a single tier of lots of minimum

depth wherever physiography or the New Market Comprehensive Plan so dictates.

3. Block orientation.

Where a proposed subdivision adjoins an arterial street, or a collector street, the Administrative Body may require service streets or driveways parallel to such arterial or collector street, or reverse frontage lots, to facilitate safe ingress or egress to the subdivision.

4. Nonconforming blocks.

Any proposed blocks of irregular shape or not conforming to the dimensions required in this Ordinance may be accepted upon special approval of the Administrative Body.

Sec. 50-34. Lots.

1. Relationship to street.

Each lot shall abut on a street dedicated by the subdivision plat or deed of dedication, or an existing approved public street. Townhouses, Apartments, and Condominiums may abut a private street if there is not not enough space for appropriate parking.

2. Lot width and area.

The minimum width and area of a proposed subdivision lot shall be set forth in the adopted Zoning Ordinance.

3. Lot frontage.

a. Except for lots fronting on a cul-de-sac, frontage shall not be less than that required by the Zoning Ordinance. This regulation may be reduced for frontage on public street or private road cul-de-sacs; provided that driveway separation shall be in accordance with Virginia Department of Transportation standards.

b. In establishing the required cul-de-sac lot frontage configurations, the minimum lot frontage as specified for any given zoning district shall be applied at the front set-back line of the cul-de-sac lot.

4. Corner lots.

a. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets upon which the corner lot abuts.

b. Corner lots shall conform to required building setback lines and Zoning Ordinance requirements.

c. Corner lots at intersections shall be rounded with a minimum twenty foot (25') radius.

5. Out-Parcels.

A subdivision shall be designed to preclude any remnant or out-parcel of land below minimum lot size unless such remnant or out-parcel is intended for a specific accessory use for the subdivision or as otherwise approved by the Administrative Body. Otherwise, out-parcels shall be added to adjacent lots or common open space rather than remain as unbuildable or peculiarly shaped parcels.

6. "Flag" lots.

Flag lots or pipestem lots shall be discouraged.

7. Double frontage and reverse frontage lots.

Double frontage or reverse frontage lots shall only be permitted where essential to minimize the frontage of residential lots on arterial streets, to overcome disadvantage of topography, or where exceptional site design permits.

Sec. 50-35. Monuments and Corners.

1. Monument location and type.

a. Two permanent monuments shall be placed in the ground within each block of a subdivision.

b. Permanent monuments shall be composed of concrete not less than four inches (4") square or four inches (4") in diameter and at least thirty inches (30") long. The top of permanent monuments shall be set not less than one inch (1") nor more than four inches (4") above the finished grade at their respective locations. All required monuments shall be clearly visible. Such Monuments shall be inspected and approved by the Subdivision Administrator before any improvements are accepted by the Administrative Body.

2. Corner location and type.

All lot corners other than those with permanent reference monuments shall be marked with solid metal pins (or of a material approved by the Town) of not less than five-eighths (5/8) inch in diameter and twenty-four inches (24") long and driven so as to be flush with the finished grade. When rock is encountered, the solid metal monument shall be set and secured in a hole drilled at least one-half inch (1/2") deep in the rock.

3. Visibility.

Upon completion of streets and other public improvements in the subdivision, all reference monuments and pins required shall be clearly visible for inspection and use prior to release of subdivision land.

Sec. 50-36. Easement Widths.

Minimum easement widths shall be delineated on the Plat and the width designated as follows, unless otherwise specified by the Administrative Body, or its Agent. The width of an easement containing a combination of utilities shall be the maximum of the overlay of the combined easements.

- | | |
|--|---|
| 1. Sanitary Sewer: | Twenty feet (20') |
| 2. Water Mains: | Fifteen feet (15'), twenty feet (20') if lines are in excess of 5' in depth. |
| 3. Storm Sewer: | Twenty feet (20') |
| 4. Underground Telephone, television cable, gas or electric: | Ten feet (10') unless otherwise stipulated by applicable utility agency. |
| 5. Alleys: | Twenty-four feet (24') |
| 6. Stormwater Drainage: | Twenty feet (20'), except that an easement of sufficient width shall be provided for the provision of adequate access for maintenance purposes. |

Sec. 50-37. Storm Drainage Systems.

The Town's stormwater management goal is to limit the rate of storm water run-off from a developed area to that which existed before development occurred. In general, on-site stormwater management structures shall be constructed in conjunction with site development activities. All the provisions of this section shall be enforced unless specifically waived by the Administrative Body.

1. Storm drainage facilities - adequacy, size, and capacity.
 - a. In general, adequate drainage facilities possess the hydraulic characteristics necessary to accommodate the expected flow of stormwater from a given watershed, or portion thereof, for a specified duration and intensity of rainfall.
 - b. Adequate drainage should be designed to: i) account for both off-site and on-site stormwater, ii) honor natural drainage divides, iii) convey said stormwater to a stream, water channel, natural drainage way, or existing facility, iv) discharge said stormwater into the natural drainage way by tying into the drainage way at natural elevations or by discharging the stormwater into an existing facility of sufficient capacity to receive the same, and v) not to increase flow which would cause more harm than formally to subservient (downstream) landowners.

c. The determination of the size and capacity of an adequate drainage system shall take into account the planned development in the watershed or affected portions thereof. The design should not adversely affect adjacent or neighboring properties.

2. Basic design criteria.

The basic design criteria for stormwater management facilities employs the 10-year frequency, two-hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods. Emergency spillways shall be designed to withstand the 100-year frequency, two-hour storm. Hydrographs, spillway design, embankment design, and flow computations shall be submitted with the site plan. Where existing flooding problems are known to exist, the Town may require the subdivider to design its stormwater detention facilities for the 100-year storm event.

3. Drainage construction standards.

Drainage structures should be constructed in a manner that they can be maintained at a reasonable cost. To facilitate design, construction, and maintenance, said drainage structures must meet or conform to Shenandoah County and the Virginia Department of Transportation's standards.

4. Drainage easements and fencing.

Dedicated easements shall be provided for stormwater management facilities. Fencing of storm facilities which retain or detain runoff may be required upon final determination of the Agent.

5. Off-site stormwater management.

The most recent State guidelines require that properties and waterways downstream from new development sites be protected from erosion due to increases in the volume, velocity and peak flow rate of storm runoff. To satisfy these requirements, the following criteria, as a minimum shall apply:

a. Concentrated storm runoff leaving a development site must be discharged directly into a well-defined, natural or man-made off-site receiving channel or pipe. If there is no well-defined off-site receiving channel or pipe, one must be constructed to convey stormwater to the nearest adequate channel.

b. Newly constructed channels shall be adequately designed. An adequate channel shall be defined as a natural or man-made channel or pipe which is capable of conveying the runoff from a 10-year, 2-hour storm without over-topping its banks or eroding, after development of the site in question. A receiving channel may also be considered adequate at any point where the total contributing drainage area is at least 100 times greater than the drainage area of the development site in question; or if it can be shown that the peak rate of runoff from the site generated by storms to the 10-year, 2-hour storm will not be increased after development.

c. Runoff rate and channel adequacy must be verified with engineering calculations on standard design forms suitable to the Agent.

d. If an existing off-site receiving channel is not an adequate channel, the applicant must choose one of the following options:

i). Obtain permission from downstream property owners to improve the receiving channel to an adequate condition, Such drainage improvements shall extend downstream until an adequate channel section is reached. (See Chapter 5 of the 1980 Va. Erosion and Sediment Control Handbook.)

ii). Develop site design that will not cause the pre-development peak runoff rate from storms up to the 10-year, 2-hour storm to increase. Such a design may be accomplished by enhancing the infiltration capacity of the site or by providing on-site stormwater detention measures. The estimation of pre-development and post-development peak runoff rates must be verified by engineering calculations.

iii). Provide a combination of channel improvement, stormwater detention of other measures which are satisfactory to the Town to prevent downstream channel erosion.

iv). All channel improvements or modifications must comply with all applicable laws and regulations. Modifications to flowing streams should be done in accordance with Best Management Practices for Hydrologic Modifications, Virginia SWCB Planning Bulletin 319, 1979.

v). Increased volumes of unconcentrated sheet flows which will cause erosion or sedimentation of adjacent property must be diverted to a stable outlet or detention facility.

6. Maintenance.

A formal agreement for the maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be made with the Town of New Market prior to final plat approval, and after maintenance plan review and recommendation by Shenandoah County (which will occur at the time of the general erosion and sedimentation plan review). Such maintenance agreement shall be in accordance with current administrative guidelines and Town standards, and shall be subject to review prior to final site inspection.

Sec. 50-38. Water Supply.

1. General Requirements.

Standards for water system design, construction and materials for New Market shall be followed for all water systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this Section shall refer to the latest revision or revised edition of the referenced material.

2. General design guidelines for the water supply.

Design guidelines for the water system shall meet as a minimum the standards set forth in the New Market Town Code. The authority for discretionary provisions for water system design shall rest with the Public Works Director and/or the Town Manager.

3. Materials and construction.

All materials and construction shall meet those requirements as specified in the New Market Town Code.

a. In cases where there are no Town specifications covering proposed materials to be used by the developer, all such material shall conform to the latest edition of AWWA specifications or their approved equivalent.

b. All construction shall conform with standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the AWWA specifications or other standard test procedures.

Sec. 50-39. Sewerage Facilities.

1. General Requirements.

Standards for sewer system design, construction and materials for New Market shall be followed for all sewer systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this Section shall refer to the latest revision or revised edition of the referenced material.

2. General design guidelines for the water supply.

Design guidelines for the sewer system shall meet as a minimum the standards set forth in the New Market Town Code. The authority for discretionary provisions for water system design shall rest with the Public Works Director and/or the Town Manager.

3. Materials and construction.

All materials and construction shall meet those requirements as specified in the New Market Town Code.

a. In cases where there are no Town specifications covering proposed materials to be used by the developer, all such material

shall conform to the latest edition of ASTM, ANSI or other applicable specifications and testing procedures.

b. All construction shall conform with standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the Virginia Department of Health's Sewerage Regulations.

Sec. 50-40. Fire Protection.

1. Fire Hydrant location.

Where public water is available, the installation of adequate fire hydrants by the developer in a subdivision at locations approved by the Town Council or its Agent, shall be required as necessary to provide adequate fire protection.

2. Fire Hydrant installation.

a. Fire hydrants shall be installed in accordance with the Town's specifications.

b. For locations where fire hydrants are required but not yet ready for installation, the contractor shall install an assembly which shall be made ready for future hydrant installation when water is made available. The fire hydrant shall be delivered to the Town's material yard and stored. The Town will install the hydrant when appropriate.

Sec. 50-41. Trees and Natural Features.

Reasonable requirements for the preservation of outstanding natural features may be specified. These include large trees or groves, water courses or falls, historic spots, exceptional views, and similar irreplaceable assets in which there is public interest.

Article VII. Violations, Penalties and Legal Remedies.

Sec. 50-42. Transfer of Land Before Final Plat Approval.

Any person who sells, offer for sale or transfers any land of a subdivision before such plat has been duly approved and recorded is provided herein shall be subject to a fine, as provided by law, for each lot or parcel of land so subdivided, transferred, or sold; and otherwise in accordance with the Code of Virginia governing penalties for misdemeanors.

Sec. 50-43. Violations, Cumulative Fines.

Any person, whether owner, lessee, principle, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who subdivides any land, constructs and makes improvements, erects any building, or uses any land in violation of any Preliminary or Final Subdivision Plat or plan submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to punishment as provided by law. Each lot that constitutes a violation and each day that a violation continues shall be deemed a separate offense subject to cumulative fines and other penalties.

Sec. 50-44. Unlawful Acts.

Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is constructed, operated or maintained contrary to any of the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.

Sec. 50-45. Injunctions, Notice of Violation.

1. The Town may initiate an injunction, mandamus, or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.
2. Upon its becoming aware of any violation of any provisions of this Ordinance, the Town shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Town has specified in such notice, it shall institute such action as may be necessary to terminate the violation.

Sec. 50-46. Remedies are Cumulative.

The remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies provided by the law.