



IX.

Agenda Item

County of Hanover

Board Meeting: October 14, 2015

Subject: Request for Authorization to Advertise Proposed Ordinance No. 15-15 Revising Hanover County Code Sec. 22-17.1 Regarding the Eligibility of Certain Properties for Land Use Assessment

Summary of Agenda Item: Two years ago, the Board of Supervisors adopted HCC Sec. 22-17.1 to provide that property eligible for land use assessment may remain eligible upon rezoning to certain specified uses until the actual use of the property is changed to a non-qualifying use. The ordinance provides that the Board of Supervisors determines whether the proposed rezoning meets the criteria set forth in the ordinance at the same time that the property is rezoned. This proposed amendment is intended to clarify when this determination is made if the property is located in the Town of Ashland. It provides that the Board will determine whether the property would continue to be eligible for land use before the proposed rezoning is submitted to City council.

County Administrator's Recommended Board Motion:

Authorization to Advertise a Public Hearing for Ordinance No. 15-15

ORDINANCE 15-15

AN ORDINANCE TO AMEND HANOVER COUNTY CODE
SECTION 22-17.1 REGARDING THE ELIGIBILITY OF
CERTAIN PROPERTIES FOR LAND USE ASSESSMENT
AFTER REZONING

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

1. That Hanover County Code Section 22-17.1, regarding the eligibility of certain properties for land use assessment after rezoning, shall be amended to read in its entirety as follows:

Sec. 22-17.1. - Eligibility of certain properties after change in zoning.

Notwithstanding the provisions of section 22-17:

- (a) Roll-back taxes shall not become due for any parcel of real property which has a special assessment as provided for in this division solely because the zoning of the property is changed at the request of the owner or his agent and such change in zoning permits only the following categories of uses:
 - (1) Manufacturing;
 - (2) Transportation and warehousing;
 - (3) Professional, scientific and technical services;
 - (4) Hotels and motels; and
 - (5) Professional offices.

In order for a property located outside of the Town of Ashland to be eligible under this subsection, the board shall make a finding at the time the property is rezoned that all proposed uses fit within the categories described above. In order for property located within the Town of Ashland to remain eligible, the board must make a finding before the rezoning is approved by Town Council that all of the uses permitted under the proposed rezoning fit within these categories.

- (b) Any parcel of real estate that has a change in zoning as described in subsection (a) shall remain eligible for use value assessment and taxation, in accordance with the provisions of this division, so long as the use by which the parcel qualified does not change to a nonqualifying use; and
- (c) The imposition of roll-back taxes as described in section 22-17 shall occur when the use by which it qualified changes to a nonqualifying use.
- (d) The use of the property will be deemed to have changed to a nonqualifying use when the physical attributes of the property is modified so as to effectively discontinue the

qualifying use or upon issuance of a building permit for a nonqualifying use, whichever occurs first.

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

**PUBLIC HEARING NOTICE
HANOVER COUNTY BOARD OF SUPERVISORS**

The Hanover County Board of Supervisors will hold a public hearing on **Tuesday, November 10, 2015 at 7:00 p.m.** in the Board meeting room at the Hanover County Administration Building, 7516 County Complex Road, at Hanover Courthouse, Hanover, Virginia, on the following ordinance being proposed for adoption:

ORDINANCE NO. 15-15

**AN ORDINANCE TO AMEND HANOVER COUNTY CODE
SECTION 22-17.1 REGARDING THE ELIGIBILITY OF
CERTAIN PROPERTIES FOR LAND USE ASSESSMENT
AFTER REZONING**

A complete copy of the proposed ordinance and related information is available at the office of the County Administrator any regular working day between 8:30 a.m. and 5:00 p.m.

All persons wishing to comment on the proposal may appear at the stated time and place.

Cecil R. Harris, Jr., County Administrator

Publish: October 29, 2015
November 5, 2015