

1 **ORDINANCE AMENDING AND RE-ENACTING TITLE 10 – PLANNING AND**
2 **DEVELOPMENT, CHAPTER 2. - SUBDIVISION ORDINANCE**

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4 **Be it ordained by the Council of The City of Harrisonburg, Virginia that Title 10 –**
5 **Planning and Development, Chapter 2. - Subdivision Ordinance be amended to read:**
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7 *ARTICLE A. - GENERAL PROVISIONS*

8 **Sec. 10-2-1. Purpose and intent, general effect and definitions.**

9 (a) *Purpose and intent.* The Subdivision Ordinance of the City of Harrisonburg, Virginia
10 (hereinafter ordinance) is intended to: guide and facilitate the orderly, beneficial growth of
11 the community; assure the orderly subdivision of land and its development; promote the
12 health and safety and general welfare of the public; achieve the goals and policies of the
13 City's Comprehensive Plan; promote an economical use of public and private funds while
14 protecting environmental quality, and the quality of life for the community; promote the
15 creation and continuation of pedestrian and bicycle-friendly streets, and traditional, human-
16 scale development patterns; and further accomplish the objectives of § 15.2-2200 et seq., of
17 the Code of Virginia, as amended.

18 (b) *General effect.* The effect of this Ordinance shall be consonant with the objectives of
19 the Ccity to assure the orderly subdivision of land and its development, to coordinate the
20 development of streets within and contiguous to any subdivision to establish adequate
21 provisions for water, sewer, drainage, flood control, and other public purposes, to
22 promulgate acceptable physical standards, and criteria for subdivision improvements as
23 specified in the Design and Construction Standards Manual (DCSM), to provide for
24 dedication of public rights-of-way, and to serve in implementing
25 the Ccity's Ccomprehensive Pplan, Zzoning Oordinance, and other land use plans.

26 (c) *Definitions.* For the purposes of this chapter, the following words and phrases shall have the
27 meanings respectively ascribed to them by this section:

28 *Alley:* A passageway open to public travel affording generally a secondary means of
29 vehicular access to abutting lots and not intended for general traffic circulation.

30 ~~*Building setback:* The minimum distance a building must be set back from the street line.~~

31 *Collector street:* A street that brings traffic from local residential (minor) streets to major
32 streets.

33 *Cul-de-sac:* A street with only one outlet and having an appropriate turnaround for a safe
34 and convenient reverse traffic movement.

35 ~~*Director:* Director of planning and community development or their designee.~~

36 *Design and Construction Standards Manual:* Refers to the City of Harrisonburg's Design
37 and Construction Standards Manual as adopted by Ccity Council.

38 ~~*Designated Agent:* the Director of Community Development or designee, who is authorized~~
39 ~~*to review and act on subdivision plats, site plans, and plans of development.*~~

40 *Easement:* A grant by a property owner of the use of land for a specific purpose.

41 ~~*Final Subdivision Plat:* A map or drawing on which the proposed subdivision of land is~~
42 ~~*presented for approval and, when in final form, for recording.*~~

43 *Lot:* A portion of a subdivision intended for transfer of ownership or for building
44 development for a single building and its accessory building.

45 *Major street:* A street shown as a major street on the Ccity's "master transportation plan".

46 *Marginal access street:* A minor street generally paralleling and contiguous to a major street
47 designed primarily to promote safety by providing free access to abutting properties and limited
48 access to the major street.

49 *Minor street:* A local residential street which provides access to building sites, space for
50 public utility lines, and space for light and air.

51 ~~*Plat:* A map or drawing on which the proposed subdivision of land is presented for approval
52 and, when in final form, for recording.~~

53 ~~*Preliminary Subdivision Plat:* The proposed schematic representation of a development or
54 subdivision that establishes how the provisions of this chapter will be achieved.~~

55 *Property:* Any tract, lot, parcel, or several of the same collected together for the purpose of
56 subdividing.

57 ~~*Setback, Minimum:* The minimum distance a structure must be located from a property line
58 or right-of-way.~~

59 *Story:* Excluding basements, a portion of a building for living between the surface of any
60 floor and the surface of the floor next above it, or if there is no floor above it, the space between
61 the floor and the ceiling next above it.

62 *Street:* Any way for vehicular traffic other than alleys, including such ways designated as
63 streets, lanes, boulevards, expressways, roads, highways, thoroughfares, parkways, throughways,
64 avenues, or places, or however otherwise designated.

65 *Subdivider:* The person, firm, association, organization, or corporation which holds legal
66 title to land and subdivides it.

67 *Subdivision:* The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or
68 parcels. ~~This term also applies to resubdivision, lot line vacations, and lot line
69 adjustments and, when appropriate to the context, shall relate to the process of subdividing or the
70 land subdivided. , any of which are less than five (5) acres in area for the purpose, whether
71 immediate or future, of sale or of building development.~~

72 ~~(1) Division of land for agricultural purposes not involving the establishment of a new street
73 or access easement shall be exempt from these regulations.~~

74 ~~(2) Industrial property shall be developed within the framework of this chapter.~~

75 ~~(3) The term "subdivision" includes resubdivision and, when appropriate to the context, shall
76 relate to the process of subdividing or to the land subdivided.~~

77 ~~*Variation or Exception:* A reasonable deviation from the provisions of
78 the Subdivision Ordinance in cases of unusual situations or when strict adherence to the general
79 regulations would result in substantial injustice or hardship.~~

80 ~~*Variance:* A reasonable deviation from the provisions regulating the size, configuration or
81 area of a street or other feature, when the strict application of the ordinance would result in
82 unnecessary or unreasonable hardship to the property owner, and such need for a variance would
83 not be shared generally by other properties, and provided such variance is not contrary to the
84 intended spirit and purpose of the ordinance, and would result in substantial justice being done.~~

85 86 **Sec. 10-2-2. Variances Variations and Exceptions.**

- 87 a. Where a subdivider can show that conforming with the a provisions of these
88 standards this chapter would cause an unnecessary hardship, or where topographical or
89 other conditions peculiar to the site make compliance impractical, then City Council may
90 authorize a variation or exception provided that such variation or exception will not have

- the effect of nullifying the intent and purpose of the Comprehensive Plan, this chapter, or the Design and Construction Standards Manual.
- b. All proposed variations or exceptions to this chapter shall be transmitted by the Department of Community Development to the Planning Commission for recommendation and report the City Council.
- c. ~~In granting variances and modifications~~ variations or exceptions, the ~~Ceity~~ City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.
- a. ~~if strictly adhered to, because of topographical or other unusual conditions, including that a provision of this chapter would undermine or conflict with the goals and policies of the City's Comprehensive Plan that encourage walkable, pedestrian and bicycle-friendly street corridors, and after consideration by the planning commission the city council may authorize a variance, provided that such variation will not have the effect of nullifying the intent and purpose of the comprehensive plan or this chapter or the Design and Construction Standards Manual.~~
- d. When requesting a variation or exception, the subdivider shall provide, in a letter or narrative, to include the section(s) of the Subdivision Ordinance or Design and Construction Standards Manual from which a variation or exception is needed and the reason for the request. In addition to a letter or narrative an exhibit illustrating the proposed variation or exception and the proposed subdivision shall be required unless waived by the designated agent. Any request for a variation or exception shall be deemed to be an acceptance by the applicant that the time period within which the submitted subdivision plat, if any, must be acted upon will be stayed until the decision on the pending variation or exception.
- e. Posting of property. Notwithstanding any advertising requirements imposed by the Code of Virginia, as amended, any property proposed for review due to a ~~variance~~ variation or exception of the requirements of this chapter shall be posted for public notice as specified below. At least fourteen (14) days prior to the ~~P~~ Planning ~~C~~ Commission's meeting reviewing the pending application, the ~~Ceity~~ City shall erect on the subject property signs indicating a pending action and a contact phone number for persons wanting more information regarding the ~~public hearing~~ meeting. Such signs may not be removed until the ~~Ceity~~ City Council has acted upon the application; and shall be removed no later than five (5) days thereafter. The ~~Ceity~~ City shall determine the number of signs required, placement, and type of posting; however, there shall be at least one (1) sign posted along each public right-of-way abutting the property. Neither the Planning Commission's recommendation nor the ~~Ceity~~ City Council's decision on a land use action shall be invalid solely due to the ~~failure to the removal of a posted sign~~ failure to remove a posted sign or failure to post a sign.
- f. An application fee of two hundred dollars (\$200) shall be made payable to the City of Harrisonburg. Each application may include more than one variation or exception request. The fee shall be paid upon submittal of the request.
- (b) ~~The standards and requirements of this chapter may be modified by the planning commission in the case of a plan and program for a group housing development or residential planned unit development, which in the judgment of the planning commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also~~

~~provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.~~

Sec. 10-2-3. Sale or transfer of lots Reserved.

~~No land shall be sold or transferred by reference to a plat of a subdivision of such land before such plat has been recorded as herein provided.~~

Sec. 10-2-4. Building permit withheld.

No building permit shall be issued for any structure or building to be located on any land which has been subdivided until a plat of such subdivision shall have been recorded as herein provided.

Sec. 10-2-5. Appeals.

~~Appeals shall lie from the disapproval of a plat by director or the planning commission to the appropriate court, as provided in § 15.1-475, chapter 11, title 15.1, article 7 of the Code of Virginia.~~

If the designated agent disapproves a plat and the applicant contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the applicant may appeal to the Circuit Court of Rockingham County, Virginia and the court shall hear and determine the case as soon as may be, provided that their appeal is filed with the Clerk's Office of the Circuit Court of Rockingham County, Virginia within 60 days of the written disapproval by the designated agent.

Any variation or exception disapproved by City Council may be appealed to the Circuit Court of Rockingham County, Virginia and the court shall hear and determine the case, provided the appeal is filed with the Clerk's Office of the Circuit Court of Rockingham County, Virginia within 60 days of the disapproval.

Sec. 10-2-6. Proceedings to restrain or abate violations.

In case of any violation, or attempted violation of the provisions of this chapter, the Ceity Ceouncil, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation, or attempted violation, to restrain, correct, or abate such violation or attempted violation, or to prevent any act which would constitute such a violation.

Sec. 10-2-7. Amendment of chapter.

This chapter may be amended in whole or in part by the Ceity Ceouncil, provided that any such amendment shall either originate with or be submitted to the Planning Ceommission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held. All amendments to the Subdivision Ordinance shall be subject to the public hearing and advertising requirements of Virginia Code § 15.2-2204. Notice of the time and place of the hearing shall have been given at least once a week for two (2) weeks, and the last notice at least ten (10) days prior to the hearing.

Sec. 10-2-8. Waiver of chapter requirements.

~~Where a single lot or parcel of land, which consists of five (5) or less acres in gross area, is proposed to be divided into not more than four (4) lots, or where the lot lines of existing lots are proposed to be changed or vacated, any one (1) or more of the requirements of this chapter may~~

be waived in writing by the director of community development, the agent responsible for the administration and the enforcement of this section, provided that such division:-

- (1) Conforms to all applicable zoning ordinance requirements;-
- (2) Does not involve any new public street, road or easement of access;-
- (3) Does not offer opportunity to obstruct the floodplain or planned major highway;-
- (4) Does not adversely affect any part of any adopted plan; and
- (5) Does not in any way violate the intent of this chapter or any applicable zoning ordinance.-

A plat, prepared by a certified land surveyor licensed in the state, showing the metes and bounds of the lots resulting from a division of land under this section shall be presented to the agent for final approval prior to recordation. The plat shall include the following certification:-

"This subdivision known as _____ Subdivision is approved by the undersigned pursuant to section 10-2-8 of the Harrisonburg City Code and may be admitted to record.-

Dated:-	Director of planning and community development"
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Such plat shall be recorded in the clerk's office of the Circuit Court of Rockingham County, Virginia, within the time period as set forth in section 10-2-27 of this chapter.-

Secs. 10-2-98—10-2-20. Reserved.

ARTICLE B. PLATS GENERALLY

Sec. 10-2-21. Required to be made, approved and recorded.

Any subdivider of any property located wholly or partly within the corporate limits of the Ccity who subdivides the same, or who causes any streets or public way to be created, shall cause a plat to be made of such subdivision, with reference to known or permanent monuments, and the same to be recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia ~~the office of the clerk of the circuit court of the county~~ as provided in this chapter and ~~the Virginia Land Subdivision and Development Act, chapter 11, title 15.1, article 7, §§ 15.1-465 through 15.1-485 §15.2-2240 through § 15.2-2279~~ of the Code of Virginia. ~~Also No~~ such plat shall be recorded unless and until it shall have been submitted to and approved by the designated agent ~~director~~ as required by §15.2-2240 through § 15.2-2279 § 15.1-475 of the Code of Virginia.

Sec. 10-2-22. Preapplication ~~conference~~ Meeting.

Before preparing a preliminary plat, a subdivider should confer with the Department of Community Development ~~about director relative to~~ the regulations contained in this chapter and the provisions of the Comprehensive Plan for the City.

Sec. 10-2-23. Preliminary subdivision plat—Requirements and contents.

The preliminary subdivision plat shall be required for tentative approval for plats involving more than 50 lots and optional, at the request of the subdivider, for plats with 50 lots or less. The preliminary subdivision plat, marked as such, shall be provided to the designated

~~agent presented to the planning commission at an appropriate a scale of one inch equals one hundred (100) feet (1" = 100')~~ with any supporting data, showing the following:

- (1) Proposed subdivision name, location, acreage, and land use.
- (2) Date, north point, and graphic scale.
- (3) Names and addresses of the owners of the property, including the existing mortgagee, the subdivider, and the designer of the layout.
- (4) Location and names of adjoining subdivisions or names of the owners of adjoining lands.
- (5) Topography: contours at two-foot intervals unless grade is fifteen (15) percent or more, in which case contours shall be at five-foot intervals. This requirement may be waived by the designated agent.
- (6) Existing and proposed streets, easements, and other rights-of-way within and adjoining the subdivision including right-of-way and roadway widths, approximate grades, and proposed street names.
- (7) Location of existing and proposed utilities adjacent to the tract to be subdivided, including size and elevation.
- (8) ~~Location of building setback lines and z~~Zoning district ~~lines~~designation(s).
- (9) Lot lines, lot and block numbers, and approximate dimensions. If proposed subdivision is a residential planned unit development, structures and approximate dimensions shall be shown.
- (10) Proposed method of water supply, drainage provisions, sanitary sewer layout, or other accepted sanitary plan and methods of flood control where applicable. Connections with existing facilities, sizes of proposed facilities, and any accessory structure shall also be shown.
- (11) Draft of homeowners' association agreements or protective covenants, if any, whereby the subdivider ~~proposed is proposing~~ to regulate land use in the subdivision and otherwise protect the proposed development.
- (12) The location of existing watercourses and other geographic features.
- (13) A statement of the floodplain designation shall be included with the 100-year floodplain boundary, including the flood-fringe and floodway, if applicable, shown within the lot boundaries in the event any portion of a parcel falls within the 100-year floodplain. If no portion of a parcel lies within the 100-year floodplain, the surveyor shall include a statement of such on the plat.
- (134) Preliminary location of stormwater management best management practice (BMP) boundary areas.
- (145) A vicinity sketch or key map at ~~an appropriate scale of two hundred (200) feet to the inch~~ shall be shown on or accompany the preliminary plat. This map shall relate the subdivision to existing landmarks and show how streets, alleys, and other significant proposals connect or relate to existing facilities in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire area.
- (156) The fee for filing a preliminary subdivision plat ~~without a variance~~ shall be one hundred seventy-five dollars (\$175.00) plus twenty dollars (\$20.00) per lot, ~~or if filing a preliminary plat with a variance the fee shall be two hundred dollars (\$200.00) plus twenty dollars (\$20.00) per lot,~~ made payable to the City of Harrisonburg. The fee shall be paid upon the filing of the plat with the City.

In addition, if the preliminary subdivision plat requires a traffic impact analysis (TIA) review by the Virginia Department of Transportation (VDOT), then all additional fees for that review shall be made payable to the Virginia Department of Transportation. If the preliminary subdivision plat requires a TIA review, only by the Ceity, then one thousand dollars (\$1,000.00) shall be made payable to the Ceity of Harrisonburg. The preliminary plat application shall not be considered accepted until the TIA has been reviewed and accepted by the Department of Public Works.

Sec. 10-2-24. Same—Filing for approval; ~~action by planning commission~~.

~~Whenever a subdivision of land is proposed to be made and before any sale or contract for the sale of such subdivision as a whole or any part thereof is made or before any construction work including grading is started, T~~the subdivider shall file one (1) copy not less than eight (8) copies of a preliminary subdivision plat of the proposed subdivision as provided in section 10-2-23 ~~to the designated agent, such plat to be filed at least thirty (30) days prior to the meeting at which it is to be considered for approval. The planning commission~~ The designated agent shall, in not ~~more than forty five (45) days less than thirty (30) nor more than sixty (60) days~~ advise the subdivider of their approval or disapproval of the preliminary subdivision plat and other required exhibits as submitted or modified, and if approved, they shall express such approval on the plat, stating the conditions of approval, if any, or if disapproved, shall express such disapproval and the reasons therefor in writing to the applicant. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat.

Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within twenty-four (24) months of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than twenty-four months following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the designated agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

Sec. 10-2-25. Final subdivision plat—Requirements and contents.

(a) The final subdivision plat shall be prepared by a competent surveyor or civil engineer duly licensed by the state. The subdivider shall submit to the designated agent, director, at a to scale of one inch equals one hundred feet (1" = 100'), one original copy mylar tracing and eight (8) prints of the final subdivision plat. The plat must meet the recordation requirements for document size, font, and other formatting set by the Circuit Court of Rockingham County, Virginia, clearly and legibly drawn in black India ink on a sheet eleven by seventeen inches (11" × 17"), including a margin of one half inch outside rules border lines at bottom, top and right sides, and one and one half (1½) inch outside rules border line for binding on the left seventeen (17) inch side of the sheet. When more than one sheet is necessary, an index sheet of the same size may be required showing the entire subdivision.

(b) The final subdivision plat shall show:

- (1) Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3)) shall be accurately described on the plat.
- (2) Municipal, Ceounty, and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
- (3) Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest ~~one-tenth~~ one hundredth (0.01~~1/10~~) foot and angles to the nearest ~~minute~~ one second of arc, which shall be balanced and closed with an error of closure not to exceed one to ~~twentyfive~~ thousand (205,000).
- (4) Name of subdivision, exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat.
- (5) Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents.
- (6) Lot lines with dimensions to the nearest ~~one-tenth foot and bearings~~ one hundredth foot and bearings to the nearest one second of arc. If the proposed subdivision is a residential planned unit development, exact location of all structures shall be shown.
- (7) Lots numbered in numerical order and blocks, lettered alphabetically.
- (8) Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- (9) Accurate location, material, and description of monuments and markers.
- (10) A statement, either directly on the plat or in an identified attached document, of any private covenants or homeowners' association agreements.
- (11) When one (1) or more temporary turnarounds are shown, the following note shall be included on the plat:
The area on this plat designated as "Temporary turnaround" will be constructed and used as other streets in the subdivision until (insert street name) is/are extended to (insert street name if possible, otherwise insert the following note: a connecting street or to another turnaround which is approved by plat by the designated agent-planning commission) at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining lot owners in accordance with specific provisions in their respective deeds.
- (12) Location of stormwater management best management practice (BMP) boundary areas.
When BMP Boundary Areas are required, a stormwater management/BMP facilities maintenance agreement document shall be submitted for review, and upon approval by the city, be recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia.
~~Note:~~ When BMP Boundary Areas are required, the final subdivision plat shall not be approved until the engineered comprehensive site plan is approved.
- (13) A statement of the floodplain designation shall be included with the 100-year floodplain boundary, including the flood-fringe and floodway, if applicable, shown within the lot boundaries in the event any portion of a parcel falls within the 100-year floodplain. If no portion of a parcel lies within the 100-year floodplain, the surveyor shall include a statement of such on the plat.
- (14) The following certifications:

State-Certified Engineer

~~(or Land Surveyor)~~

~~This subdivision known as _____ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.~~

~~(date)____ (Signed)~~

~~Director of~~

~~planning and~~

~~community~~

~~development~~

- (c) Data supporting the final subdivision plat shall include: plans and profiles, water supply and sewage disposal, including drainage courses, existing sewers, water mains, culverts, and other underground structures within the tract showing pipe sizes, invert elevations, and grades.
- (d) The fee for filing a final subdivision plat shall be one hundred fifty dollars (\$150.00) plus twenty dollars (\$20.00) per lot, made payable to the City of Harrisonburg. The fee shall be paid upon the filing of the plat with the city City.

Sec. 10-2-26. Same—Filing for approval.

- (a) ~~The subdivider shall within twenty-four (24) months following the approval of the preliminary plat and other required exhibits, file with the director the final plat or part thereof for approval as provided in section 10-2-25 and in conformity with the approved preliminary plat. Before filing the a final subdivision plat is approved by the designated agent and signed for recordation for approval,~~ all improvements required under these regulations shall be completed, or provisions made therefor, at the subdivider's expense and in accordance with the provisions of this chapter and the specifications of the city, county or state by one of the following methods:
- (1) Installation and completion by and at the expense of the subdivider.
 - (2) The furnishing of a bond in an amount and with surety or conditions satisfactory to provide for and secure the actual construction and installation of such improvement within a period agreed upon by the subdivider and the designated agent ~~planning commission, such bond to be approved by the city attorney.~~
- (b) When ~~this provisions in subsection (a) have been satisfied has been complied with,~~ the subdivider shall file with the designated agent ~~director of the city~~ the final subdivision plat ~~of the subdivision,~~ in order to secure approval for the recordation as required by these regulations. The designated agent shall approve or disapprove the final subdivision plat within 40 days of completed application and payment. If disapproved, the designated agent shall express such disapproval and the reasons in writing to the applicant.
- (c) Upon approval of the final subdivision plat by the designated agent ~~director~~ the original mylar tracing of such plat shall be returned to the subdivider for recordation in the Clerk's Office of the Circuit Court of Rockingham County, Virginia ~~office of the clerk of the circuit court of the county~~. Approval of a final subdivision plat shall not be deemed the acceptance by the city of any street, alley, utilities, or other public space shown on the plat for maintenance, repair, or operation thereof.

- (d) ~~No person shall subdivide any tract or parcel of land, or commence any sale, offer for sale, or transfer of any portion of such property, in whole or in part, until a final subdivision plat has been submitted and approved in accordance with this Ordinance. When subdivision is required to meet the requirements of the Zoning Ordinance or Building Code, grading, construction, or other development activity may occur prior to final subdivision plat approval only when such activity does not depend upon the establishment or vacation of separate lots and is otherwise in compliance with all applicable codes and ordinances~~
- (d) ~~Failure to file a final plat or section thereof within twenty-four (24) months after approval of the preliminary plat will render such approval null and void unless an extension of time is applied for and granted by the planning commission.~~

Sec. 10-2-27. Same—Recordation; procedure upon vacation of recorded plats.

- (a) When a final subdivision plat has been approved, executed and acknowledged as provided in this article, it shall be recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia~~office of the clerk of the circuit court of the county~~, and shall be indexed under the names of the owners of the land and under the name of the subdivision. The clerk shall retain the original ~~mylar tracing of such~~copy of the plat and file for public record. Such plat shall be filed for recordation in the clerk's office within sixty (60) days after final approval thereof, otherwise such approval shall be withdrawn by the ~~director-designated agent~~ and the plat marked "VOID" and returned to the subdivider.
- (b) The recordation of such plats shall operate to transfer, in fee simple, to the city such portion of the premises platted as is on such plat set apart for streets, alleys, or other public use or for future street widening and to create a public right of passage over the same.
- (c) Immediately upon the vacating of any recorded plat, or part thereof, the clerk in whose office such plat has been recorded (whether the same was recorded under the provisions of this chapter or otherwise) shall write in plain legible letters across such plat, or the part so vacated, the word "VACATED," and also make a reference on the same to the volume and page in which the instrument of vacation is recorded; and if a duplicate of such plat be on file in the ~~designated agent's director's~~ office for public use, the designated agent ~~director~~ shall cause similar notations to be legibly written on such duplicate plat, or part thereof so vacated.
- (d) The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as provided in this ordinance and executed by the owner or owners of such land as provided in sections 10-2-21 through 10-2-27, provided such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided, further, that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest herein.

Secs. 10-2-28—10-2-40. Reserved.

ARTICLE C. DESIGN STANDARDS

Sec. 10-2-41. Streets.

- (a) Proposed streets shall conform to the standards and specifications outlined in the Design and Construction Standards Manual except that ~~variances~~variations and exceptions to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may

be approved on a case-by-case basis by the Ceity Ceouncil in accordance with section 10-2-2- when:

- (1) The proposed alternative would better achieve the walkable, pedestrian, and bicycle-oriented environment the Ceity desires.
 - (2) The particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts.
 - (3) The proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the Ceomprehensive Pplan.
- (b) All streets which are designated as part of the major street system of the "master transportation plan" shall be coordinated with adjoining links in such system in accord with the standards set forth in the Design and Construction Standards Manual.
- (c) Reserved strips restricting access to streets, alleys, public ways, and easements shall be prohibited.
- (d) Half streets shall be prohibited.
- (e) Culs-de-sacs and other permanent dead-end streets are prohibited except when permitted by City Council per Section 10-2-2 and the planning commission in accord with the DCSM.
- (f) Proposed streets that are in alignment with existing streets already named shall bear their names. No new street shall duplicate names of existing streets, irrespective of any suffix.

Sec. 10-2-42. Blocks and lots.

- (a) *Lengths*. Block lengths shall be in accord with the standards set forth in the Design and Construction Standards Manual.
- (b) *Depth*. Blocks shall be of sufficient depth to provide for two (2) tiers of lots where possible.
- (c) *Frontage*. All lots shall front on a public street and no lot shall embrace any portion of a street or alley.
- (d) *Side lot lines*. Side lot lines shall be substantially at right angles or radial to street lines.
- (e) *Size, width, depth, shape, and orientation*. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. These requirements shall be not less than the requirements of chapter 3 of this title applicable to the area being subdivided and the use shall be dictated by such regulations.
- (f) *Residential corner lots*. Residential corner lots shall be increased in width to permit appropriate building-minimum setback from and orientation to both streets in conformity with chapter 3 of this title, and to provide required separation between intersections and entrances.
- (g) *Dimensions*. Lot dimensions shall conform to the requirements of chapter 3 of this title; except, that where the requirements of these regulations provide for larger lot areas and dimensions, these regulations shall apply.

Sec. 10-2-43. Easements.

~~Unless a variance is granted in accord with subsection 10-2-41(a), a~~ A ten-foot-wide public general utility easement shall be provided along front lot lines or any lot line adjacent to a public

right-of-way. In addition, public general utility easements at least ten (10) feet wide, centered on the side or rear lot lines, shall be provided ~~for utilities and drainage~~. Easements may also be required in, along or adjacent to natural watercourses as drains for sanitary sewers and water diversion purposes.

An administrative waiver can be requested to this section by submitting a letter with justification to the designated agent. The designated agent may approve a waiver upon determining that all necessary utilities can be adequately provided without the dedication of such easement.

Sec. 10-2-44. ~~Reserved Building setback lines.~~

~~The subdivider shall establish setback lines along all streets abutting lots. Such setback lines shall be in conformity with chapter 3 or this title for street setback lines.~~

Sec. 10-2-45. Land dedication.

- (a) All land designated for future streets and alley purposes or for street widening shall be dedicated for public use. Where proposed sites for parks, schools, and other areas for public use as contained in the Comprehensive Plan are located wholly or partly in a subdivision, such location shall be indicated on the preliminary subdivision plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for or acquired by the Ceity Council for that use.
- (b) This section shall not be construed to preclude the dedication of property for public use not included in the Comprehensive ~~city~~ Plan, provided such property is acceptable to the Ceity or County for dedication and maintenance.

Sec. 10-2-46. Draining and flooding.

The right is reserved to disapprove any subdivision which is inadequately drained or subject to periodic flooding.

Secs. 10-2-47—10-2-60. Reserved.

ARTICLE D. MINIMUM IMPROVEMENTS

Sec. 10-2-61. Streets.

- (a) The subdivider is required to make all such improvements to streets, including grading, subgrade, surface, and curbs and gutters, in accord with the requirements of the Ceity's DCSM.
- (b) *Planting strips.* The subdivider shall seed planting strips along streets. ~~(Ord. of 6-24-97)~~
- (c) *Sidewalks.* Where a lot being subdivided fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct, and where necessary dedicate land for, sidewalk on the property being subdivided to connect to the existing sidewalk, even when no other street improvements are required.

Sec. 10-2-62. Drainage.

Every subdivision shall be provided with a storm and natural water sewer or drainage system adequate to serve the area being subdivided (including the contributing drainage area).

590 **Sec. 10-2-63. Utilities.**

- 591 (a) Every subdivision shall be provided with a complete water distribution system adequate to
592 serve the area being subdivided as required by the department of public utilities and the city
593 manager.
- 594 (b) Every subdivision shall be provided with satisfactory and sanitary means for a sewage
595 disposal system as required by the department of public utilities and the city manager.
- 596 (c) All utilities including water, gas, sewer, and poles or underground conduits for electric
597 lights or telephone lines shall be placed in easements provided ~~along the rear or sides of lots~~
598 ~~whenever this is practicable~~. When facilities for such utilities, including laterals to each lot
599 line, must be laid in streets, such facilities shall be in place prior to street surfacings.

600
601 **Sec. 10-2-64. Street name signs.**

602 Uniform public and/or private street name signs of approved standard design
603 as utilized throughout the city shall be installed at all street intersections.

604
605 **Sec. 10-2-65. Survey monuments and pins.**

606 Iron pins shall be installed marking subdivision boundaries, lot corners, angle points, and all
607 points along street right-of-way where there is a change of direction such as point of tangent (PT)
608 and point of curvature (PC) and end of radius at street intersections. Before a street is accepted in
609 the city street system, monuments shall be installed in accordance with the specifications and
610 standards outlined in the Design and Construction Standards Manual.

611
612 **Sec. 10-2-66. Compliance with standards, etc., of the Ceity.**

613 All utility, street, and alley improvements shall be provided in each new subdivision lying
614 wholly or partly within the corporate limits of the Ceity in accordance with standards and
615 specifications of the Ceity.

616
617 **Sec. 10-2-67. Responsibility for cost.**

618 All improvements required to be installed by the subdivider or by this chapter shall be made
619 at the subdivider's expense.

620
621 **Secs. 10-2-68—10-2-80. Reserved.**

622
623 *ARTICLE E. SUBDIVISIONS AND PROPOSED STREETS FOR PUBLIC USE*

624
625 **Sec. 10-2-81. Approval of final subdivision plat of streets.**

626 Whenever it is desired by any person to open, within the Ceity, an area as a subdivision to
627 be divided or sold as lots, or to open up any way proposed to be used as a public street in the
628 city, ~~he~~they shall submit to the ~~director~~designated agent a final subdivision plat or survey
629 showing the area so to be subdivided and the location of all proposed streets and alleys, and
630 easements therein, and shall accompany plat with a declaration of ~~their~~his intention to have such
631 plat recorded, and to dedicate to the public use the streets and alleys, and public easements
632 shown thereon in the event such plat be approved. The fact of such approval and the date thereof
633 shall be plainly written or stamped thereon, or upon a copy thereof, and such approval shall be
634 signed by the designated agent~~director~~.

636 **Sec. 10-2-82. Approval and recordation of final subdivision plat and erection of**
637 **monuments.**

638 No part of any proposed subdivision within the city and no way proposed to be used as a
639 street within the city shall be taken over by the city for improvement or maintenance, and the city
640 shall be under no obligation to improve or maintain the same and such proposed streets shall not
641 be considered as public streets of the city until the plan or survey of such subdivision and the
642 location of any proposed streets or alleys and the grade and property lines thereon shall have
643 been approved by the ~~director~~designated agent, and until the person making such subdivision
644 shall have placed at all street intersections therein permanent monuments, and until a copy of the
645 plat or survey showing thereon its approval by the ~~director~~designated agent as set out in section
646 10-2-81 shall have been duly recorded in the Clerk's Office of the Circuit Court of Rockingham
647 County, Virginia~~clerk's office of Rockingham County~~.

648
649 **Sec. 10-2-83. Connection of proposed water and sewer lines.**

650 Any person desiring to open any subdivision within the city or way to be used as a public
651 street within the city, and to construct water and sewer lines therein, as provided in this article
652 shall apply to the ~~director~~designated agent for permission to connect such proposed water and
653 sewer lines with existing lines of the Ceity and shall furnish a statement or survey showing the
654 location, capacity, and manner of installation of the proposed lines, which shall be reviewed for
655 compliance with the standards and specifications outlined in the ~~Design and Construction~~
656 ~~Standards Manual~~DCSM.

657
658 **Sec. 10-2-84. Construction of water and sewer lines prerequisite to improvement and**
659 **maintenance of streets by city.**

660 No part of any proposed subdivision within the city and no way proposed to be opened as a
661 street within the city shall be taken over by the city for improvement or maintenance, nor
662 considered a part of the public streets of the city, and no part of the public revenues shall be
663 expended thereon, unless and until there shall have been constructed therein, without expense to
664 the Ceity, water lines and sewer lines accepted by the city engineer, of such capacity and location
665 as to furnish adequate service to the property in such subdivision or abutting upon such street,
666 when the same shall have been occupied. The city engineer shall refuse permission to connect
667 same to any city mains or lines until such lines meet with ~~his~~their approval and specifications as
668 to the size and location thereof.

669
670 **Sec. 10-2-85. Rights of city in water and sewer lines.**

671 Whenever any water or sewer line shall be constructed or laid in any proposed subdivision
672 or in any way proposed to be used as a public street, or whenever any water or sewer line is
673 constructed to be used for connection therewith by a number of persons, such water or sewer
674 line, after it shall have been connected with other or existing lines of the Ceity, shall be deemed
675 to be the property of the Ceity, and the Ceity, subject to the provisions of sections 10-2-83 and
676 10-2-84, shall have sole control of its maintenance and of connections to be made therewith by
677 persons desiring to use the same.

678
679 **Sec. 10-2-86. What streets deemed dedicated.**

680 Any street or alley designated in the subdivision into lots of any portion of the territory
681 within the corporate limits of the city by a plat or plan of record shall be deemed and held to be

dedicated to public use, unless it appears by such record that the street or alley so designated is reserved for private use.

The remainder of each Section is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the ____ day of ____, 2026. Adopted and approved this ____ day of ____, 2026.

MAYOR

ATTESTE:

CITY CLERK