

SUBDIVISION ORDINANCE AMENDMENT NO.26-0238

*City Code
Chapter 35*

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SUBDIVISION



A subdivision is the process of dividing a parcel of land into two or more separate lots or parcels for sale, development, or ownership purposes. A subdivision can be as simple as dividing an existing lot into two smaller lots, or it can be a more complex process involving the creation of multiple lots, dedication of public areas, and the construction or dedication of public right-of-way (ROW) streets and associated infrastructure.





THE SUBDIVISION PROCESS

The subdivision process ensures that new lots are properly configured, have appropriate access, and comply with applicable zoning, development, and infrastructure requirements. It helps create organized and sustainable growth by ensuring that properties have adequate road access, utilities, drainage, and public infrastructure. The process also protects property owners and the community by establishing clear property boundaries, coordinating future development, and ensuring that new development occurs in a safe, orderly, and responsible manner.

CODE UPDATE



- Keep the city's code consistent with recent updates to State regulations (Code of Virginia § 15.2-2259 and §15.2-2260) .
- Reduce review times by creating clearer submittal requirements and minimizing back-and-forth between applicants and staff.
- Provide easier access to information through better organization and clearer formatting of code requirements.

PROPOSED AMENDMENTS



Major Revisions

- Sec. 35-15 No private subdivision determinations.
- Sec. 35-23. Contents.
- Sec. 35-24. Submission of copies and application for approval.
- Sec. 35-26. Review of preliminary plat—Approval or disapproval generally.
- Sec. 35-46. Approval or disapproval.

Housekeeping updates

- Sec. 35-3. Administration and enforcement of chapter.
- Sec 35-4. Compliance with chapter; penalty for violation.
- Sec. 35-7. Exceptions.
- Sec. 35-8. Appeals.
- Sec. 35-9. Subdivision Classification.
- Sec. 35-10. Vacation of subdivision plat, lot or boundary line and boundary line adjustments.
- Sec. 35-11 Fees.
- Sec 35-12 Establishment of homeowners' or property owners' associations.
- Sec. 35-20. Preapplication conference and submission of conceptual plan.
- Sec 35-23.1. Same-Special provisions.
- Sec. 35-25. Distribution of copies.
- Sec35-41 When required; submission to subdivision agent.

Sec. 35-15 No private subdivision determinations.



This amendment clarifies and formalizes the process for determining parcel legality:

- This code section ensures that legal determinations are made through the official review process—not through informal conversations or opinions.
- A determination can only be made when a formal land use or development application is submitted.
- If the review finds that the parcel was created through an illegal subdivision, the subdivision application may be denied.
- Staff should not provide opinions on the legal status of a parcel outside of the formal application process.

Sec. 35-23. Contents.



- This amendment includes housekeeping updates and technical corrections. It also clarifies Section B(9) by requiring that any grave, object or structure marking a place of burial within the proposed subdivision be identified by a qualified archaeologist or similar professional following accepted industry standards.

SEC. 35-24. SUBMISSION OF COPIES AND APPLICATION FOR APPROVAL.



This amendment formalizes the transition from hard copy submissions to digital applications and communications. Replacing paper copies with digital submittals will reduce costs for applicants, streamline document handling, improve efficiency, and accelerate the overall review process. Hard copies will still be required during the final approval process to meet recordkeeping and approval requirements.

SEC. 35-26. REVIEW OF PRELIMINARY PLAT— APPROVAL OR DISAPPROVAL GENERALLY.



- This amendment aligns the preliminary subdivision review timeline with updated state code requirements by reducing the City Agent's review period from 60 days to 40 days. It also requires the City Agent to forward the proposed preliminary plat to the appropriate state agencies or authority within 5 days, instead of the previous 10-day requirement, allowing these agencies a 30-day review period for the initial submittal rather than the previous 45 days. These changes ensure compliance with state regulations while streamlining the review process, accelerating approvals, and reducing overall project timelines for applicants.

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SEC. 35-26. REVIEW OF PRELIMINARY PLAT— APPROVAL OR DISAPPROVAL GENERALLY.



- At the third and any subsequent resubmittal of a plat, or plan of development:
 - All review comments and deficiencies must be provided to both the applicant and the Director of Planning (or equivalent supervising official) at the same time.
 - Within 14 days of receiving the review comments, the Director (or equivalent official) must either:
 - Approve the plan; or
 - Deny the plan and provide the applicant 7 days to address the identified deficiencies before proceeding with approval, or allow the applicant to submit another resubmittal for further review.

SEC. 35-46. APPROVAL OR DISAPPROVAL



The proposed amendment revises the final subdivision review timeframe from 45 days to 30 days to align with the requirements of the Virginia State Code.



Conclusion

- Public hearing

- Action

Staff recommends **approval** of
Subdivision Ordinance Amendment
No. 26-0238