



July 8, 2026 Planning Commission Meeting

## Title

Consider a request to amend the Subdivision Ordinance — Meg Rupkey, Community Development

## Summary

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subdivision Ordinance Sections | Amend numerous sections                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Purpose                        | Amendments in order to comply with revisions to Article 6, Land Subdivision and Development, as adopted by the Virginia General Assembly, effective July 1, 2025, Va. H.B. 2660, 2025 Sess. (Va. 2025) and Va. S.B. Bill 974, 2025 Sess. (Va. 2025). Additional amendments include formatting updates, updating and removal of select definitions, and other technical and clarifying revisions intended to improve the overall usability of the ordinance. |
| Applicant                      | City of Harrisonburg                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Planning Commission            | July 8, 2026 (Public Hearing)                                                                                                                                                                                                                                                                                                                                                                                                                               |
| City Council                   | Anticipated August 11, 2026 (First Reading/Public Hearing)<br>Anticipated August 25, 2026 (Second Reading)                                                                                                                                                                                                                                                                                                                                                  |

## Recommendation

Option 1. Recommend approval of the Subdivision Ordinance amendments.

## Context & Analysis

In 2025, the Virginia General Assembly adopted amendments to Article 6, Land Subdivision and Development, which became effective on July 1, 2025. As a result, the City's Subdivision Ordinance (SO) must be updated to ensure compliance with these changes to state law. These changes generally provide updates to the subdivision review procedures and terminology to improve clarity, consistency, and alignment with current administrative practices under State Code. The relevant State Code sections can be found at the following locations:

- 2025 Virginia General Assembly House Bill 2660 - <https://lis.virginia.gov/bill-details/20251/HB2660>
- 2025 Virginia General Assembly Senate Bill 974 - <https://lis.virginia.gov/bill-details/20251/SB974>

- Full State Code Text - <https://law.lis.virginia.gov/vacodefull/title15.2/chapter22/article6/>

The proposed amendments primarily serve two purposes: (1) to bring the SO into compliance with amendments to Virginia State Code that became effective July 1, 2025, and (2) to make administrative and housekeeping updates based on current City practices.

#### *Definition Amendments*

The proposed amendments include updates to several definitions to improve clarity and consistency with current practices and State Code requirements. Throughout the SO, “Director” has been replaced with “Designated Agent,” therefore a definition for “Designated Agent” has been added. The definition of "Subdivision" has been amended to require that when new lots greater than five acres are created, they are subject to City review and approval. The current SO exempts the creation of lots larger than five acres from subdivision review, which staff has referred to as “large lot subdivisions.” With the amendments, all newly created lots and subdivisions will be subject to City review and approval regardless of size. Other definitions have been added or revised to align with the changes in State Code. These include "Final Subdivision Plat," "Preliminary Subdivision Plat," “Setback, Minimum,” "Subdivision," and "Variation or Exception".

#### *Preliminary and Final Subdivision Plat*

The proposed amendments update the preliminary subdivision plat process to align with Virginia State Code amendments. State Code prohibits localities from requiring preliminary subdivision plats for subdivisions creating 50 lots or fewer and requires preliminary subdivision plats to be processed administratively by staff. The City's current SO requires Planning Commission review and approval of subdivision plats that propose the creation of more than four lots.

In addition, the State Code reduces the review time for subdivision applications. The designated agent must approve or disapprove the final subdivision plat within 40 days of application acceptance and must approve or disapprove a preliminary subdivision within 45 days of application acceptance.

#### *Variations and Exceptions*

Additionally, the process for requesting variations and exceptions (formally identified as a variance) has been updated. Planning Commission review and City Council approval will continue to be required for variations or exceptions from the SO or the City’s Design and Construction Standards Manual requirements.

#### *Appeals*

The appeals section has also been revised to provide clarity regarding the applicable procedures for different types of decisions that are made.

#### *Administrative Waivers*

The proposed SO amendments remove the section that previously allowed a waiver of chapter requirements for subdivisions when creating five or fewer lots on parcels of five acres or less

(Section 10-2-8). Historically, this provision was intended to provide flexibility for minor subdivisions but did not provide clear guidance on what could be administratively waived. In the past, staff has used this section to waive the requirement for public general utility easements on subdivisions in some developed areas. Staff has suggested amendments that would codify the ability for the designated agent to approve administrative waivers for public general utility easements under specific circumstances in Section 10-2-43.

#### *Other Proposed Amendments*

As part of the amendments that are not related to State Code changes, staff has suggested adding a requirement related to identifying floodplain designations. Staff has proposed requiring subdivision plats to include a statement identifying whether any portion of the property lies within the FEMA 100-year floodplain. While staff has requested this information during review, the requirement is not currently codified in the SO. Additionally, staff has proposed for language related to the owner's consent and dedication statement, the surveyor's certificate, and plat approval procedures to be updated. Finally, the amendments would remove requirements that setback lines be shown on all subdivision plats reducing unnecessary platting requirements. Staff believes that including setback lines on subdivision plats can create confusion when zoning districts are amended or when setback requirements change over time as the setback information shown on an older plat may no longer reflect the applicable zoning regulations. During the subdivision review, and depending upon the circumstances, it may be necessary for the surveyor to confirm whether a subdivision impacts the setback of an existing or a planned building.

#### *Future Changes*

Staff considered making more substantial changes to the SO, particularly in relation to the City's Design and Construction Standards Manual and other development requirements regulated by the ordinance. However, at this time, staff's priority is to bring the SO into compliance with State Code. Additional amendments will be explored in the future along with any changes that might be necessary due to the Zoning Ordinance re-write.

#### *Conclusion*

The proposed SO amendments ensure compliance with State Code and align the ordinance with current administrative practice. Staff recommends approval of the SO amendments.

#### **Options**

1. Recommend approval of the Subdivision Ordinance amendments.
2. Recommend approval of the Subdivision Ordinance amendments with modifications.
3. Recommend denial of the Subdivision Ordinance amendments.

#### **Attachments**

- Current Ordinance Reflecting Recommended Amendments