



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

August 3, 2026

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request to amend the Subdivision Ordinance*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: July 8, 2026**

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said 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.

Chair Baugh asked if there were any more questions for staff.

Vice-Chair Porter said for the purposes of what we are discussing here, who would the designated agent be that would be making these determinations?

Ms. Rupkey said when subdivision plats come in, I am the one who accepts them, reviews, and provides the comments. But Mr. Fletcher is the person who is the official signer of the plat. It is a group decision.

Vice-Chair Porter said so effectively it moves from something that would come before this body to administrative?

Ms. Rupkey said correct.

Vice-Chair Porter said in terms of the decision not to move any further and include anything else in this process, we have to come back and eventually address it. Can I get some basic information as to what changes would be needed for the City's Design and Construction Standards Manual and how that all fits into this process? Why the decision not to include it and what exactly would be the purpose of it?

Ms. Rupkey said that is a more involved process that we will need to work with other departments, looking at other codes and standards manuals...

Mr. Fletcher said there are many things in the Design and Construction Standards Manual that not only planning and engineering staff in Community Development, as well as, Public Works that are looking at many different issues to change in the DCSM. For example, there is healthy internal debate about street widths, about requirements associated with private street standards, requirements associated with turnarounds, length of streets, entrances...

Ms. Rupkey said distance between entrances.

Mr. Fletcher said yes, there are access management standards we want to change. There are a number of issues.

Vice-Chair Porter said so at this point, once we enact this, we will be in full compliance. There is nothing a part of that process that would put us out of compliance with the state currently.

Mr. Fletcher said to the best of our knowledge, the answer to that is yes. And I want to expand upon the question you were asking earlier about who is doing this. Know that there are many subdivisions that occur throughout the year. We have an internal process for review. There are multiple people that review that. It goes through a sequence to make sure that everybody is looking at the different specifics about a particular plat. When we review Planning Commission items, what the public does not see is that we have multiple people reviewing. It's not just the faces you see in this room. So, the Department of Public Works and their team look at it. It is a team approach. The Fire Department, the Public Utilities Department for water and sewer. Public Works is also looking at sanitation, not just streets and access. HEC, Verizon, Columbia Gas. There are so many people looking at this. We will probably do some kind of modified version of that for our preliminary plat review because it is changing some sequences. We have a different timeline that we need to abide by. We have already begun thinking about these procedures and internal processes.

Vice-Chair Porter said thank you.

Councilmember Dent said replacing the single term "variances" with "variations and exceptions"... what is the difference, if any?

Ms. Rupkey said the state code refers to what we call "variances" as "variations or exceptions," specifically for subdivisions. So when some requests a variance, typically in planning you go to the BZA [Board of Zoning Appeals] to request that type of variance. This is a different variance that BZA would not be a part of.

Councilmember Dent said does variance as we currently use, it is being replaced by these. But instead of going to the BZA, it goes to the designated agent in this case. Is that the change?

Ms. Rupkey said no. The change of term to "designated agent" is now the reviewer instead of the Planning Commission for preliminary plats. Final plats staff would still continue to review those. But then the variation and exception versus variance is primarily a terminology thing. But variation and exception is what the State Code uses to describe subdivision variations or exceptions to our code. So to match the language the State Code is using.

Councilmember Dent said so there is no real difference. Thanks.

Chair Baugh said let me take a stab at it because it will help me confirm if I am understanding this. It actually makes it clearer. What it is, is that in Harrisonburg, we have used the term variance to

cover... A bunch of stuff that goes to BZA, those are called variances. But we have used the term “variance” for these Subdivision Ordinance exceptions and all these other things, which at times is confusing to the public.

Ms. Rupkey said correct.

Chair Baugh said why did this not go to the BZA? Well, it’s not that kind of variance. So I think that I am correct. Is that what this is doing? The State Code had made that distinction, and we are catching up. So, going forward, variance is the term you use for things that go to BZA, and these other things that we have been calling variances are the ones that are going to get the new terminology. And hopefully that makes that distinction clear.

Councilmember Dent said thank you.

Chair Baugh asked if there were any additional questions for staff. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice-Chair Porter said this effectively just brings us in compliance with the State Code and amendments that have been made. So, it seems like a very direct, straightforward thing. I would like to go ahead and make a motion that we recommend the approval of the Subdivision Ordinance amendments as presented.

Councilmember Kettler said second.

Chair Baugh said if you do not do it, then all you are doing is your ordinance is not in compliance with state law. We know who wins that contest. And it looks like as part of the other question that got asked, staff identified a few matters, and you are not in a position right now to tackle everything, but there was some low hanging fruit that made sense to go in there. Any other discussion?

Vice-Chair Porter said and it may streamline the process slightly for folks. If staff can address it a and not have to wait for a hearing or go through that whole process, I think it is also something that is probably very helpful to whatever applicant is participating in that process.

Chair Baugh said I am mildly curious. Most of these things have been handled as minor subdivision. My impression is that most of what we get are the minor subdivision.

Ms. Rupkey said the subdivisions you had previously are what we had been calling preliminary plats. Also, since this had been enacted, we have been following the State Code and meeting the State Code. It was just not reflected in our ordinance. So, you have not seen a preliminary plat for a year. You might have noticed that. But the preliminary plats beforehand were for lots that were larger than four individual lots and five acres. We had a process that was a minor subdivision, if they are smaller, then it was just reviewed internally.

Chair Baugh said the point I was trying to make is, it is not like staff is being asked to do anything new. It is that staff is adding to itself without any involvement from Planning Commission because we were already doing minor subdivisions administratively.

Ms. Rupkey said correct.

Chair Baugh said and I assume that in the overall percentage, the major subdivisions was always a very small percentage. Maybe not?

Mr. Fletcher said in recent times, yes. If you go more than a decade ago, we had a number of them. Typically, you are seeing when we talk about older subdivisions, preliminary plats, major subdivisions, it is when somebody is dedicating a public street, they are subdividing multiple single-family home lots or townhome lots. Oftentimes, with those, those are subdivision ordinance variances or now we call them variances or exceptions. You will not see those anymore, unless they are asking for a variation or exception. So, if there is a situation where somebody wants to do a townhome community and they want to do lots that do not front on a public street, you will continue to see those. But anything outside of those parameters, if it is 50 or fewer, we will handle that administratively. Big picture here is that, I believe the intent, whoever the legislator was that proposed that, was to increase the amount of time, potentially reduce costs because it is not coming before this body, you do not have to go through the sequence.

Ms. Rupkey said I want to be clear that 50 or fewer and 50 or more will all be administrative. Everything will be administrative. They will not see preliminary plats, except for anything with the variation or exception.

Chair Baugh said I thought you said at one point that 50 lots or more might still come back to us.

Ms. Rupkey said they will not come to you all. If I misspoke, I apologize for the confusion.

Councilmember Dent said did I just hear that not fronting on a public street will still come back to us?

Ms. Rupkey said correct.

Councilmember Dent said that is one of the things I have been proposing that we address in the Zoning Ordinance. Because townhouse complexes always have that; private streets within them. So, we will deal with that when we get there.

Chair Baugh called for a roll call vote.

Commissioner Kettler	Aye
Vice-Chair Porter	Aye
Councilmember Dent	Aye
Commissioner Seitz	Aye
Commissioner Jezior	Aye
Chair Baugh	Aye

The motion to recommend approval of the Subdivision Ordinance amendments passed (6-0). The recommendation will move forward to City Council on August 11, 2026.