

**CITY OF SALEM, VIRGINIA
SUBDIVISION ORDINANCE**

**ADOPTED BY SALEM CITY COUNCIL
MARCH 14, 2005**

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City of Salem Planning Commission
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(Revised December 7, 2004)

(Revised February 10, 2005)

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ARTICLE I. GENERALLY

Sec. 78-100 Title

This ordinance shall be known and cited as the "*Subdivision Ordinance of Salem Virginia,*" or the "*Subdivision Ordinance.*"

Sec. 78-101 Policy

(a) Land to be subdivided within the City of Salem shall be of a character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, public water, and public sewer.

(b) Proposed public improvements shall conform to proposals as may be shown in the comprehensive plan and the capital improvement program of the city. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building code, the zoning ordinance, the comprehensive plan, and the capital improvement program of the city.

(c) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this chapter.

Sec. 78-102 Purpose

The purpose of this ordinance is to establish procedures and regulations for the subdivision of land within the corporate limits of the City of Salem, Virginia, and to accomplish the following objectives:

(1) To achieve the orderly development of land through reasonable standards of design and procedures for subdivision and re-subdivision of land; and ensure proper legal description and marketing of subdivided land.

(2) To protect and provide for the public health, safety and general welfare.

(3) To guide future growth and development in accordance with the policies of the comprehensive plan; applicable zoning regulations and any other adopted policy documents of the city.

(4) To provide for the orderly extension of public water and sewer, streets, sidewalks and bikeways, stormwater facilities, and other public facility services in a safe, adequate and efficient manner; to secure adequate provision of street lighting, fire and police protection, recreation and educational facilities, and similar municipal services.

(5) To coordinate proposed public facilities and streets in new subdivisions with existing public services in a manner that minimizes adverse effects on adjacent or nearby neighborhoods.

(6) To reduce and prevent air, soil, noise, water pollution, and flooding; and to insure appropriate development with regard to natural resources and features, and open space which will contribute to the beauty of the community and value of the land.

(7) To promote the economic, social and environmental stability of the community and to protect the character of Salem through the encouragement of beneficial and balanced urban development patterns.

Sec. 78-103 Jurisdiction And Applicability Of Chapter

(a) These regulations shall govern the subdivision of all land located within the corporate limits of the city occurring on or after the effective date of this ordinance. No land may be subdivided through the use of any legal description other than a plat approved by the agent in accordance with this chapter.

(b) No existing subdivision shall be modified except by approval in accordance with this and other applicable ordinances of the city.

(c) This ordinance shall govern residential and nonresidential subdivisions.

Sec. 78-104 Adoption, Amendment, And Recordation Of This Ordinance

(a) The planning commission shall prepare and recommend the subdivision ordinance and transmit it to the city council. The city council shall approve and adopt a subdivision ordinance only after notice has been published, and a public hearing held, in accordance with section 15.2-2204 of the Code of Virginia.

(b) The planning commission may, or at the request of the city council shall, prepare and recommend amendments to the subdivision ordinance. The procedure for amendments shall be the same as for the preparation, recommendation, approval and adoption of the original ordinance; provided that no amendment shall be adopted by the city council without a referral of the proposed amendment to the planning commission for recommendation, nor until 60 days after such referral, if no recommendation is made by the planning commission.

(c) When the subdivision ordinance has been adopted or amended, a certified copy of the ordinance and any and all amendments thereto shall be filed in the office of the city manager, and in the clerk's office of the Salem Circuit Court.

Sec. 78-105 Interpretation

The provisions of this chapter shall be the minimum requirements for submission, preparation and recordation of all plats and plans. Words used in the present tense include the future tense, except where the natural construction of this chapter indicates otherwise; words in the singular number include the plural number, and words in the plural include the singular; "shall" is mandatory and not discretionary; "may" is permissive.

Sec. 78-106 Effective Date

(a) This chapter shall be effective on _____

(b) Any subdivision for which a preliminary or final plat has received written approval prior to the effective date of this chapter and for which a final plat for the subdivision or a section thereof is recorded within one year of the date of such approval, may be developed in accordance with the subdivision ordinance in effect on the date of such approval.

Sec. 78-107 Relationship To Zoning Ordinance

(a) The Salem zoning ordinance and zoning map shall control the type and intensity of use of all property within the city.

Sec. 78-108 to Sec. 78-199 (Reserved)

ARTICLE II. ADMINISTRATION

Sec. 78-200 Planning Commission

(a) The planning commission, or its designated agent, shall have the authority to review, approve and disapprove the preliminary and final plats for all subdivisions of land within the corporate limits of the City of Salem. The planning commission shall perform its duties in regard to subdivisions in accordance with this chapter, and the Land Subdivision and Development Act, Title 15.2, Chapter 22, Article 6 of the Code of Virginia.

Sec. 78-201 Agent

(a) The planning commission or its designee is appointed to be the city council's agent, to administer and enforce this ordinance. The agent's approval, disapproval, or other action shall be that of the governing body.

(b) The planning commission or its designee shall exercise authority to review, approve and disapprove plans for the construction of public facilities within all new subdivisions within the corporate limits of the City of Salem.

(c) All departments, officials and public employees of the city who are vested with the duty or authority to issue permits or approvals under this chapter shall adhere and conform to the provisions of this chapter. Any such approvals or permits issued in conflict with the provisions of this chapter shall be null and void.

Sec. 78-201.1 Agent Authority To Consult

(a) The agent may call for opinions or decisions, either oral or written, from other departments or agencies in considering details of any submitted plat.**Sec. 78-201.2
Agent Additional Authority**

(a) The agent may establish any reasonable administrative procedures deemed necessary for the proper administration of this ordinance.

Sec. 78-202 to Sec. 78-203 (Reserved)

Sec. 78-204 Enforcement

(a) No person shall subdivide any tract of land that is located within the jurisdiction of the city except in conformity with the provisions of this ordinance and any other applicable city ordinance.

(b) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this subdivision ordinance and of general law.

(c) No such plat of any subdivision shall be recorded unless or until it shall have been submitted to and approved by the planning commission, or its designee, as appropriate.

(d) No person shall sell or transfer any land of a subdivision before the plat has been approved and recorded as provided herein unless such subdivision was lawfully created prior to the adoption of this ordinance or any predecessor subdivision ordinance; provided, however, that nothing herein shall be construed as preventing the passage of title of property.

(e) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

(f) The agent and city attorney may take such other legal action as may be necessary to enforce the provisions of this ordinance, including suit for injunction, for abatement or restraining order or other appropriate proceeding.

(g) The zoning administrator shall not approve a site development plan nor issue a zoning permit for any lot that was created in violation of this ordinance.

Sec. 78-205 Fees

(a) City council shall established reasonable fees for the administration of these provisions. A copy of these fees shall be available in the office of the city manager.

Sec. 78-206 Waivers Authorized

(a) In cases of unusual situations or where strict adherence to the general regulations in this ordinance would result in substantial injustice or hardship, the planning commission, may waive standards contained in Article VI of this ordinance, under the terms, procedures, and conditions established in this chapter. No waiver shall be granted which is illegal or which would prejudice the health and safety of citizens of the city.

Sec. 78-206.1 Waiver Process

(a) Each request for a waiver from the terms of this ordinance shall be made in writing by the subdivider, stating specifically the provision from which the waiver is requested, and the grounds therefore. Where possible, the subdivider should submit a request for a waiver with the preliminary plat submission. All waiver requests shall be accompanied by such plats, drawings, and engineering documents required by the agent to allow the planning commission to understand and act on the waiver.

Sec. 78-206.2 Authority To Grant Waiver

(a) The planning commission shall review, approve or disapprove any request for a waiver.

Sec. 78-206.3 Time Period For Consideration Of Waiver Request; Notice

(a) The planning commission shall take action on a request for a waiver within sixty (60) days after the application is filed. At least ten (10) days prior to final action, the planning commission shall give written notice by regular mail or by delivery to landowners adjoining the plat involved in the request.

Sec. 78-206.4 Action On Waiver Request

(a) The planning commission shall grant or deny each request in writing, stating the reasons therefore. The action of the planning commission shall be final. As to each waiver, the planning commission shall preserve and record the application and the basis for the waiver or denial of the waiver.

Sec. 78-207 to Sec. 78-299 (Reserved)

ARTICLE III. DEFINITIONS

Sec. 78-300 Definitions

(a) For the purposes of this chapter, the words and terms set out in this section shall have the meanings described below. Any word or phrase used in this chapter shall have the same meaning as that set forth in the City of Salem zoning ordinance.

(b) Definitions:

Acceptance: The point when the public improvement is either:

(1) Accepted by resolution of the city council; or

(2) Taken over for operation and maintenance by the city or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

Agent: A representative of the city council who has been appointed to serve as its agent in administering this chapter, as hereinafter is specifically provided.

Aggrieved person: A person or group of people with an immediate, pecuniary and substantial interest in a subdivision as opposed to a remote or indirect interest. The subdivider may be an aggrieved person. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Boundary Line Adjustment: The adjustment of a common lot line between two or more lots within a subdivision, or the vacation of a lot line for the purpose of combining two or more lots. A boundary line adjustment shall not include any action which results in the creation of one or more additional building lots, nor the vacation of any street, alley, access easement, or other public feature.

CBR: California Bearing Ratio.

Chapter: The "Subdivision Ordinance of Salem Virginia.

Circuit Court: The Salem Virginia Circuit Court.

Commission: The planning commission of Salem, Virginia.

Dedication: The transfer of private property to public ownership and use as a requirement of plat and/or plan approval.

Final subdivision plat: The map of a subdivision submitted to the agent for final approval and subsequently to be recorded with the Clerk of the Salem Circuit Court.

Governing body: The city council of Salem, Virginia.

Major subdivision: A subdivision creating six or more lots, or any subdivision involving the creation of a public or private rights-of-way.

Minor subdivision: A subdivision creating five or fewer lots.

Performance security: Cash in the form of a certified check payable to the city, cash escrow agreement, or letter of credit.

Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the Subdivision Ordinance as a condition of approval of the plat.

Preliminary plat: The preliminary drawing or drawings, including the elements required by this chapter, indicating the proposed manner or layout of the subdivision to be submitted for approval.

Public improvement: Any drainage ditch, roadway, parkway, sidewalk, bicycle or pedestrian way, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

Resubdivision: A change in a map or an approved or existing subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line.

Sidewalk: A paved walk located in a rights-of-way adjacent to the public street.

Street, arterial: A heavily traveled thoroughfare or highway that carries a large volume of through traffic.

Street, collector: A street that conducts traffic between arterial and local streets and provides for the collection of traffic within, or for an entrance to, or a principal means of circulation within one (1) or more subdivisions.

Street, cul-de-sac: A street with only one (1) outlet and an appropriate turnaround for a safe and convenient reversal of traffic movement.

Street, local: A street that provides direct public access to the abutting properties.

Street width: The total width of the improved vehicle travel way as measured from face of curb to face of curb, or edge of pavement to edge of pavement for roads without a curb.

Subdivide: To divide any tract, parcel or lot of land into two (2) or more parts for the purpose, whether immediate or future, of transfer of ownership or building development, and including all changes in street or lot lines.

Subdivider: An individual, corporation, partnership, or other entity owning any property to be subdivided.

VDOT: Virginia Department of Transportation.

Sec. 78-301 to Sec. 78-399 (Reserved)

ARTICLE IV. REVIEW OF PLATS

Sec. 78-400 Submission Of Plat And Plans To Agent

(a) Whenever the owner of any tract of land located at least in part within the city desires to subdivide the tract, and before the sale of any lot located in said subdivision, the subdivider shall submit a plat and plan of the proposed subdivision to the agent. The agent shall process the plat and plan in accordance with the provisions of this article.

(b) Any change in a recorded subdivision plat that modifies, or creates lot lines shall be approved in the manner and under the requirements provided herein. This section applies to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance. Where a street, alley, easement for public passage, or other public area or easement laid out or described in such plat is affected, the plat, or pertinent part thereof, shall be vacated prior to resubdivision.

Sec. 78-401 Boundary Line Adjustments

(a) Notwithstanding, Sec 78-400 (b) above, the agent may waive the procedural requirements of this chapter and approve the minor adjustment of boundary lines of any two legal lots or record, provided no additional lots are created. No such boundary line adjustment shall involve the relocation of any street, alley, easement for public passage, or other public area. No easement or utility rights-of-way shall be adjusted or relocated without the express consent of all persons holding any interest therein.

(b) All boundary line adjustments shall be depicted on a valid plat which shall be executed, acknowledged, and recorded by the owner or owners of such land as provided in Sec. 15.2-2264 of the Code of Virginia.

(c) No boundary line adjustment shall result in the creation of any new violation of the zoning ordinance, however, any existing nonconformity of lot size, frontage or setback may continue so long as such nonconformity is not enlarged, extended, or expanded.

Sec. 78-402 Approval Process, Major Subdivision

(a) Any applicant for a major subdivision shall submit a preliminary plat to the planning commission for review. After the approval of the preliminary plat by the planning commission, the applicant shall submit a final plat and plan to the planning commission for review and approval.

Sec. 78-403 Approval Process, Minor Subdivision

(a) Any applicant for a minor subdivision shall submit a preliminary plat and final plat and plans to the City of Salem Director of Planning and Development, who shall be authorized to coordinate the review and approval of said plats and plans. The Director of Planning and Development shall have the right to refer any minor subdivision to the planning commission for its review and approval.

Sec. 78-404 Series Of Minor Subdivision Plats

(a) The agent may determine that a series of minor subdivision plats in fact constitutes a major subdivision if the series of plats relates to the same parcels or related groups of parcels. If the agent determines that the series of plats in fact constitutes a major subdivision then the agent shall require the subdivider to follow the process for the review of major subdivision plats.

Sec. 78-405 Changing Plats After Approval

(a) No change, erasure or revision shall be made on any preliminary or final plat of a subdivision, nor on accompanying plans, after approval by the planning commission or agent, unless authorization for such change has been granted in writing by the planning commission or agent. In no case shall the planning commission or agent approve a revision of a previously approved plat unless the date of the revision and the fact that it is a revised plat is clearly stated thereon.

Sec. 78-406 Pre-Application Conference

(a) The applicant shall schedule a conference with the agent to review a concept sketch for any proposed minor or major subdivision, in order to determine whether the sketch generally meets the requirements of the zoning and subdivision ordinances, and to identify any concerns or issues raised by the proposed subdivision. The agent's comments on the sketch shall be informal, and shall not constitute a formal approval or disapproval of the subdivision plat.

Sec. 78-407 Concept Sketch Standards

(a) The concept sketch should conform to the following guidelines:

- (1) Be drawn on white paper or on a print of a topographic map of the property
- (2) Be at a scale of not less than two hundred (200) feet to the inch
- (3) Include the name, location, dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided
- (4) Show the approximate location of natural features, such as watercourses and slopes with approximate gradients
- (5) Show the approximate location and dimensions of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided

- (6) Include the approximate dimensions of the property to be subdivided

Sec. 78-408 Preliminary Plats

Sec. 78-408.1 Size And Information Required On A Preliminary Plat

(a) All preliminary plats shall be either seventeen (17) by twenty-two (22) inches or twenty-four (24) by thirty-six (36) inches in size.

(b) Prior to final approval by the planning commission or agent, the preliminary plat shall be signed by the owner of the land proposed for subdivision. The signature shall certify that the owner is aware of the requirements imposed by the plat and applicable city codes, and shall further certify that the owner agrees to comply with these requirements, unless modified in accordance with the city code.

(c) The preliminary plat shall demonstrate compliance with the requirements of the Salem zoning ordinance and this chapter. The agent may require the following elements:

- (1) Name of the subdivision, with the notation, "Preliminary Plat"
- (2) Name(s) of owner(s) of subdivision
- (3) Name of surveyor or engineer
- (4) Location of proposed subdivision by vicinity map showing adjoining roads, and names of roads
- (5) Adjoining subdivisions
- (6) Parcel tax numbers
- (7) Deed references
- (8) True, record or grid north
- (9) Identification of any graves, objects, or structures marking a place of human burial
- (10) Scale of drawing
- (11) Boundary survey
- (12) Total acreage in overall parcel or parcels involved
- (13) Total acreage of subdivided area

- (14) Number of lots
- (15) Area of each lot
- (16) Frontage of each lot
- (17) Purpose of dedication of land to public use, if any
- (18) Area, if any, in common open space, park or public lands
- (19) Names of all existing, platted and proposed streets
- (20) Width of existing, platted and proposed streets
- (21) Location of existing buildings within the boundaries of the tract
- (22) Existing and proposed utility and other easements
- (23) Any sidewalks or bikeways proposed
- (24) Existing and proposed storm drainage facilities and provisions for stormwater management
- (25) Location and names of water courses
- (26) Topography at contour intervals satisfactory to the agent for full engineering review
- (27) Road profiles showing existing and proposed street grades
- (28) Proposed connections with existing sanitary sewers
- (29) Proposed connections with existing water supply
- (30) Contiguous land owned or controlled by the subdivider

Sec. 78-408.2 Metes And Bounds Descriptions - Preliminary Plats

(a) Metes and bounds descriptions on a preliminary plat shall include distances measured to the nearest hundredth of a foot, and bearings to the nearest second.

Sec.78-408.3 Acceptance Of Preliminary Plat And Plan

- (a) The agent or planning commission is authorized to reject a preliminary plat on account of significant deficiencies.
- (b) Preliminary plats which are found deficient shall not be accepted until the deficiencies have been properly addressed and remedied. Resubmittals shall reactivate the review period.
- (c) A preliminary plat accepted for review and accompanied by the correct fee shall be deemed officially submitted to the city.
- (d) For minor subdivisions, the agent shall review the accepted preliminary plat and plans. For major subdivisions, the agent shall forward the accepted preliminary plat and accompanying plans to the planning commission for review.

Sec. 78-408.4 Review of Preliminary Plats

- (a) The preliminary plat for each phase of a multi-phased development shall demonstrate compliance with this chapter, the zoning ordinance, and other applicable city standards and ordinances.
- (b) The planning commission or agent shall act to approve or disapprove the preliminary plat within sixty days of its acceptance; provided, however, that if referral to a state agency for review is necessary, the planning commission or agent shall act within 45 days after receiving approval from all state agencies. If a plat is disapproved, the planning commission or agent shall state the reasons therefore and shall state what corrections or modifications will permit approval of the preliminary plat by the planning commission or agent.

Sec. 78-408.5 Term Of Validity Of Preliminary Plat

- (a) A preliminary subdivision plat remains valid for five years from the date of approval provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat. The final plat and final plan shall meet all of the submittal requirements established by this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plat approvals null and void.

Sec. 78-408.6 Multi-Phase Subdivisions

- (a) When the planning commission approves the preliminary plat of a multi-phase subdivision, it may approve an extended period for the recordation of the final plats of the subdivision. The final plats for all phases must be recorded within five years of the first recordation of a final plat for any phase, unless this period is extended by the planning commission at the time of the approval of the preliminary plat. The planning commission may grant the extension for such time as it may deem to be reasonable, taking into consideration the size and phasing of the proposed subdivision. The final plats for

unrecorded phases shall be subject to the terms and conditions of the engineering and construction standards and zoning requirements in effect at the time that each remaining phase is recorded, except if they conflict directly with the approved preliminary plat.

Sec. 78-408.7 Appeal Of Failure To Act On Preliminary Plat

(a) If the planning commission or agent fails to approve or disapprove the preliminary plat within ninety days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the planning commission or agent, may petition the circuit court for an order with respect thereto as it deems proper, which may include directing approval of the plat.

Sec. 78-408.8 Appeal Of Disapproval Of Preliminary Plat

(a) If the planning commission or agent disapproves a preliminary plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the circuit court which shall hear and determine the case as soon as may be. The appeal must be filed with the circuit court within sixty days of the written disapproval by the planning commission or agent.

Sec. 78-409 to Sec. 78-415 (Reserved)

Sec. 78-416 Engineering Plans

Sec. 78-416.1 Engineering Plan Specifications

(a) Every engineering plan shall be twenty-four (24) by thirty-six (36) inches in size and at a scale of not smaller than fifty (50) feet to the inch (1" = 50'), except in cases where the agent has approved an alternate scale.

(b) Prior to final approval by the city, engineering plans shall be signed by the owner of the land proposed for subdivision. The signature shall certify that the owner is aware of the design requirements imposed by the plan and other applicable city codes, and shall further certify that the owner agrees to comply with these requirements, unless modified in accordance with the city code.

(c) The engineering plan shall include the following:

(1) General information:

- a. Name of subdivision
- b. True, record, or grid north (identified as such)
- c. Scale of drawing

- d. Number of sheets
- e. Name and address of person and firm preparing the plan
- f. Approval block providing for signature and date
- g. Vicinity map indicating adjoining roads and road names, and at a scale not smaller than 1" = 2000'
- h. Date drawing prepared, and revision dates

(2) General notes:

- a. Name and address of owner and developer
- b. Address and tax parcel number of property to be subdivided
- c. Zoning district
- d. Number of lots
- e. Total area of subdivision
- f. Means of providing public water and sewer service to each lot

(3) Street information:

- a. Plan and profile of all streets
- b. Vertical and horizontal curve data for all streets
- c. Sight distances
- d. Typical section of all streets including pavement structure proposed and typical grading
- e. Traffic projections and analysis where necessary to estimate warrants for signalization, turn lanes, and other related features

(4) Stormwater management information:

- a. Engineering calculations establishing pre- and post-development runoff for the subdivision

- b. Detention facility calculations establishing the adequacy of proposed measures and downstream channels
- c. Erosion and sediment control plan and narrative
- d. Plan and profile and grading of a typical section of proposed detention facilities

(5) Drainage information:

- a. Plan and profile of all proposed street drain pipes and channels identifying all inlets, specifying material type and size, with design of invert and top elevation
- b. All existing and proposed drainage easements
- c. Watercourses, springs and other natural drainage features

(6) Water supply information:

- a. Plan and profile, including material, size, cover and utility crossings, of existing and proposed water mains
- b. Existing and proposed hydrants, valves and other associated features
- c. Existing and proposed service laterals and meter locations
- d. Existing and proposed easements
- e. Fire flow and water pressure calculations

(7) Sanitary sewer information:

- a. Plan and profile, including material, size, cover, grade, structures, invert, top elevation and utility crossings
- b. Existing and proposed service laterals and clean out locations
- c. Existing and proposed easements
- d. Downstream sewer capacity analysis
- e. Lowest floor elevation sewerable by gravity on each lot

(8) Other information:

a. Information, details or design as necessary to demonstrate or achieve compliance with the standards of this ordinance

b. Existing and proposed topographic lines at 2' intervals

Sec. 78-416.2 Waiver Of Engineering Plan Elements

(a) The agent may waive the requirement to show on the engineering plan specific items if, in his or her opinion, and based on recognized engineering principles and in an effort to achieve the goals of this chapter, they are unnecessary to determine compliance with appropriate codes and standards and ordinances. Such waiver shall not be construed to authorize the reduction or waiver of any standard or required improvement.

Sec. 78-416.3 Preparation Of Plan By Certified Professional Engineer or Land Surveyor B

(a) Every engineering plan shall be prepared by a certified professional engineer or land surveyor, B who shall endorse the plan.

Sec. 78-416.4 Process For Approval Of Engineering Plans

(a) Engineering plans for the design and construction of required public facilities shall be submitted with the final plat. The agent shall approve or disapprove plans within sixty days of their submission. In the event of the failure of the agent to act within such period, the plans may be submitted, after ten days' notice to the city, to the circuit court for its approval or disapproval.

Sec. 78-416.5 Effect Of Approval

(a) Approval of the engineering plan shall, upon issuance of all necessary permits including, but not limited to, land disturbing permits constitute authority to commence development and construction activities which are in accordance with the approved plan but only within such section or sections which have received approval. Nothing in this provision however, shall be interpreted to authorize the construction of any structure on any proposed lot other than such structures which are appurtenant to utility installations.

Sec. 78-417 to Sec. 78-420 (Reserved)

Sec. 78-421 Final Plats

Sec. 78-421.1 Elements Of Final Plats

(a) All final subdivision plats shall be clearly and legibly drawn in ink, at a scale of not smaller than fifty (50) feet to the inch (1' = 50'), except in cases where the agent has

approved an alternate scale, on sheets being twenty-four (24) by thirty-six (36) or seventeen (17) by twenty-two (22) inches in size.

(b) The final plat shall show the following information:

(1) General information:

- a. Name of Subdivision
- b. True, record, or grid north
- c. Scale of drawing, which shall be not smaller than 1" = 50', without approval of the agent
- d. Number of sheets
- e. Name and address of person and firm preparing plat
- f. Vicinity map indicating adjoining roads and road names, and at a scale not smaller than 1" = 2000'
- g. Date drawing prepared, and revision dates

(2) General notes:

- a. Name and address of owner and developer
- b. Address and tax parcel number of property to be subdivided
- c. Zoning district
- d. Number of lots
- e. Total area of subdivision
- f. Means of providing water and sewer service to each lot

(3) Plat information:

- a. Metes and bounds of the perimeter of the subdivision
- b. Interior tract lines
- c. Departing lot lines for adjacent parcels

- d. Property owner names for adjacent parcels
- e. Area of each proposed lot
- f. Proposed lot numbers
- g. Boundaries of proposed and existing rights-of-way with metes and bounds description, stated in one consistent direction
- h. Rights-of-way width of each existing and proposed, interior and adjacent, rights-of-way
- i. Names (and state route numbers where applicable) of all existing and proposed streets and alleys
- j. Boundaries of any proposed common area or open space or public dedicated area, with metes and bounds
- k. Intended use of any common area, open space, or public dedicated area
- l. Boundaries of proposed and existing easements, with bearings and distances where necessary to establish location
- m. Curve data table including curve number, arc length, tangent length and bearing, and radius
- n. Major watercourses
- o. Floodplain boundaries
- p. Identification of graves, objects or structures marking a place of burial
- q. All conditional zoning proffers, special exception conditions, or Board of Zoning Appeals actions applicable to the site

(4) Statements and certifications:

- a. Owner's consent and dedication statement (notarized)
- b. Surveyors source of title statement (signed and dated by a Virginia Licensed Surveyor)
- c. Owner's conforming statement (notarized)
- d. Approval block providing for signature and date

Sec. 78-421.2 Preparation Of Final Plat By Land Surveyor

(a) Every final subdivision plat shall be prepared by a licensed surveyor, who shall sign and date each plat and include a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon the plat.

Sec. 78-421.3 Final Plats - Signature By Owners, Proprietors, And Trustees

(a) Every final plat shall contain in addition to land surveyor's certificate a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before an officer authorized to take acknowledgment of deeds.

Sec. 78-421.4 Deadline For Filing Final Plat And Plans For Major Subdivisions

(a) The subdivider shall file with the agent the final plat and final engineering plans meeting the standards of this ordinance for all or one or more sections of the subdivision within one year of the planning commission's approval of the preliminary plat.

Sec. 78-421.5 Review Of Final Plat

(a) The agent, or the planning commission, as appropriate, shall approve the final plat, if found to be in conformity with the requirements of law and this chapter, within sixty (60) days after it has been officially submitted or resubmitted for approval.

b) The final subdivision plat, including the final plat for each phase of a multi-phase development, shall demonstrate compliance with this chapter, the zoning ordinance, and other applicable city standards and ordinances

(c) The agent shall not approve a final plat until any necessary deed of dedication has been submitted and approved by the city attorney. A deed of dedication is required to convey parkland, pump station sites, and other property to the city. One is not necessary to convey streets, alleys, any easement for public passage, or an easement for the conveyance of stormwater, domestic water or sewage.

(d) The agent shall not approve a final plat until any necessary subdivision agreement, with surety has been submitted and approved by the city attorney.

(e) Where appropriate, the agent shall not approve a final plat until any required deeds of easement to a homeowner's association are submitted and approved by the city attorney.

(f) After final plat approval by the agent, no change, erasure or revision shall be made on the plat or accompanying data sheets unless authorization for such change has been granted in writing by the agent.

Sec.78-421.6 Disapproval Of Final Plat

(a) In the case of disapproval, the agent shall give the subdivider specific reasons for denial, and these may be contained in a separate document or may be written on the plat. They shall relate in general terms such modifications or corrections as will permit approval of the plat.

Sec. 78-421.7 Effect Of Approval Of Final Plat

(a) Only a final plat approved by the city may be recorded with the clerk of the circuit court.

(b) An approved final plat must be recorded with the clerk of the circuit court within six months of the date of approval. However, this time period shall be extended to one year if:

(1) The subdivider has commenced the construction of facilities to be dedicated to public use, pursuant to an approved plan, or permit with security approved by the agent; or, if

(2) The subdivider has furnished surety to the agent by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction for such facilities.

These exceptions apply only if construction has commenced or security has been approved and accepted before the expiration of the six month time period. The deadline for filing the plat may be extended for the period specified in the security agreement.

(c) In any case where a deed of dedication accompanies the final plat, the agent shall record both the final plat and the deed of dedication.

(d) The subdivider shall record any required deeds of easement to a homeowner's association contemporaneously with the final plat.

(e) If the subdivider fails to timely record the final plat, then the approval shall become null and void and the subdivider shall return the plat to the agent so that it may be so marked.

Sec. 78-421.8 Final Plat - Recordation In Phases

(a) If the subdivider records a final plat which is a section or phase of a subdivision as shown on the approved preliminary plat within the period established in section 78-421.7 above, then the subdivider may record the remaining sections or phases for a period of five years from the recordation date of the first section, in accordance with this section. The subdivider shall furnish the city with a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the city, the Commonwealth, or other public agency. The five year time period provided herein may be extended by the planning commission at the time of approval of the preliminary plat, as provided in section 78-408.6 above.

Sec. 78-421.9 Effect Of Recordation Of Approved Plat

(a) The recordation of an approved plat shall operate to transfer, in fee simple, to the city, the portion of the premises set apart for streets, alleys, bikeways, sidewalks or other public use, and to convey facilities and easements for the conveyance of stormwater, public water and sewage.

(b) When the agent approves in accordance with this ordinance a plat or replat of land, then upon the recording of the plat or replat in the circuit court clerk's office, all rights-of-way, easements or other interest of the city in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished.

Sec. 78-421.10 Appeal Of Failure To Act On Final Plat

(a) If the agent or planning commission fails to approve or disapprove a final plat within sixty days after it has been officially submitted for approval, the subdivider, after ten days' notice to the agent, may petition the circuit court to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

Sec. 78-421.11 Appeal Of Disapproval Of Final Plat

(a) If the agent or planning commission disapproves a final plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the circuit court within sixty days of the written disapproval.

Sec. 78-421.12 Final Plat And Plans - Copies To Be Provided

(a) Subsequent to the approval of the final plat and plans, the subdivider shall provide the city with one reproducible and three printed copies of all approved plats and plans. The city may also require that the subdivider provide one digital copy of all approved plats and plans in a format specified by the city.

Sec. 78-422 to Sec. 78-499 (Reserved)

ARTICLE V. SECURITY FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS

Sec. 78-500 Surety In Lieu Of Completion

(a) When a subdivider wishes to record a final plat, but physical improvements and installations including public streets, shown on the approved plan and/or final plat have not been made, in whole or in part, the subdivider may enter into a subdivision agreement with the city and submit a performance surety in an amount sufficient for and conditioned upon the satisfactory construction and completion of said improvements or installations.

(b) Such physical improvements and installations shall include, but not be limited to, any street, curb, gutter, sidewalk, drainage or sewerage system, public water line, or any other improvements intended for dedication for public use to be maintained by the city. Also included, shall be any physical improvement required by this or other chapters of the city code for vehicular access, stormwater management or other improvements accepted as a condition of rezoning pursuant to the zoning ordinance.

Sec. 78-501 Subdivision Agreement

(a) When a subdivider chooses to post surety in lieu of completion of those physical improvements shown on an approved plan and/or final plat in order to allow recordation prior to completion and acceptance of all required improvements, the subdivider shall enter into a subdivision agreement, approved as to content and form by the city attorney, with the city prior to approval of the final plat. The agent shall provide the subdivider with a sample subdivision agreement during review of the final plat.

Sec. 78-501.1 Time Of Agreement

(a) The period within which improvements or installations shall be completed and inspected for acceptance shall be specified in the subdivision agreement. In approving the time of performance of the subdivision agreement, the agent shall require a report containing the following information from the subdivider:

(1) Percent of public improvements already completed; and

(2) Rate of construction activity including the estimated completion date for each major feature (roads, sewer, water, lights, etc.) remaining to be completed.

(b) The agent shall not permit a subdivision agreement to be executed where, on the basis of the report submitted by the subdivider, it is apparent that the improvements or installations covered by said agreement cannot reasonably be expected to be completed by the deadline established therein.

Sec. 78.502 (Reserved)

Sec 78-503 Security Required

(a) The subdivider shall furnish to the city a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the agent, in an amount sufficient for and conditioned upon the construction of such facilities.

(b) The subdivider may furnish a bank or savings institution's letter of credit on certain designated funds, satisfactory to the agent as to the bank or savings institution, the amount and the form. The letter of credit may be used in lieu of the certified check, cash escrow, or bond in subsection (a).

(c) The amount of the certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the city and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed twenty-five percent of the estimated construction costs.

Sec. 78-503.1 Periodic Partial Release Of Security

(a) Upon completion of at least thirty percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, the agent is authorized to make periodic partial releases of the security.

(b) A maximum of three periodic partial releases per any twelve month period shall be authorized. The agent shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the performance guarantee was taken.

(c) The agent shall provide for the periodic partial release of any bond, escrow, letter of credit, or other performance guarantee required by this chapter within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed.

(d) No such release need be made if the agent notifies the subdivider or developer in writing of non-receipt of approval by the applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures prior to the end of the thirty day period.

(e) If no such action is taken by the agent within the thirty (30) day time period, the request shall be deemed approved and a partial release granted to the subdivider or developer.

Sec. 78-503.2 Final And Complete Release Of Security

a) In addition to the written request for release of security and thirty day time period as established, above, the subdivider or developer shall submit a second written request for the final and complete release of security. The agent shall approve or deny the request within ten working days of receipt of the request for final release. If no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

(b) Upon final completion and acceptance of the facilities, the agent shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the city or other public agency which is responsible for maintaining and operating such facility.

Sec. 78-503.3 Grounds For Refusal To Release Security

(a) The agent shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of facilities covered by said bond, escrow, letter of credit, or other performance guarantee.

Sec. 78-503.4 Use Of Security

(a) In those cases where performance surety has been posted and the required improvements or installations have not been completed within the terms of the subdivision agreement, the agent shall declare the subdivider to be in default and shall draw on the posted surety. After the funds or proceeds from the property have been received, the agent shall cause such improvements to be completed. The subdivider shall be fully and completely responsible and liable for the entire cost of completing the improvements, even when such cost exceeds the amount of surety.

(b) If the funds or proceeds from the surety are insufficient to complete the improvements, the agent and the city attorney shall proceed to obtain such funds from the subdivider, its successor or assigns including such reasonable costs as may be expended in the process.

(c) If any funds remain after all improvements or installations are completed and accepted with all necessary fees paid and no defects are found therein which must be repaired, such remaining funds, less any such reasonable administrative or overhead costs which may have accrued, shall be returned to the subdivider within one hundred eighty (180) days of final acceptance of the final improvement or installation.

Sec. 78-504 to Sec 78-507 (Reserved)

Sec. 78-508 Issuance Of Residential Certificates Of Occupancy

(a) Notwithstanding the surety requirements contained in this chapter, no certificate of occupancy shall be issued by the city for any residential structure, until such time that the public street or streets that provide vehicle access to the residential structure have been completed and accepted by the city.

Sec. 78-509 to Sec. 78-599 (Reserved)

ARTICLE VI. REQUIREMENTS FOR DESIGNS STANDARDS AND PUBLIC IMPROVEMENTS

Sec. 78-600 Land Must Be Suitable

(a) In addition to the requirements established by this ordinance, all subdivision plats shall comply with the Salem zoning ordinance; all applicable chapters of the Salem city code, as amended; the rules and regulations of the Virginia Department of Transportation; and any other applicable federal, state, or local requirement.

(b) Each lot shall be suitable for a building site. Land not suitable for a building site shall be combined with other lots. The planning commission shall have the authority to deny any preliminary or final subdivision plat if the planning commission finds the land to be unsuitable for the purposes for which it was intended.

Sec. 78-601 Flooding

(a) Land in the floodplain overlay district of the zoning ordinance and land deemed to be topographically unsuitable because of flooding shall not be platted for residential occupancy or for such other uses that may increase danger to health, life or property, or cause erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional flooding or shall not produce conditions contrary to public welfare.

Sec. 78-602 Off-Site Improvements

(a) Where the construction or improvement of a subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water, or drainage facilities located outside the property limits of the subdivision, the subdivider or developer of the subdivision shall pay a proportionate share of the cost of the facilities, in accordance with this section.

(b) No such payment shall be required until the city council has established (or has committed itself by ordinance to the establishment of) a general sanitary sewer, water or drainage improvement program for an area having related and common sanitary sewer, water and drainage conditions, or any of them, and within which the land to be subdivided is located. The city may develop and administer all three (3) programs together or any one (1), or other number, separately or jointly.

(c) The program shall include regulations that establish reasonable standards to determine the proportionate share of the total estimated cost of ultimate sanitary sewerage, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan, that shall be borne by each subdivider or developer within the area.

(d) The share to be borne by each subdivider shall be limited to the proportion of such total estimated cost which the increased sanitary sewerage flow, water use or increased volume and velocity of stormwater runoff to be caused by the proposed subdivision bears to the total estimated volume and velocity of such sanitary sewerage, water or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the city shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefore.

(e) Each such payment received shall be expended only for the necessary engineering and related studies and the construction of those facilities for which the payment was required and, until so expended, shall be held in an interest-bearing account for the benefit of the subdivider. In lieu of such payment, the agent may accept a letter of credit satisfactory to the agent conditioned upon the payment at the commencement of construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All payments shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within twelve years from the date of the posting of the payment.

(f) Nothing in this section shall imply or constitute an obligation on the part of the city to upgrade or construct any sanitary sewerage, water or storm drainage facilities or prevent the subdivider from constructing on his own account and to satisfy his own schedule such off-site facilities necessary or desirable for the safe and proper provision of utility service to the subdivision in accordance with this subdivision ordinance and other ordinances and standards of the city.

Sec. 78-603 Improvements By Developer

(a) All required subdivision improvements shall be installed by the subdivider at his or her cost.

Sec. 78-604 Land For Public Purposes

(a) Where a subdivider dedicates or otherwise conveys land for public purposes including, but not limited to, parks, playgrounds, pump station lots, detention lots, greenways, bikeways, and similar public uses, it shall be of a character, size, dimension, and location suitable for the particular use for which the land is dedicated or conveyed. Land held by the city or other political subdivision or public agency is not required to meet the minimum street frontage, lot size, lot shape, or other lot requirements, so long as it is suitable for its public use.

Sec. 78-605 Lot Shape

(a) Lot arrangement, design and shape shall be such that all lots will provide appropriate sites for buildings and be properly related to topography so that each lot has an acceptable building site with direct access from an improved street. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

Sec.78-606 Lot Dimensions

(a) Lot dimensions shall comply with the minimum standards of the Salem zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission or agent may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and this ordinance.

(b) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance. Townhouse lots may be subdivided along the party walls into lots smaller than those normally allowed for single-unit dwellings.

Sec. 78-607 Lot Orientation

(a) Except as may be allowed by the zoning ordinance, each lot shall be served by and abut on a public street dedicated by the subdivision plat or on an existing public street. Lots shall be arranged so that each lot may access a local street, unless the parent parcel fronts only on an arterial or collector street and the parcel depth is insufficient to accommodate the construction of a new local street.

Sec.78-608 Lots Dedicated To Public Use; Common Areas

(a) Lots dedicated to the city for a public use and lots set aside as common area or open space are not required to meet the standards of this chapter.

Sec. 78-609 Remnants

(a) All land below minimum lot size left over after subdividing a tract shall be added to adjacent lots.

Sec. 78-610 Subdivider To Dedicate Streets; Private Streets Prohibited

(a) Subject to all other applicable provisions of this ordinance, the following street improvements shall be installed and provided by the subdivider and, with the approval of the city engineer, shall be dedicated to the city:

(1) Cross drains and catch basins

(2) Curbs and gutters

(3) Street paving

(4) Street name signs

(b) Except as approved by city council pursuant to an approved cluster housing development, or as part of an approved planned unit development, private streets shall not be allowed in any subdivision. There shall be no private reserve strips controlling access to any street or adjoining property. This section shall not preclude the approval of parking lots and access drives for parking lots serving townhouse or multifamily dwellings.

Sec. 78-611 Street Names

(a) Street names shall be indicated on the preliminary and final plats and shall be approved by the agent or planning commission, as appropriate. Proposed streets which are in alignment with others already existing and named shall bear the name of the existing street. In no case shall the name of the proposed streets duplicate or be similar, literally or phonetically, to existing street names, regardless of the use of the terms street, avenue, boulevard, driveway, place, lane, court, etc. Names of existing streets shall not be changed except by the approval of the city council.

Sec.78-612 Dedication Of Streets

(a) The subdivider shall make provision for the dedication to the city of any proposed street extensions as set forth in the comprehensive plan or in other formal documents approved by the planning commission and city council and for the dedication to the city of the fee simple title to land for other proposed streets in the subdivision.

Sec. 78-613 Access To And From Adjoining Property

(a) Where it is necessary for the orderly extension of the city's transportation system to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not permitted.

(b) The subdivider enjoys the right to tie into and access adjoining, existing streets under the guidelines and conditions of this chapter.

Sec. 78-614 Coordination Of Streets With Existing Streets

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas where streets already exist. Arterial, collector and local streets shall be respectively extended as such. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when the subdividers plat their land and seek to provide for convenient vehicle access to it.

(b) Access points to and from the subdivision and the arrangement of streets within the proposed subdivision and their relationship to adjoining, existing streets shall be such as to minimize the effects of traffic, noise, light and danger to pedestrians and children caused by vehicular traffic to and from the proposed subdivision.

Sec. 78-615 Approach Angle

(a) All streets shall approach arterial or collector streets at an angle of not less than eighty (80) degrees unless the planning commission, by waiver, shall approve a lesser angle of approach for reasons of contour, terrain, or matching existing patterns.

Sec. 78-616 Street Intersections - Rounding of Property Lines

(a) At all street intersections, property lines shall be rounded by an arc having a radius of not less than 15 feet. The city engineer may require a larger radius at arterial and collector street intersections, or at other locations where traffic hazards or congestion have occurred or are likely to occur.

Sec. 78-617 Minimum Rights-Of-Way Widths

(a) The minimum rights-of-way width of proposed streets shall be fifty (50) feet.

(b) If the existing streets within the subdivision are not fifty (50) feet in width the subdivider shall dedicate by subdivision plat so that such streets will meet the standards of this ordinance.

(c) If the existing streets abutting the subdivision are not fifty (50) feet in width, and if the need for additional rights-of-way width is generated, in whole or in part, by the proposed subdivision, the subdivider shall dedicate by subdivision plat additional rights-of-way so that such streets will have a width of 25 feet from the center line where the street abuts the subdivided parcel.

(d) The agent may require additional rights-of-way width where Virginia Department of Transportation standards for the traffic generated by the subdivision require additional width.

Sec. 78-618 Culs-de-sac

(a) A permanent culs-de-sac shall not be longer than nine hundred (900) feet, including the turnaround. The paved area of the bulb turnaround at the end of the cul-de-sac shall be a minimum of ninety (90) feet in diameter.

(b) Rights-of-way at culs-de-sac bulbs shall be at least five (5) feet beyond the edge of the pavement or the back of the curve.

Sec. 78-619 Traffic Control Devices

(a) The subdivider shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets in accordance with Manual of Uniform Traffic Control Devices standards and city practices.

Sec. 78-620 Turn Lanes

(a) Turn lanes shall be provided on all streets adjacent to and within a subdivision where warranted by the standards of the "Minimum Standards of Entrances to State Highways," latest edition, published by the Virginia Department of Transportation.

Sec. 78-621 Street Design

(a) Streets shall be designed as follows:

(1) Arterial and collector street grades shall not exceed 7 %. Local street grades shall not exceed 15%. No street grade shall be less than 0.4%.

(2) Street intersections shall provide landings of not more than 5% grade for a distance of not less than 100 feet.

(3) All streets shall be designed and constructed with VDOT standard CG-6 curb and gutter and be a minimum of 30 feet in width or greater as required by VDOT subdivision street standards, based upon projected traffic generated by the development.

(4) Street intersections shall be designed so as to provide a minimum sight distance of 10 times the posted speed limit of the street.

(5) Street pavement sections shall meet VDOT pavement design guidelines based upon a California Bearing Ratio ("CBR") of 10. The minimum roadway section shall be six (6) inches of aggregate base material and two (2) inches of compacted pavement. . All base and pavement materials shall be approved by the city engineer. During construction, and prior to sub-grade approval by the city, CBR test results must be provided to the city. The city engineer shall specify the number and location of CBR tests required. Pavement design based upon the actual CBR's shall be certified by a professional engineer, and shall be provided to the city by the subdivider.

(6) For design standards not explicitly set forth herein, Virginia Department of Transportation standards shall apply.

Sec. 78-622 Street Signs

(a) The subdivider shall be responsible for the cost of fabrication and installation of all street signs. Once the streets have been accepted for maintenance by the city, the city will maintain all standard signs.

Sec. 78-623 Street Inspections

(a) The subdivider is responsible for contacting the city engineer forty-eight at least (48) hours prior to required inspections. Base stone shall not be installed until the sub-grade has been approved by the city engineer. No asphalt pavement shall be installed until the base stone has been inspected and approved by the city engineer. The city engineer may require compaction tests in areas suspected of inadequate compaction and may require undercutting and additional tests in areas that appear deficient during proof-rolling.

Sec. 78-624 Handicap Access

(a) Curb cut ramps for handicap access shall be provided at each intersection, for all streets within and adjacent to a subdivision, regardless of whether a sidewalk is installed at that location.

Sec. 78-625 Blocks

(a) Design standards for blocks are as follows:

(1) *Length:* The length of blocks shall be determined by public safety, traffic flow, and natural topography considerations. Where streets are approximately parallel, connecting streets shall be provided between the parallel streets at reasonable intervals as established by application of the criteria in the preceding sentence. In general, residential blocks should be between five hundred feet (500') and twelve hundred feet (1200') in length.

(2) *Width:* Blocks shall be designed in two (2) tiers of lots, except where prevented by the natural topography, size of the property, or adjoining railroads or waterways, in which case the agent may approve a single tier of lots. Where the property to be subdivided adjoins an arterial road, the agent may require a single tier of lots and a restricted access easement along the arterial road.

(3) *Orientation:* Where a proposed subdivision adjoins an arterial or collector road, the agent may require that blocks be oriented and designed to limit or reduce the number of points of access to that road.

Sec. 78-626 Driveways

(a) A maximum of two driveway entrances per lot is permitted for single family dwellings and two family dwellings. The curb cut shall be a maximum of 20 feet in width at the rights-of-way line. Curb cuts on the same lot shall be separated by a minimum of 40 feet, measured from center line to center line.

(b) All entrances constructed from a new or existing street or road shall be in accordance with the "Minimum Standards of Entrances to State Highways" of the Virginia Department of Transportation, as amended from time to time, incorporated by reference except as these may be varied by this section.

Sec. 78-627 Medians

(a) Collector and arterial roads within a proposed subdivision shall be built with medians to provide for landscaping and to provide for efficient traffic movement. The medians shall meet the current standards of the Virginia Department of Transportation.

Sec. 78-628 Street Lights

(a) Street lights shall be provided, by the city, on all new collector and arterial streets within a subdivision. The street light layout shall be per city requirements. The city shall provide the poles and lights, and the subdivider shall be responsible for all ditching and backfilling associated with the installation of street lights.

(b) Street lights are not required to be installed upon local streets.

Sec. 78-629 Monuments Visible For Inspection

(a) Upon completion of subdivision streets, sewers and other improvements, the subdivider shall install at his expense all monuments required by the agent or planning commission. Such monuments shall be clearly visible and shall be inspected and approved by the agent before any improvements are accepted by the governing body.

Sec. 78-630 Location Of Rights-Of-Way Iron Rod

(a) Iron rods not less than five-eighths-inch in diameter and twenty-four (24) inches long shall be driven into the ground so as to be flush with finished grade at all lot corners and at all points of curvature in street rights-of-way lines. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, and an iron rod shall be cemented therein with the top flush with the finished grade.

Sec. 78-631 Standards For Alleys

(a) In certain situations, the use of alleys may be a desirable alternative to the more traditional type of residential development. When new alleys are proposed for a

subdivision, or when the improvement of existing alleys is proposed, the following standards shall apply:

- (1) Frontage on an alley shall not be construed to satisfy any public street lot frontage requirements.
- (2) Unless dedicated to, and accepted by, the city, alleys shall be maintained and perpetuated by a duly constituted property owners' association and notations to this effect shall be clearly indicated on the face of the final plat.
- (3) Alleys shall be designed to minimize or eliminate the potential for through traffic.
- (4) Alleys shall have a minimum paved width of 10 feet. New alleys shall have a minimum rights-of-way width of 20 feet.
- (5) Alleys shall have an asphalt surface constructed in accordance with section 78-621 of this chapter.
- (6) Sight distances which comply with Virginia Department of Transportation standards, shall be provided at intersections with public streets. Alleys shall be built with a minimum pavement edge radius of 25 feet at their intersections with public streets.
- (7) Alleys shall not dead end. Alleys shall end in an intersection with a public street, or in a cul-de-sac constructed to comply with the standards of section 78-618 of this chapter.
- (8) Alley length shall not exceed 1,200 feet without an intersecting street.

Sec. 78-632 Public Water Required

(a) Public water shall be extended at the subdividers cost to all lots within a subdivision. If the existing public water system does not have the existing capacity to meet the needs of the proposed new subdivision, as determined by the city engineer, the subdivider shall at his or her expense upgrade the public water mains or facilities to provide the additional capacity.

(d) The subdivider shall install the public water distribution system within the subdivision, including water mains, service lateral through the curb line for each lot, and fire hydrants as may be required by the city, , and upon its completion, shall dedicate and convey title to the water distribution system to the city.

Sec. 78-632.1 Water System Construction And Design Standards

(a) Public water system design and construction standards shall be in accordance with adopted city standards, as specified by the city engineer.

Sec. 78-633 (Reserved)

Sec.78-634 Sanitary Sewer Required

(a) Sanitary sewerage facilities shall connect with existing public sanitary sewerage systems where available and adequate capacity exists.

(b) If public sanitary sewerage facilities are reasonably available to serve the proposed subdivision, but inadequate capacity, as determined by the city engineer, in such facilities exists, the subdivider shall at his or her expense upgrade the sanitary sewerage lines or facilities to provide the additional capacity.

(c) In considering the availability of a public sewer, the agent shall consider the following criteria: the proximity of public sewer lines; engineering feasibility and cost of extension of such lines to serve the subdivision; appropriateness of the area and soils for septic sewer service; public health and safety of the proposed subdivision; and the city's plans for sewer line extension or service in the area.

(d) Unless public sewer is determined not to be available, the subdivider shall install the sanitary sewer system within the subdivision, in accordance with city standards and upon its completion, shall dedicate and convey title to the sanitary sewer system to the city.

Sec.78-634.1 Construction And Design Of Sanitary Sewer

(a) Public sanitary sewer system design and construction standards shall be in accordance with adopted city standards, as specified by the city engineer.

Sec 78-635 (Reserved)

Sec. 78-636 Stormwater Management Required

(a) The subdivider shall design and construct stormwater management facilities for the subdivision. The design shall include, but not be limited to, an analysis of: proposed stormwater drainage facilities, pre- and post-development stormwater runoff calculations, impacts on downstream properties, impacts upon downstream storm water management facilities, and existing and potential runoff from upstream drainage areas. All designs for stormwater management shall be in accordance with professionally accepted hydraulic engineering practices, the Virginia Erosion and Sediment Control Handbook or any later, comparable source, and stormwater management policies of the city.

(b) The subdivider shall install the stormwater management system, including detention facilities.

(c) Each phase of a phased subdivision shall demonstrate compliance with these stormwater management regulations.

Sec. 78-636.1 Capacity Standards For Stormwater Management Facilities

(a) The engineering calculations shall demonstrate that runoff from the subdivision post-development will be detained to pre-development levels as evaluated under the 10 year frequency storm, and under the two year frequency storm. Evaluation and detention of storms more frequent than a two year storm may be required by the city engineer on a case by case basis. Evaluation shall include downstream conditions, size of proposed impervious area, or total flow from the proposed detention facility or development.

(b) Stormwater detention may be waived by the city engineer if the subdivider provides field survey verification and calculations demonstrating that the existing downstream system is adequate to carry the increased runoff from the development to the point where the increased runoff is less than 1% of the contributing flow. Where possible, the subdivider shall maintain pre-development runoff velocities and overland flows to encourage groundwater recharge, using engineering methods conducive to groundwater recharge.

(b) The engineering calculations shall demonstrate the safe passage of the 25 year storm and the 100 year storm through the stormwater management facility.

(c) Where the downstream channel is inadequate to carry the outfall from the detention pond, the 25 year storm shall also be detained to pre-development levels and the discharge from the pond shall be restricted so as to conform to the required erosion and sediment control standards.

Sec. 78-636.2 Maintenance Of Stormwater Management Facilities

(a) Stormwater management facilities serving a subdivision shall be maintained by the homeowner's association or equivalent body for that subdivision, unless city maintenance or another arrangement is approved by the city engineer. An approved maintenance plan for the facilities shall be provided as part of the plan for the subdivision, and maintenance responsibility shall be designated on the subdivision plat. The subdivider shall provide a maintenance easement to the party responsible for maintaining the facilities.

Sec. 78-636.3 Storm Drainage Design And Construction

(a) The subdivider shall design and construct a storm drainage system for the subdivision. Design and construction of the storm drainage system, including inlets, pipes, culverts, and appurtenances shall be in accordance with city and VDOT standards.

Sec. 78-636.4 Drainage Easements

(a) The subdivider shall dedicate drainage easements to the city consistent with the storm water management plan for the subdivision. All drainage easements offered for dedication shall have a minimum width of fifteen (15) feet.

Sec. 78-637 to Sec. 78-640 (Reserved)

Sec. 78-641 Underground Utility Wiring

(a) All new or extended distribution and customer service utility facilities installed within the boundaries of new subdivisions or within two hundred (200) feet of the boundaries of new subdivisions for the purpose of serving the subdivision shall be underground, when and where practical, except:

- (1) Equipment normally installed above ground in accordance with accepted utility practices for underground distribution.
- (2) Temporary overhead facilities required for construction.
- (3) Streetlights, where provided, shall be installed with underground service.

Sec. 78-642 Public Utility Easements

(a) The subdivider shall convey a 15-foot wide common or shared public utility easement centered on all interior lot lines and interior to all perimeter lot lines, to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the subdivision. Such easements may be conveyed by reference on the final recorded plat.

(b) The agent may require a wider easement where necessary to provide adequate separation between water, sewer, and/or stormwater management facilities

ARTICLE VII. VACATION OF PLATS

Sec. 78-700 Relocation Or Vacation Of Boundary Lines

(a) The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision. Such action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

Sec. 78-701 Vacation Of Plat Before Sale Of Lot Therein; By The Owners

(a) The owners, proprietors and trustees, if any, who signed the statement of consent to subdivide on the final recorded subdivision plat of any subdivision, may apply in writing for the vacation of the recorded plat or part thereof. The agent shall refer the application to the planning commission, which shall review the application for its consistency with the comprehensive plan. The planning commission shall forward the application, with its recommendation, to the city council for action.

(b) With the consent of the city council, the owners, proprietors and trustees shall duly execute, acknowledge and record in the Salem Circuit Court Clerk's office a written instrument declaring the plat or part thereof to be vacated. The city council's consent shall appear on the face of the instrument, by the signature of the mayor or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the 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 the plat.

Sec. 78-702 Vacation Of Plat Before Sale Of Lot Therein; Ordinance Of Vacation

(a) The city council may adopt an ordinance vacating a recorded plat, or part thereof, where no lot has been sold. The city council may refer the ordinance to the planning commission for a review and recommendation in light of the city's comprehensive plan.

(b) The ordinance shall not be adopted until after notice has been given as required by Virginia Code, 1950, as amended § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

(c) An appeal from the adoption of the ordinance may be filed with Salem Circuit Court within thirty days of the adoption of the ordinance. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.

(d) If no appeal from the adoption of the ordinance is filed within the time above provided, or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the Salem Circuit Court Clerk's office.

(e) The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

Sec. 78-703 Vacation Of Plat After Sale Of Lot; Consent Of All Owners

(a) The owners of all lots shown on a subdivision plat may apply in writing for the vacation of the recorded plat or part thereof. For the purposes of this section, the word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include a consort of an owner.

(b) 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 lots owners immediately adjoining or contiguous to the vacated area, only the signature of those lot owners immediately adjoining or contiguous to the vacated area shall be required.

(c) The agent shall refer the application to the planning commission, which shall review the application for its consistency with the comprehensive plan. The planning commission shall forward the application, with its recommendation, to the city council for action.

(d) With the consent of the city council, the owners shall duly execute, acknowledge and record in the Salem Circuit Court Clerk's office a written instrument declaring the plat or portion thereof to be vacated. The city council's consent shall appear on the face of the instrument, by the signature of the mayor or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the 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 the plat.

Sec. 78-704 Vacation Of Plat After Sale Of Lot; Ordinance Of Vacation

(a) The city council may adopt an ordinance vacating a recorded plat, or part thereof, where a lot has been sold. The ordinance may be initiated by motion of one of the city council members or on the application of any interested person. The city council may refer the ordinance to the planning commission for a review and recommendation. The planning commission shall consider the city's comprehensive plan and whether the proposed vacation would irreparably damage the owner of any lot shown on the plat.

(b) The ordinance shall not be adopted until after notice has been given as required by Virginia Code, 1950, as amended § 15.2-2204. The notice shall clearly describe the plat

or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

(c) An appeal from the adoption of the ordinance may be filed with the Salem Circuit Court within thirty days of the adoption of the ordinance. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.

(d) If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the Salem Circuit Court Clerk's office.

(e) The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

Sec. 78-705 Effect Of Vacation Of Plat After Lot Has Been Sold

(a) The recordation of the instrument as provided in section 78-703 or of the ordinance as provided in section 78-704 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 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.

(b) If any street, alley or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the 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 re-vested in the owners, proprietors and trustees, if any, who signed the statement of consent to the subdivision, on the final recorded subdivision plat, free and clear of any rights of public use in the same.

Sec. 78-706 Notation On Vacated Plat

(a) Immediately upon the vacation of a recorded subdivision plat, or part thereof, the clerk of the circuit court shall write in plain legible letters across such plat or part thereof, the word, "VACATED" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded. The agent shall cause similar notations to be made on any official copy of the plat retained by the city.