**Chapter 83 – SUBDIVISION ORDINANCE**

**ATRTICLE I – GENERAL**

**Sec. 83-100.01. – Title of chapter.**

This chapter shall be known, cited, and referred to as the "Subdivision Ordinance of the Town of Strasburg, Virginia."

**Sec. 83-100.02. – Definitions.**

As used in this chapter, the following terms and definitions shall have the meanings ascribed to them in this section, such terms to supplement those of the zoning ordinance and the Technical Design Manual:

 *Administrative procedures manual:* The Town of Strasburg Administrative Procedures for the management of site development projects.

*Clerk:* The clerk of the circuit court of the county.

*Administrator:* The Zoning Administrator of the Town of Strasburg, or designee.

*Manual:* The Town of Strasburg Technical Design Manual.

*Site development plan:* A detailed engineering drawing showing the proposed improvements required in the development of a given parcel, and demonstrating compliance with the requirements of the manual and other law, prepared by a qualified professional who is licensed, to prepare such, in accordance with the Code of Virginia and the regulations of the state board of architects, professional engineers, land surveyors and landscape architects. A site development plan could be either a subdivision plan or a site plan.

*Standards:* Town design and construction criteria, as adopted and defined in the Technical Design Manual.

*Subdivider:* A person or his agent who has applied for approval of, or has duly recorded a plat for, the subdivision of a tract of land.

*Subdivision:* The division or redivision or consolidation of a parcel(s) of land into lots or parcel(s), for the purpose of transfer of ownership or building development, any of which are less than ten acres. In addition, any division or redivision of existing real property for condominium development shall be considered a subdivision.

*Subdivision plan:* A site development plan submitted in conjunction with the division or redivision of a parcel of land.

*Subdivision plat:* A legal document, prepared by a qualified professional, who is licensed to prepare such, in accordance with the Code of Virginia and regulations of the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects; in accordance with this Chapter of the Code of the Town of Strasburg, Virginia, for the legal division or redivision of a parcel of land into lots or parcels, for the purpose of transfer of ownership or site development.

*Utilities:* Distribution and/or service connection facilities and appurtenances thereto for gas; electricity; water; sanitary sewer; storm sewer; communications; heating and air conditioning by circulation of water, steam, air or other medium; fuel; and other similar consumable commodities or services.

**Sec. 83-100.03. – Purpose and intent of chapter.**

1. The subdivision of land in the town, according to a reasonable set of requirements and guidelines, confers benefits upon the individual landowner and upon the community. When a landowner seeks to acquire the advantages of lot subdivision, they must comply with the reasonable conditions laid down by the town council for design, dedication, improvement, and restrictive use of land so as to conform to the adopted comprehensive plan for the physical and economic development of the town and for the safety and general welfare of the future lot owners in the subdivision and of the community at large.
2. It is hereby declared to be the policy of the town to consider the subdivision of land as subject to the power of the town to implement the comprehensive plan. This chapter is adopted for the following purposes:
3. To clearly establish the procedure which must be followed in order to subdivide land in the town as identified in the manual and the Administrative Procedures Manual;
4. To ensure that this process includes appropriate and applicable reviews;
5. To improve the public health, safety, convenience and welfare of the citizens of the town;
6. To ensure that residential areas are provided with healthy surroundings for family life; and
7. To ensure that the growth of the community is consonant with the efficient and economical use of public funds.

**Sec. 83-100.04. – Authority for chapter.**

The town council , pursuant to the recommendation of the planning commission and a public hearing held in accordance with Code of Virginia, § 15.2-2204, does, by the adoption of this chapter, hereby exercise the police power given by Code of Virginia, §§ 15.2-2240—15.2-2276 to assure the orderly subdivision of land, and the police power conferred by Code of Virginia, § 15.2-2224 to implement the comprehensive plan of the town, and the general police power as given by Code of Virginia, § 15.2-1200.

**Sec. 83-100.05. – Application of chapter.**

 This chapter and all regulations adopted hereunder shall apply to all subdivisions of land, including, but not limited to, any condominium or any subdivision of any convertible land or convertible space or unit, (multifamily dwelling units converted into condominiums), located within the town limits.

**Sec. 83-100.06. – Chapter provides minimum requirements, resolution of conflicts with ordinances, laws, private agreements, etc.**

1. In their interpretation and application, the requirements of this chapter shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.
2. This chapter is not intended to interfere with or nullify any order of a court of competent jurisdiction, statute, regulation or other provision of law, provided that any lot created thereby must conform with the provisions of the zoning ordinance and other applicable laws with respect to the use thereof. Where any provision of this chapter imposes restrictions different from those imposed by any other provision of town ordinances or regulations or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.
3. This chapter is not intended to nullify any legally enforceable easement, covenant or any other private agreement or restriction; provided that, where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards, than the requirements of this chapter, and such private provisions are not inconsistent with this chapter or determinations thereunder, then such private provisions shall be operative and supplemental to this chapter and determinations made thereunder; provided, that no private provisions shall be enforced by the town, unless the town is party thereto.

**Sec. 83-100.07. – Chapter does not affect prior actions, rights, etc.**

 This chapter shall not be construed as abating any legal action now pending under, or by virtue of, the prior existing subdivision ordinance or regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person or as waiving any right of the town under any section or provision existing at the time of adoption of the ordinance from which this chapter is derived, or as vacating or annulling any rights obtained by any person by lawful action of the town, except as shall be expressly provided for in this chapter.

**Sec. 83-100.08. – Compliance with chapter; prohibited acts; penalties.**

1. Wherever any subdivision of land is proposed, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in this chapter and in the manual and in the Administrative Procedures Manual.
2. No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this chapter and with the provisions of Code of Virginia, article 6, chapter 22, title 15.2 (§§ 15.2-2200, et seq.).
3. No final subdivision plat shall be recorded unless and until it has been submitted to and approved by the town council or its agent, in accordance with the requirements of this chapter.
4. No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided herein.
5. No person shall consolidate any parcels into one lot for the construction of, or addition to, an owner-occupied single-family residence or accessory building/structure, without obtaining an approval of deed of consolidation in accordance with the requirements of the Administrative Procedures Manual.
6. Any person violating the foregoing provisions of this section shall be subject to a fine of not more than $500.00 for each lot or parcel of land so subdivided or transferred or sold and shall be required to comply with all provisions of this chapter. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from any remedies provided for in this chapter.
7. The clerk of the circuit court shall not file or record a plat of a subdivision required to be recorded until such plat has been approved, as required by this chapter, and the penalties provided by Code of Virginia, § 17-59 shall apply to any failure to comply with this provision. The signature of the chairman of the town council or the council’s duly appointed agent shall evidence the required approval.
8. No person shall be permitted to construct any improvements or be issued a building permit upon any lot that was created in violation of the provisions of this chapter in effect at the time the lot was recorded and with the provisions of Code of Virginia, article 6, chapter 22, title 15.2 (§§ 15.2-2200, et seq.) until such time as the lot is approved by the zoning administrator or his designee and rerecorded with the clerk of the circuit court.

**Sec. 83-100.09. – Civil remedy or relief to enforce chapter.**

 Notwithstanding any other provision of this chapter, the town council may seek any appropriate civil remedy or relief, including declaratory or injunctive relief, against any subdivider or other person who fails or refuses to comply with the provisions of this chapter.

**Sec. 83-100.10. – Preparation and adoption of amendments to chapter.**

 For the purpose of promoting public health, safety and general welfare, the planning commission may, or at the request of the town council, the Zoning Administrator shall prepare and recommend amendments to this chapter. The procedure for such amendment shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance from which this chapter is derived; provided, that no such amendment shall be adopted by the town council without referring the proposed amendment to the planning commission for recommendation, nor until 60 days after such reference, if no recommendation is made by the commission.

**Sec. 83-100.11. – Adoption, effect, contents, review and amendment of Technical Design Manual.**

1. In order to effectuate the provisions of this chapter, the town council shall, by resolution, adopt a manual of regulations and policies, entitled "Technical Design and Manual," which shall have the force of law. This manual shall include, inter alia, standards for the implementation of the various sections of this chapter, and may include other policies, criteria, standards, and regulations to implement the provisions of the zoning ordinance. Procedural items will be set forth in the Administrative Procedures Manual.
2. The town council shall review the manual adopted pursuant to this section as deemed necessary. Nothing contained herein shall prevent the council from considering and adopting amendments to such manual at any time it is deemed appropriate.

**Sec. 83-100.12. – "As-built" plans.**

 As-built plans shall be required on all currently valid site development plans approved after July 1, 2024, in accordance with the requirements of the manual.

**Sec. 83-100.13. – Erosion and sediment control.**

 Plans and specifications for the control of erosion and sedimentation, including adequate bonding or other assurance, shall be submitted to, and approved by the zoning administrator of planning or his authorized representative, in accordance with the requirements set forth in the manual. Before any site development, grading, building, and other permits shall be issued for work in a subdivision. Review and approval of such plans may proceed concurrently with review and approval of final subdivision plats.

**ARTICLE II. – LOTS**

**Sec.83-200.01 Lots generally.**

1. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
2. All lots shall have adequate street frontage as identified in the zoning district in which the lot is located. Such street shall be a street dedicated by the subdivision plat, existing publicly dedicated street, or on a street which has become public by right of use.
3. The size of the lot shall conform to the minimum requirements for the type of zoning district in which the lot is located. The required minimum lot size shall be outside any Flood Zone, Riparian Protection Area, private road, or access easement.
4. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.
5. All side lot lines shall run perpendicular to a straight street or the tangent of a curved street when possible.
6. Corner lots in residential districts shall be of sufficient size to observe the same setback on both streets.
7. Lots shall be grouped in blocks composed of one or more lots. In residential districts, blocks shall be consistent with adjacent lot and block configurations.
8. Concrete sidewalks shall be provided in subdivisions having more than five (5) lots to the acre. Sidewalks shall be five (5) feet wide with four (4) inches of concrete. Sidewalks shall be reinforced with wire mesh at driveway crossings.
9. Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneous with the recording of the final plat. Such deed is to be deposited with the agent and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

**Sec. 83-200.02 Flag Lots.**

Lots shall be permitted as a Planned District or infill lots with limited road frontage. Flag lots shall be permitted on infill lots provided that there are no other reasonable layout and development alternatives available. Flag lots shall meet the standards set forth in Section 84-400.06 of the Zoning Ordinance and Article III of the Technical Design Manual. Flag lots shall not adversely affect the safety, accessibility, privacy, to maintain or improve the general welfare of the immediate area and for the protection of property rights of adjacent properties.

**ARTLICE III. – MINIMUM REQUIREMENTS**

**Sec. 83-300.01. – Generally.**

 The provisions of this article prescribe the minimum requirements for the subdivision of land in the town. Such requirements may not be waived, except as specifically provided in this article.

**Sec. 83-300.02. – Subdivision name.**

1. The proposed name of a new subdivision shall be identified as the project name at the time of any case submitted for review.
2. The proposed name shall not be substantially close to the name of an existing subdivision.
3. The proposed new subdivision name shall be subject to the review of the Zoning Administrator.

**Sec. 83-300.4. – Layout, width, grade, etc., of streets.**

All streets built within subdivisions shall be designed and constructed in accordance with the criteria in the manual and the zoning ordinance. The arrangement, character, extent, width, grade and location of all streets or highways in a subdivision shall be in accordance with the requirements of the manual.

**Sec. 83-300.05. – Monuments.**

1. Monuments are required in all subdivisions. Monuments shall be set permanently at the intersection of all lines forming angles in the boundaries of the subdivisions and at the intersection of road lines.
2. Markers shall comply with all state regulations.
3. Any monuments or markers that are removed shall be replaced by a surveyor at the expense of the individual removing them.
4. As required by this UDO, all monuments shall be installed by the Applicant.
5. Upon completion of subdivision streets, sewers, and other improvements, the Applicant shall make certain that all monuments required by the Town are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Town before any improvements are accepted by the Town Council.
6. Location – Steel pins. Steel pins shall be used as monuments at all street corners and at all points where the street line intersects the exterior boundaries of the subdivision and at right angle points, and points of curve in each street. Such monuments shall meet the specifications of the VDOT.
7. Location – Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

**Sec. 83-300.06. – Underground utilities generally.**

 **A**ll utilities, when provided by the subdivider, shall be installed underground in accordance with duly adopted policies and standards established in the manual and the zoning ordinance.

**Sec. 83-300.07. – Sanitary sewer and water installations and connections.**

 Where a subdivider proposes to connect to public water or public sewer, or both, such connections and the proposed lines shall be installed according to the manual. The requirements for connection shall be based on availability of public sewer and water as defined by the zoning ordinance.

**Sec. 83-300.08. – Stormwater and flood control.**

1. A subdivider shall provide improvements for the purpose of adequate control of stormwater in accordance with the policies and standards established by the zoning ordinance, Shenandoah County Watershed and Virginia Department of Environmental Quality.
2. Floodplain limits shall be clearly shown on the subdivision plat, and any development or construction in the floodplain shall be in accordance with the provisions of the zoning ordinance and the manual.

**Sec. 83-300.09. – Outdoor lighting.**

 Adequate outdoor lighting, when required, shall be installed in conformance with the policies and standards of the manual and the zoning ordinance.

**Sec. 83-300.10. – Reservation/dedication of land for public use.**

1. In the interests of public welfare, a subdivider may provide for the reservation/dedication of suitable land for schools, parks, recreation areas and roadways in accordance with the comprehensive plan, capital improvements program and official map.
2. Whenever a subdivider proposes or is legally required to convey interests in real property to the town, conveyance of such interests shall be made by appropriate deed to the county in accordance with the requirements of the manual.

**Sec. 83-300.11. – Soils and soils study.**

1. As required by Shenandoah County, a special geotechnical soils study shall be provided in accordance with the policies and standards established in their regulations.
2. As required by Shenandoah County, soils map information shall be submitted in conjunction with the review of subdivision plans/plats.

**Sec. 83-300.12. – Disturbing or removing vegetation.**

 In any subdivision which proposes land disturbing activities, vegetation may be disturbed only to the minimum extent feasible for purposes of preparing access and building sites, as established by the policies and standards of the manual. The limits of such land disturbing activities shall be clearly shown on the submitted plans, and the removal of vegetation may be accomplished only in accordance with the requirements of the zoning ordinance and the manual.

**Sec. 83-300.13. – Waiver of requirements; authority to grant.**

1. One or more of the minimum requirements established under this article may be waived by the zoning administrator, upon a showing by the subdivider that each of the following conditions have been met:
2. The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable hardship upon the subdivider.
3. The granting of such waiver will have no substantially adverse effect upon the future residents of the proposed subdivision, nor upon any property adjoining such proposed subdivision, and the granting authority specifically finds in writing that the purposes of such minimum requirements are (a) substantially fulfilled by the plan submission, or (b) that it would serve no substantial public purpose to impose such a requirement under the circumstances and conditions of such submission with respect to the land to be subdivided.
4. Notwithstanding any other provision of law, the town council may waive the minimum requirements of this chapter where it is necessary to subdivide any or all of a parcel of property for the purpose of dedicating, selling, leasing, exchanging or otherwise conveying such subdivided property to the town council, provided that it finds compliance with subsections (1) and (2) hereof.
5. Any decision by the zoning administrator on waivers is final.

**Sec. 83-300.14. – Conveyance of common shared utility easements.**

 Common shared easement shall be conveyed to public service corporations and franchised operators furnishing cable television, gas, telephone, and electric services. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators, which may be expected to occupy them, shall be conveyed by reference on the final plat. The width of these easements shall be in accordance with this ordinance and the Technical Design Manual.

**ARTICLE IV. –STREET NAMING AND ADDRESSING**

**Sec. 83-400.01. – Street names.**

 All new street names shall be reviewed and approved by the zoning administrator prior to approval of the site or subdivision plan, and in accordance with the requirements of Town Code Chapter 74, this ordinance and Article III of the Technical Design Manual.

**Sec. 83-400.02. – Uniform numbering system.**

1. A uniform system of numbering properties and buildings in town is hereby adopted. All properties or parcels of land within the limits of the town shall be identified by reference to the uniform numbering system adopted herein. Buildings which house multifamily dwelling units, multiple offices or businesses shall have one address for each principal entrance and a unit, apartment, or suite number to identify each separate unit related to the principal entrance address. Determination as to the requirement for unit, apartment or suite numbers shall be made by the Zoning Administrator.
2. Street numbers shall be uniformly assigned,
3. For the grid designed street system, numbers increasing from in the north and south direction away from King Street, east and west away from Holiday Street.
4. For all other roadways, number shall increase in the street system in the direction away from arterial roadways or roadways served.
5. Numbering shall be odd numbers on the left and even numbers on the right in the direction of the increasing address numbers.
6. Unit numbers shall increase in the same direction as the building numbers.
7. Unit numbers shall be 100 series for the first floor, 200 series units for the second floor and increasing in succession per floor. Basement levels shall be identified with a B prefix and increase as a B100 with the number of floors below grade as B200 and successively increasing.
8. Determination of the proper street address for corner lots shall be based upon the street from which the driveway is accessed. If a driveway accesses more than one street, the proper address shall be determined by the Zoning Administrator.
9. For nonresidential uses, units shall increase in segments of ten (ex. 110, 120, 130) to allow for subdivision of units without readdressing of the remaining other units. Subdivisions of units shall have an incremental number as coordinated with and approved by the Zoning Administrator.
10. Final addressing shall be coordinated with and approved by the Zoning Administrator. The Zoning Administrator shall provide Shenandoah County GIS and the Post Office with the approved address upon approval.

**Sec. 83-400.03. – Display of number.**

1. Each assigned address number shall be displayed at the front building entrance or that entrance which is clearly visible during both day and night from the street providing access to that building. If the address number cannot be posted on a building in a manner that makes it clearly visible from the street, then the address number shall be displayed at the end of the driveway nearest the street providing access to the building. Display of a street address at the corner of a driveway shall be such that clear identification can be made of the location of the building to which the address is assigned. Such identification shall be clear and visible and able to be made from both directions of travel on the roadway.
2. The size and location of the address shall comply with Town Code Section 74-95.
3. The display of street address numbers for commercial and industrial buildings shall be solid numerals that are a minimum of six inches in height and one inch in width. Such numerals shall contract with the background on which they are posted and be clearly visible from the street on which the building is addressed and from easements in the rear of such buildings.
4. The Zoning Administrator shall have the authority to grant special exceptions and to require an additional display of numbers as is necessary to facilitate the clear identification of a building.

**ARTICLE V. – OPEN SPACE**

**Sec. 83-500.01. – General.**

1. All open space land shall include areas for recreational uses, stormwater facilities, Riparian Protection Areas, floodplain, and undisturbed lands.
2. Open space and its intended purpose shall be identified on the final site plan and plat as a part of the final site plan review and approval process.
3. A deed describing the open space and intended use shall be drafted and provided as a part of the final site plan review. A copy of the recorded deed and plat shall be provided to the Zoning Administrator prior to the issuance of the development permit.

**Sec. 83-500.02. – Ownership and management of open space.**

1. Ownership, management, and maintenance of open space shall be deeded to a property owners association.
2. The association shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning property within the development to ensure the proper maintenance of open space. Such an organization shall conform to the following requirements.
	1. The developer shall establish the association prior to bond release of the development.
	2. Membership in the organization shall be mandatory for all property owners, present or future, within the development, and such organization shall not discriminate among its members or stakeholders.
	3. The organization shall manage all open space and facilities, shall provide for the maintenance, administration and operation of such land and improvements and shall acquire liability insurance on the land.
	4. The organization shall conform to the Condominium Act, in the Code of Virginia (1950); as amended.
	5. In the event the organization fails to maintain an active status or fails to maintain the open space or facilities in conformity with other requirements of Town Code, the Town may, in its discretion, bring the open space or facilities into proper code compliance as assess the costs including all administrative fees, as an additional lien upon the individual properties.
3. The recorded open space shall maintain its intended use and ownership in perpetuity of the development.

**Sec. 83-500.03. – Open space for recreational purposes.**

Common open space for recreational purposes shall be provided in a subdivision according to the duly adopted policies and standards of the manual and in conformance with the requirements of the zoning ordinance.

**Sec. 83-500.04. – Open space for individual lots.**

Open space requirements for individual lots of a development shall meet the requirements of the zoning ordinance.

**ARTICLE VI. – PRELIMINARY RESIDENTIAL SUBDIVISION PLAN**

**Sec. 83-600.01. – Generally.**

A subdivider of property that results in the creation of four or more lots may submit, to the zoning administrator, a preliminary subdivision plan which conforms to this article and adopted policies and regulations of the manual.

**Sec. 83-600.02. – By whom prepared.**

Preliminary residential subdivision plans shall be prepared by a certified professional engineer landscape architect, architect, or land surveyor authorized by the state to practice as such and whose stamp and signature shall appear on the plan.

**Sec. 83-600.03. – Method of preparation; contents generally.**

Preliminary residential subdivision plans shall be prepared in accordance with the regulations and standards established in the manual.

**Sec. 83-600.04. – Approval or disapproval.**

1. Preliminary residential subdivision plans shall be recommended for approval or disapproval by the zoning administrator within 45 days of submission and the action taken shall be evidenced thereon by issuance of a signature summary letter. If the plan is recommended for approval, a planning commission meeting date will be scheduled for the first available date and in accordance with the administrative manual.
2. When the planning commission determines that a preliminary residential subdivision plan conforms with the minimum requirements of this chapter and with the policies and standards of the manual, the commission shall approve such preliminary plan. When the commission determines that the preliminary residential subdivision plan does not meet the minimum requirements, the commission may, at the subdivider's requests, defer final action for a reasonable period; otherwise, the commission shall disapprove such preliminary plan. Reconsideration of a revised plan, after such disapproval, shall constitute a new submission and the payment of applicable fees therefore shall be required.
3. The decision of the planning commission is final. If the planning commission disapproves any preliminary residential subdivision plan submitted pursuant to all processing requirements identified in the manual and the applicant of such plan contends that such disapproval was not properly based on applicable state and local ordinances and policies, he may appeal to the circuit court having jurisdiction over Shenandoah County. Such an appeal must be filed with the circuit court within 60 days of the written disapproval of the planning commission.

**Sec. 83-600.05. – Period of validity of approval; approval does not constitute acceptance of plan for recordation.**

Approval of a preliminary subdivision plan shall be valid for a period of five years from the date of approval subject to diligent pursuit. The period of validity of a preliminary residential subdivision plan shall be governed by the requirements and policies set forth in the manual.

**ARTICLE VII FINAL SUBDIVISION PLAN AND PLAT**

**Sec. 83-700.01. – Generally.**

A subdivider shall, after receiving approval of any necessary preliminary subdivision plan, submit a final subdivision plan which conforms to this article and the requirements of the manual. Such submission must occur within the period of validity of its preliminary or sketch plan.

**Sec. 83-700.02. – By whom prepared.**

Final subdivision plans and plats shall be prepared by a certified professional engineer or land surveyor authorized by the state to practice as such whose stamp and original signature shall appear on the plan.

**Sec. 83-700.03. – Conformity to established policies and standards; contents; etc.**

All final subdivision plans and plats submitted under this article shall conform to this article, the policies and standards established in the manual and federal, state, county, and town standards. Such a plan shall be submitted to ensure general compliance with the zoning ordinance and to provide specific information on improvements to be made by the subdivider as required in this chapter and the manual. No site development permit or site preparation permit shall be issued until the subdivider has adequately demonstrated that he has complied with such provisions.

**Sec. 83-700.04. – Method of preparation; contents generally.**

Final subdivision plats and plans shall be prepared in accordance with the regulations and standards established in the manual and the Town of Strasburg Zoning Ordinance.

**Sec. 83-700.05. – Approval or disapproval generally.**

1. Final subdivision plats and plans shall be approved or disapproved by the zoning administrator within 60 days of submission and the action taken shall be evidenced thereon by the signature of the zoning administrator. The zoning administrator shall approve such a plat and plan, if it is in accordance with the provisions of this chapter and the manual. If the zoning administrator disapproves of the plat, he shall give specific reasons for the disapproval in writing. A good faith effort will be made to identify all deficiencies with the initial submission. The zoning administrator shall act on any proposed plat that has been previously disapproved within 45 days after the plat has been modified, corrected, and resubmitted for approval.
2. The decision of the zoning administrator is final. If the zoning administrator disapproves any final subdivision plat and plan submitted pursuant to all processing requirements identified in the manual and the applicant of such plat and plan contends that such disapproval was not properly based on applicable state and local ordinances and policies, he may appeal to the circuit court having jurisdiction over the Town of Strasburg. Such an appeal must be filed with the circuit court within 60 days of the written disapproval of the zoning administrator.
3. If the zoning administrator fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval, the subdivider, after ten days' written notice to the zoning administrator, may petition the circuit court to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures established in Code of Virginia, §§ 8.01-644, et seq., and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.
4. Upon notification from the zoning administrator or his designee that the final subdivision plat and plan is ready for signature, the subdivider shall submit the required sets of plats and documents as established in the manual.
5. Once all ordinance requirements have been incorporated into the final plans and plats, the final plans and plats are valid for a period of five years from their date of approval.
6. Construction or development may begin upon approval of the final subdivision plans and plats, posting of the required assurances, payment of fees and acquisition of required permits. Any person who fails to secure the required permits or allows these permits and/or assurances to expire within the time period set forth herein shall be required to file a new site development plan which conforms with town standards and requirements at the time of the new application and shall pay an appropriate review fee in accordance with the current fee schedule.
7. Final subdivision plans and plats shall remain valid until the performance agreement expires.

**Sec. 83-700.06. – Approval does not constitute acceptance of streets and other public space for maintenance, repair, or operation by town.**

Approval of final plats and plans of subdivisions or sections thereof shall not be deemed the acceptance, by the town, of any street, alley or other public space shown on the plats for maintenance, repair, or operation thereof. The zoning administrator may permit site development activity within any right-of-way which does not conflict with the purposes for which it was dedicated.

**Sec. 83-700.07. – Recordation and indexing generally.**

1. When a final subdivision plat has been approved pursuant to this article, it shall be filed and recorded in the office of the clerk and indexed in the general index to deeds under the names of the owners who signed the statement required by the administrative manual and under the name of the subdivision. Signed copies of such plat shall be presented to the clerk with appropriate deeds approved by the Town of Strasburg.
2. The approval of a final subdivision plat shall be null and void if all related off-site plats are not offered for recordation within 30 days after the date of approval. All remaining related plats (on-site plats) shall not be recorded until a performance bond and agreement has been posted.

**Sec. 83-700.08. – Recordation receipt; distribution of original and copies of plat.**

**Sec. 83-700.09. – Effect of recordation on portions of premises set apart for streets or other public use.**

**ARTICLE VIII. - VACATION OF PLATS**

**Sec. 83-800.01. - Before sale of lot.**

Any recorded subdivision plat, or part thereof, may be vacated, by the owners, proprietors and trustees, if any, who signed the statement required by Sec. 83-200.10 of this chapter, at any time before the sale of any lot therein, by submitting a plat of vacation to the planning office, and in accordance with the requirements of the Administrative Procedures Manual, declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the clerk's office. The execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and divest all public rights in, and to reinvest such owners, proprietors and trustees, if any, with, the title to the streets, alleys, easements for public passage and other public areas laid out or described in such plat.

**Sec. 83-800.02. - After sale of lot—Methods.**

In cases where any lot in a subdivision has been sold, the subdivision plat, or part thereof, may be vacated according to either of the following methods:

1. By plat of vacation agreeing to such vacation, signed by all the owners of lots shown on the plat and signed by the zoning administrator. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, only the signatures of the lot owners immediately adjoining or contiguous to the vacated area shall be required. The word "owners," as used herein, shall not include lien creditors, except those whose debts are secured by a recorded deed of trust or mortgage, and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office.
2. By ordinance of the town council, on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until notice has been given as required by Code of Virginia, § 15.2-2204. Such notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the town council at which the adoption of the ordinance will be voted upon. Any person may appear at such meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed, within 30 days, with the circuit court of Shenandoah County. Upon such appeal, the court may nullify the ordinance, if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time provided above, or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the clerk's office.

**Sec. 83-800.03. – Effect of vacation of plats.**

The recordation of an instrument or ordinance of vacation as provided in Sec. 83-500.02 shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for public passage so vacated in the owners of abutting lots, and shall act to consolidate the vacated portions with the abutting lots, free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any such street, alley or easement for public passage is located on the periphery of the plat, such title, for the entire width thereof, shall vest in such abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors, and trustees, if any, who signed the statement required by Code of Virginia, § 15.2-2264, free and clear of any rights of public use in the same.

**Sec. 83-800.04. - Duty of clerk.**

The clerk of court shall write, in plain legible letters, across each plat, or the part thereof, vacated pursuant to the provisions of this article, the word "vacated" and also make reference on the same to the volume and page in which the instrument of vacation is recorded.

**Sec. 83-800.05. - Replatting of recorded subdivisions, adjustment of boundary lines between lots.**

1. A subdivider may submit a replat of any previously recorded subdivision or part thereof, whenever he desires to alter or amend such recorded plat to reflect changes, alterations, or relocations of rights-of-way, easements, or other interests conveyed to the town by the previous plat, in order to cause such record plats accurately to reflect the true locations of such features. Such replats shall be accepted and reviewed by the planning and zoning office as other subdivision plats, and upon approval may be recorded in the clerk's office as other plats are recorded.
2. The recordation of such replat shall operate to terminate and extinguish all such rights-of-way, easements or other public interests except to the extent shown on the replat; except that it shall not operate to terminate or extinguish streets, alleys, or easements for public passage shown on the original plat, which shall be subject to the provisions of law with respect to vacations thereof, or interests which the town has acquired by condemnation or by purchase for valuable consideration and for which a separate instrument of record exists.
3. The boundary lines of any lot or parcel may be relocated, eliminated, or otherwise altered by an approved and recorded replat of said lines upon application by the owner or owners of the lots or parcels affected thereby; provided that such replat does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas, and that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.
4. The boundary lines of any nonconforming lot may be adjusted to make it more conforming. Any such adjustments shall be in accordance with the requirements of the zoning ordinance.