

ORDINANCE 14-09 PRELIMINARY SUBDIVISION PLATS



Ordinance Amendment Report
Board Meeting Date: March 11, 2015

Executive Summary

AN ORDINANCE to amend the Hanover County Code, Subdivision Ordinance, Sections 25-23 and 25-28 to provide that preliminary subdivision plats are required for subdivisions containing more than 50 lots and that owners of properties being subdivided into 50 or fewer lots may voluntarily submit a preliminary subdivision plat for review and approval. (PUBLIC HEARING)

Planning Analysis

During the 2014 Session, the General Assembly passed House Bill 209. This bill, which amended Section 15.2-2260 of the Code of Virginia, provides that localities can continue to require preliminary subdivision plats for subdivisions with 50 or fewer lots only if the Subdivision Ordinance contains a provision for the submittal of such a plat at the landowner's option.

Proposed Ordinance 14-09 would amend Section 25-23 of the Hanover County Subdivision Ordinance to (1) require the submission of preliminary subdivision plats for subdivisions containing more than 50 lots; and (2) allow property owners the option of submitting a preliminary subdivision plat when the subdivision contains 50 or fewer lots. The ordinance amendment would also amend Section 25-28 of the Subdivision Ordinance, which provides for the submission of final subdivision plats, so that section is consistent with the changes to the preliminary plat requirements.

The Planning Department has applied the new State Code provisions since July 1st; Ordinance 14-09 would conform the provisions of the Subdivision Ordinance to the new provisions of State Code and current practice

Recommendations

Staff

Adoption of the attached Draft Ordinance recommending **APPROVAL** of Ordinance 14-09, Preliminary Subdivision Plats.

Planning Commission

At their meeting of February 19, 2015, the Hanover County Planning Commission, on a motion by Mr. Padgett, seconded by Mr. Whittaker, voted to recommend **ADOPTION** of the attached Draft Ordinance for Ordinance 14-09, Preliminary Subdivision Plats.

DPM/sm/HTE

Attachments

Blackline of Existing Ordinance

ORDINANCE 14-09

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, SUBDIVISION ORDINANCE, SECTIONS 25-23 AND 25-28 TO PROVIDE THAT PRELIMINARY SUBDIVISION PLATS ARE REQUIRED FOR SUBDIVISIONS CONTAINING MORE THAN 50 LOTS AND THAT OWNERS OF PROPERTIES BEING SUBDIVIDED INTO 50 OR FEWER LOTS MAY VOLUNTARILY SUBMIT A PRELIMINARY SUBDIVISION PLAT FOR REVIEW AND APPROVAL.

WHEREAS the Hanover County Board of Supervisors conducted a comprehensive review of Hanover County's subdivision regulations and adopted Ordinance 11-09 to provide for the orderly division of property within the County; and

WHEREAS during the General Assembly during its 2014 Session adopted changes to the regulations set forth in the Code of Virginia related to the submission of preliminary subdivision plats; and

WHEREAS the changes adopted by the General Assembly, which are effective as of July 1, 2014, provide that localities may require the submission of preliminary subdivision plats "for plats involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots"; and

WHEREAS the Board has determined that the Subdivision Ordinance must be amended to come into compliance with changes in state law and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good subdivision practice require that the Subdivision Ordinance be amended to provide for such regulations;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Subdivision Ordinance, Section 25-23, regarding preliminary subdivision plats, shall be amended to read in its entirety as follows:

Section 25-23. When required.

(a) A preliminary plat shall be required for the following subdivisions:

1. residential subdivisions containing five (5) or more than fifty (50) lots, regardless of zoning district with public roads or public water or sewer;
2. residential subdivisions containing five (5) or more lots with private roads; and
3. subdivisions of property located within business, mixed use or industrial districts.

(b) For subdivisions containing fifty (50) or fewer lots, the subdivider may submit a preliminary subdivision plat for review and approval.

2. That the Hanover County Code, Subdivision Ordinance, Section 25-28, regarding final subdivision plats, shall be amended to read in its entirety as follows:

Section 25-28. When required.

A final plat, along with supporting documentation, shall be required for any subdivision of property, whether or not the subdivision has:

- ~~1. All subdivisions that have received preliminary plat approval, and~~
- ~~2. All residential subdivisions containing four (4) or fewer lots.~~

3. This ordinance shall be effective on the date of adoption.