**Chapter 84 – ZONING ORDINANCE**

**ARTICLE II – ADMINISTATION**

**PART 200. – INTRODUCTION; ADMINISTRATION; PURPOSE**

**Sec. 84-200.01 – Purpose and intent of this chapter.**

This chapter, as adopted and amended, is for the general purpose of promoting the health, safety, and general welfare of the public; providing for new development with adequate travel ways, utility, health, educational and recreational facilities; recognizing and providing for the needs of agriculture, industry and business; providing that the growth of the community be consonant with the efficient and economical use of public funds; and implementing the intent, goals, policies and action strategies of the adopted Comprehensive Plan. To these ends, it is the intent of this chapter to:

1. Provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
2. Manage future growth so as to maintain the Town’s distinctive rural small-town character;
3. Facilitate the creation of a convenient, attractive and harmonious community;
4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
5. Encourage the maintenance and development of historic and cultural resources, and the preservation of natural resources.;
6. Protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health, or property from fire, flood, panic or other dangers;
7. Encourage economic development activities that provide desirable employment and enlarge the tax base;
8. Provide for the preservation of agricultural and forestall lands and other lands of significance for the protection of the natural environment;
9. Promote the creation and preservation of affordable housing suitable for meeting the current and future housing needs of the Town;
10. Protect surface water and groundwater, as defined in Code of Virginia, § 62.1-255; and
11. Provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), or state and federal fair housing laws, as applicable.
12. This chapter is adopted pursuant to the provisions of the Code of Virginia, Title 15.2, Chapter 22, Article 7 (§§ 15.2-2280 et seq.).

Sec. 84-200.02. - **Adoption and designation of chapter and zoning map.**

For the purpose of promoting health, safety, order, prosperity, the conservation of natural and historical resources, and the general welfare, this chapter is hereby adopted as the Zoning Ordinance of the Town of Strasburg, together with the Zoning Map of the Town of Strasburg, which shall consist of the maps, plats, files, and records preserved in the office of the Zoning Administrator expressly readopted herewith as an integral part of the zoning ordinance.

Sec. 84-200.03. - **Filing of certified copies.**

A certified copy of this chapter shall be filed in the office of the Zoning Administrator and in the Office of the Town Clerk.

Sec. 84-200.040 - **Supporting documents.**

This Zoning Ordinance was created and adopted in conjunction with:

1. The Town of Strasburg Subdivision Ordinance, chapter 85 of the Town Code - provides the regulations for the creation, modification, or consolidation of lots:
2. The Administrative Procedures Manual - provides the processes required for submission of applications required by the Subdivision and Zoning Ordinances:
3. The Technical Design Manual - provides the town’s technical design requirements for development applications required by the Subdivision and Zoning Ordinances.

Sec. 84-200.04. - **Divisions of ordinance**

The Zoning Ordinance is organized into, and may be cited with reference to, the following divisions:

1. Chapter: Chapter (84) of the Strasburg Town Code comprising the zoning ordinance in its entirety.
2. Article: A division of the ordinance in which related parts are found, e.g., this Article II, comprising parts bearing numbers between 200 and 299.
3. Part: The division of an article in which all sections grouped bear the same three (3) digits following the chapter designation and preceding the decimal point; e.g., this Part 200.
4. Section: The individual numbered and captioned ordinance provisions, e.g., this section 84-200.04.
5. Subsection: The individual numbered or lettered divisions of a section, e.g., this subsection (5) of section 84-200.04.

Sec. 84-200.05. - **Uses not specified or prohibited.**

(a) Except as otherwise expressly provided herein, this chapter shall be deemed exclusive in nature, and only those uses specified shall be permitted in the various zoning districts. If a use is not specified in a zoning district, it shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may only be permitted after appropriate amendment to the text of this chapter.

(b) Without limiting the provisions of subsection (1) of this section, any use, condition, or activity defined in Part 100 (Section 100) of this chapter which is not specifically permitted in a zoning district shall be prohibited in that district. Further, when any defined use, condition or activity is permitted in a district subject to restrictions, such use, condition, or activity is prohibited if it is being conducted in violation of those restrictions.

Sec. 84-200.06. - **Severability.**

If any word, clause, sentence, section, subsection, or other part or parts of this chapter shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining parts of this chapter, nor shall it affect any application of this chapter that may be given effect without the unconstitutional or invalid parts, and to this end, all provisions of this chapter are hereby declared to be severable.

Sec. 84-200.07. - **Interpretation when more than standard applies.**

Whenever more than one regulation or standard applies to any use, structure, activity or undertaking subject to any provision of this chapter, the most restrictive or stringent shall govern.

Sec. 84-200.08 - **Effective date; saving provision; effect on pending applications.**

1. The Zoning Ordinance of the Town of Strasburg, as herein presented, is hereby adopted on January 1, 2024, and becomes effective at 12:00 p.m. on February 1, 2024. The Town of Strasburg’s Unified Development Ordinance as enacted July 15, 2014, and subsequently amended heretofore, is simultaneously repealed, except those provisions expressly retained herein, upon this chapter taking effect.
2. This chapter shall not be construed as abating any legal action now pending under, or by virtue of, the prior existing zoning ordinance, 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 this chapter or as vacating or annulling any rights obtained by any person, by lawful action of the Town, except as specifically provided for in this chapter.
3. Except as may be otherwise provided upon adoption, all provisions of this chapter shall apply to every application for any permit, approval, or other decision pending upon the date of adoption, unless the landowner secures a determination of development rights pursuant to Article 9, or has been determined to be vested by final order of a court of competent jurisdiction, under provisions repealed upon the adoption of this chapter.

Sec. 84-200.09 - **Zoning Approval.**

1. No building, structure, or use may be started, constructed, reconstructed, enlarged, or altered in any way, and no permits, licenses or other approvals therefore may be issued by any public authority, until the developer or owner shall have obtained approval from the Zoning Administrator or his designee. The Zoning Administrator's approval shall be evidenced by signature on plats, plans, or permit or license applications, or by other appropriate means.
2. The Zoning Administrator shall indicate approval when in his judgment the proposed use or structure complies with all applicable requirements of this chapter.
3. Any structure, improvement, or use not in conformance with the approved permit shall be in violation of this section. The Zoning Administrator shall investigate alleged violations of imposed conditions and shall determine whether or not to terminate or suspend an Approval.
4. Any person aggrieved by a decision made by the Zoning Administrator may appeal as provided in Part 1201 of this chapter.

Sec. 84.201.03. – **Inspection of work.**

As the work pursuant to a permit progresses, the Zoning Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this ordinance and the terms of the permit. In exercising this power, the Zoning Administrator has a right, upon presentation of proper credentials, to enter any premises within the territorial jurisdiction at any reasonable hour for the purpose of inspection.

Sec. 84-200.10. - **Occupancy permits.**

No building, or addition thereto, constructed after the effective date of this chapter, and no addition to a previously constructed building, shall be occupied until a certificate of occupancy has been issued by the Shenandoah County Building Official in accordance with the Virginia Uniform Statewide Building Code and this chapter. No change in use of property or any structure shall be permitted until such a certificate is issued. Each certificate of occupancy shall comply with all relevant provisions of this chapter, and that it has been inspected by appropriate public officials and meets all requirements of applicable building codes, fire codes, and other laws, ordinances, rules and regulations governing the construction and use of structures and property. No occupancy permit shall be issued until the Zoning Administrator certifies in writing to the Shenandoah County Building Official that any purpose, structure or use required to obtain a certificate of occupancy complies with the applicable requirements of this chapter.

Sec. 84-200.11. – **Revocation of approval.**

The following identifies the process for the revocation of approval.

1. The Zoning Administrator shall investigate alleged violations of imposed condition or conditions and shall determine whether or not to terminate or suspend an Approval. If the Zoning Administrator determines that a termination, or suspension, of an Approval is appropriate, a recommendation, including the reason or reasons for their determination, shall be made to the Reviewing Body who shall conduct a public hearing on the matter.
   * + 1. The following are grounds for revocation of an Approval:

The intentional provision of materially misleading information by the Applicant (the provision of information is considered “intentional” where the Applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); and

The failure to comply with any condition of an Approval.

1. Notice of the hearing shall be provided to the Approval holder at least 14 days prior to the hearing. Said notice shall be in writing by first class mail with an Affidavit of Mailing or delivered by personal service and shall advise of the Zoning Administrator’s recommendation as well as the date and location of the hearing before the Reviewing Body.
2. The Reviewing Body shall prepare an Approval approving, approving with conditions, or denying the Zoning Administrator’s recommendation. The Approval shall contain findings that address the basis for the decision. The Approval shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the Approval shall state the length of time such violation may be cured. In the case of a termination, the Approval shall state the reason such violation cannot be cured.
3. An aggrieved party may appeal the Reviewing Body’s decision to the appropriate appellate body. The appeal shall be presented within the period of time authorized by the Virginia Code.
4. The right to revoke an Approval, as provided in this section, is cumulative to any other remedy allowed by law.

Sec. 84-200.12. – **Public Record.**

The following shall be kept as public record in perpetuity:

(a) The Reviewing Body shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions by any appropriate means as prescribed by rule and consistent with state law. Such record shall be provided by the Zoning Administrator at the request of any person upon application to the Zoning Administrator and payment of a fee set by the Town Council to cover the cost of duplication of the transcribed record.

(b) All development review decisions and all approved maps, plans and plats shall be maintained in the permanent files of the Zoning Administrator

Sec. 84-200.13. – **Zoning of property acquired by boundary line adjustment.**

Whenever property shall be added to the Town by the adjustment of Town boundaries, such property automatically shall be zoned the lowest density residential identified within this chapter, without any further action, effective upon the date the boundary adjustment shall have been finally approved by a court of competent jurisdiction. Subsequent rezoning of such property shall be made in accordance with the provisions of Part 1100, as soon as may feasibly be done.

Sec. 84-200.14. – **Authority of zoning administrator to collect fees.**

In carrying out the provisions of this chapter, the zoning administrator is hereby authorized to set and collect such fees as he or she may deem necessary to cover the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter.

Sec. 84-200.15. – **Application Fees**

* + - * 1. Any action on an application for development shall be subject to payment of the required fee. Application fees shall be paid prior to a review of an application. Some cases may require additional fees and will be identified during the Quality Control Review. Fees identified within the Quality Control Review shall be paid prior to the next submission. All required fees shall be made payable to the Town of Strasburg. All fees are non-refundable.
        2. The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the Town Council by resolution. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
        3. Fees shall be charged in order to cover the costs of examining all applications and other expenses incidental to an application. Additional application and review costs may be charged only if the Town Council determines that extraordinary fees are reasonable and should be the responsibility of the Applicant.

**PART 201. - ZONING ADMINISTRATOR**

Sec. 84-201.01. - **Zoning Administrator.**

The Town Council hereby delegates to the Town Manager the authority to appoint a Zoning Administrator and such assistant Zoning Administrators as may be required to interpret, administer and enforce the provisions of this chapter, and authorizes the Town Manager further to delegate this authority to such other person in the Town service as appropriate.

Sec. 84-201.02 - **Duties and responsibilities.**

1. The Zoning Administrator shall be responsible for the interpretation and administration of this chapter, and for investigating all complaints of violations of this chapter, and shall have all necessary authority, on behalf of the Town Council to enforce this chapter to insure compliance herewith, including the issuance of violation notices, injunction, abatement, or other appropriate legal proceeding.
2. Unless otherwise specified in this chapter, the Zoning Administrator shall issue all permits required to be issued by this chapter, and make and maintain records thereof, and shall perform such other duties as may be assigned by this chapter, the Town Manager, or the Town Council.
3. Unless otherwise provided in this chapter, the Zoning Administrator shall make all determinations and issue all rulings and orders authorized herein or otherwise necessary in the interpretation and enforcement of this chapter. This shall include any conclusions of law and findings of fact by the Town Attorney in conjunction with the administration, application, and enforcement of this ordinance as well as determinations of accruing vested rights.
4. Any written notice of a zoning violation or a written order or determination of the Zoning Administrator shall inform the recipient of a right to appeal a notice, written order, or determination in accordance with Part 1201 of this chapter. It shall also state that the Zoning Administrator's decision shall be final and unappealable if not appealed within 30 days.
5. In addition to the requirements identified within this chapter, all applications shall comply with the Administrative Procedures Manual, Subdivision Ordinance and Technical Design Manual.