

Article 1:
CONSTITUTION AND PURPOSE

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A. Title and Application

The regulations embraced in this document shall be known, cited and referred to as the "Subdivision Ordinance of the Town of Smithfield, Virginia." The provisions of the Subdivision Ordinance shall apply to all subdivided land in the Town of Smithfield.

B. Purpose and Intent

The Subdivision Ordinance of the Town of Smithfield, Virginia (hereinafter Ordinance) is intended to guide and facilitate the orderly, beneficial growth of the community, to assure the orderly subdivision of land and its development, and for the general purpose of promoting the health, safety and general welfare of the public, and of further accomplishing the objectives of Section 15.2-2240 of the Code of Virginia, as amended.

It is the policy of the Town of Smithfield to consider the subdivision of land as subject to the power of the Town to implement the adopted Comprehensive Plan. This ordinance is adopted for the following purposes:

1. *To ensure that the growth of the community is consonant with the efficient and economical use of public funds;*
2. *To ensure that residential developments are created to promulgate a healthy environment for family life;*
3. *To improve the public health, safety, convenience, and welfare of the citizens of the Town;*
4. *To clearly establish the procedure which must be followed in order to subdivide land in the Town, subject to this Ordinance;*
5. *To ensure that this process includes appropriate and applicable reviews; and*
6. *To ensure that all improvements required by this ordinance will be designed, constructed, and maintained so as not to become an undue burden on the Town and its citizens.*

C. "Subdivision" Definition

The term "subdivision" means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with this Ordinance.

D. Authority for Subdivision Ordinance

The Town Council hereby exercises the police power conferred by Chapter 22 of Title 15.2 of the Code of Virginia to assure the orderly subdivision of land and to implement the Comprehensive Plan of the Town.

E. Severability and Validity

Should any article, section or part of this ordinance be decided by the Courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held unconstitutional or invalid.

F. Conflicting Ordinances

If another State or Federal statute or Town Ordinance or regulation contains conflicting provisions with this Ordinance, the more restrictive of the provisions, ordinances, or regulations shall govern.

G. Minimum Requirements

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, or general welfare. It is not intended by this chapter to interfere with, abrogate or annul any subdivisions, recorded lots, easements, covenants, or other agreements between parties executed prior to the effective date of this Ordinance.

H. Relation to Other Laws and Contracts

The requirements of this ordinance are separate from, but supplementary to, all other applicable requirements of the Town Code, state and federal law, private agreements and covenants, proffers and conditions of zoning, and other applicable ordinances and regulations.

I. Effective Date

This Ordinance was adopted on September 7, 1999 by the Town Council of Smithfield, Virginia, and became effective 7:30 P.M. on September 7, 1999 at which time all previous subdivision provisions and ordinances applicable to the Town of Smithfield were repealed.

J. Certified Copy

A certified copy of the ordinance, as may be amended from time to time, shall be filed in the Office of the Planning and Zoning Administrator and in the Office of the Town Manager.