



**COUNTY OF HANOVER
COMMUNITY DEVELOPMENT COMMITTEE
(Meeting Memorandum)**

To: File

From: Frank Harksen

Date: April 7, 2021

Re: BOS Community Development Committee

Meeting date: March 22, 2021

Attendees:

Committee Members:

- | | |
|--------------|-----------------|
| ▪ Sean Davis | ▪ Faye Prichard |
|--------------|-----------------|

Other Board Members:

Staff/Presenters:

- | | |
|-----------------|------------------|
| ▪ John Budesky | ▪ Richard Gordon |
| ▪ Frank Harksen | ▪ Dennis Walter |
| | ▪ David Maloney |

I. Opening Remarks:

The meeting was opened by Chairman Davis. He described the broad areas of responsibility for the Committee and explained the need for the setting. Mr. Davis opened citizen's time – no one wished to speak.

II. Regulation of Parking Large Trucks on Subdivision Streets

Ms. Prichard provided the background and the reason she asked for this matter to be placed on the agenda. The issue was raised by Totopotomoy subdivision residents and is due to impact sight distance when the trucks are parked along the roads. There is no formal HOA to deal with the topic.

A resident came forward and explained the safety issues, impact on sight distance and also instances when a semi parked in front of a hydrant. There is a community group but it is more for social activities. The speaker indicated they were aware there are differences between rural area and denser suburban development – this is an older neighborhood with narrow streets.

Hanover: People, Tradition and Spirit

Ms. Prichard noted Ashland had such a regulation and it is tied to pavement degradation.

Mr. Walter pointed out that Ashland controls many roads within its boundary but that Hanover roads are controlled by VDOT. His recommendation was that the best approach would be a regulation based on safety/sight distance. Va. Code allows some authority to the County. Mr. Walter provided history because the Committee considered something similar in 2014 and it was tabled by the Committee. A few items were raised such as enforcement, which would likely be the Sheriff due to DMV license check. A decision would also need to be made on the proper signage.

It was decided that vehicle size and weight would be the best indicators. The Committee directed the County Attorney to develop draft ordinance and bring it back to the Committee for further consideration.

III. Multiple Preservation Lots in RC – David Maloney

Background was provided by Mr. Davis and Mr. Maloney. A house was squeezed onto a tiny lot just capable of accommodating the house and driveway. The house is immediately adjacent to the preservation lot, which is owned by the same homeowner. The owner desires to take part of the preservation lot and add it to his parcel and place a preservation easement on his new, larger lot.

There is not attempt to weaken RC zoning or allow additional homes. Even with two preservation lots there are no additional building lots.

Mr. Maloney reviewed the memorandum that provided background (attached). He also detailed the math for determining the amount of property that should be conserved and the difference between the common community open space and the preservation lot. There was considerable discussion of value of the residual preservation lot. Various hypothetical situations were discussed.

The Committee directed staff to prepare an ordinance in accordance with the recommendations contained in the memorandum and take it to the full Board.

IV. Unsafe Structures Potential Ordinance Amendments – Richard Gordon

Mr. Gordon stepped the Committee through the current Building Code and County Code governing unsafe structures within and outside the SSA. A long discussion by the Committee members followed regarding criteria to apply outside the SSA. Mr. Gordon and Mr. Walter to work to refine the criteria to apply to structures outside the SSA and bring it back to the Committee at a future meeting.

Mr. Gordon did note his Department already has additional authority if the structure constitutes an immediate danger to the property.

Staff to develop a draft ordinance to come back to Committee.

V. Subdivision Performance Agreement – Lengthen Performance Period – David Maloney

Maloney described to current program and when the performance agreement is required. Current performance period is 18 months. As a matter of routine extensions are requested and six month extensions granted. Henrico and Chesterfield are 24 months. Staff recommends an extension to 24 months which would provide administrative relief for the developer and staff.

The proposal also allows the subdivision administrator to grant a single extension and the Planning Commission would need to approve any additional extensions.

Staff was directed to draft a revised agreement and bring back it back to the Committee.

VI. Consideration of Developing Guidance Regarding New Solar Installation Requests – Committee Guidance

The topic was introduced by Chairman Davis and he noted the unique nature of areas around Hanover and solar installations themselves.

Mr. Budesky generally discussed of the need of some guidance to staff so that the same standards are applied. He noted this topic was discussed during the Board retreat and the Board desired more tools.

Staff proposed that comprehensive research be conducted consisting of legal review, best practices, land evaluation, decommissioning requirements, surety provisions and legislation review. Mr. Walter noted that additional legislative authority will go into effect in July. Staff to also look into options for taxing/PILOT as other localities have done. Looking at 4 to 6 months to do the research. Staff to bring a framework back to the Committee.

Staff advised the Committee members that are two cases in process, which one scheduled for an upcoming Board meeting. The Committee directed staff to contact both applicants and encourage them to defer the cases until such time the guidance is developed.

VII. Other Business

***VIII. Future Topics to be considered
Trash and Property Maintenance, Expand the Definition***

IX. Old Business

X. Future Meeting – Will be scheduled for end of May

XI. Adjourn 4:33 pm

Community Development Committee

Monday, March 22, 2021

3:00 PM

Hanover County Administration Building

Board of Supervisors Auditorium

AGENDA

- I. Opening Remarks** **Sean Davis, *Chairman***
- II. Regulation of Parking Large Trucks on Subdivision Streets**
- III. Multiple Preservation Lots in RC – David Maloney**
- IV. Unsafe Structures Potential Ordinance Amendments – Richard Gordon**
- V. Subdivision Performance Agreement – Lengthen Performance Period – David Maloney**
- VI. Consideration of Developing Guidance Regarding New Solar Installation Requests – Committee Guidance**
- VII. Other Business**
- VIII. Future Topics to be considered**
 - Trash and Property Maintenance, Expand the Definition**
- IX. Future Meeting**
- X. Adjourn**

Code of Virginia

Title 46.2. Motor Vehicles

Subtitle III. Operation

Chapter 12. Abandoned, Immobilized, Unattended and Trespassing Vehicles; Parking

Article 3. Trespassing Vehicles, Parking, and Towing

§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties and towns

A. The Counties of Arlington, Fairfax, Frederick, Hanover, Stafford, and Prince William and the Towns of Blackstone, Cape Charles, Clifton, Herndon, Leesburg, Vienna, and West Point may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, any such county or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to (i) any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

2000, cc. 72, 270;2001, c. 144;2003, cc. 122, 470;2004, cc. 108, 225, 702;2009, c. 535;2011, c. 201; 2014, cc. 49, 680;2017, c. 556;2019, cc. 116, 144;2020, c. 997.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia

Title 46.2. Motor Vehicles

Subtitle III. Operation

Chapter 12. Abandoned, Immobilized, Unattended and Trespassing Vehicles; Parking

Article 3. Trespassing Vehicles, Parking, and Towing

§ 46.2-1224. County ordinances prohibiting certain parking in streets and highways

A. The governing body of any county may, by ordinance, prohibit any person from parking any motor vehicle, trailer, or semitrailer on or adjacent to the highways in the county when such person parks any such motor vehicle, trailer, or semitrailer for commercial purposes. The provisions of any such ordinance shall not apply to motor vehicle carriers when picking up or discharging passengers.

B. The governing bodies of (i) counties with populations greater than 500,000 and of towns located therein and (ii) counties with populations of at least 210,000 but less than 217,000 may, by ordinance, prohibit any person from parking any commercial vehicle, as defined in this section, on the highways within their respective jurisdiction in areas zoned for residential use. For the purposes of this section, the term "commercial vehicle" may include: (i) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (iii) any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle; (iv) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine; (v) any truck more than 20 feet in length, other than commercial vehicles used by a public service company as defined in § 56-1 or by others working on its behalf, or commercial vehicles used in the provision of cable television service as defined in § 15.2-2108.2, or commercial vehicles used in the provision of propane gas service; and (vi) any vehicle carrying commercial freight in plain view. Such ordinance shall permit, however, one resident of each single-family dwelling unit zoned for residential use to park one vehicle licensed as a taxicab or limousine on such highways, provided other vehicles are permitted to park thereon. The provisions of any such ordinance shall not apply to a commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

C. The governing bodies of counties with populations greater than 500,000 and the governing bodies of towns within such counties' boundaries may by ordinance prohibit any person from parking any of the following vehicles on the highways within their respective jurisdictions in areas zoned for commercial or industrial use if such highways do not comply with the current geometric design standards of the Virginia Department of Transportation Road Design Manual or Subdivision Street Requirements that would apply had the highways been constructed at the time of adoption of such ordinance: (i) any solid waste collection vehicle, tractor truck, or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; or (iii) any trailer or

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TO: Community Development Committee

FROM: David P. Maloney, AICP *MBP*
Director of Planning *Sec*

SUBJECT: Multiple Preservation Lots within the RC, Rural Conservation Zoning District

DATE: July 19, 2019

Background

Staff was requested to evaluate an ordinance amendment that would permit multiple preservation lots within a single RC, Rural Conservation zoning district. The request arose from a citizen seeking to create a larger lot around the dwelling that was constructed on a preservation lot. Currently, the RC district provides for a single preservation lot. The purpose of the RC district is to provide low-density, single family development within rural areas of the County. The zoning district consists of two parts, a residential district which contains clustered parcels, and conservation area which includes RPA, slopes exceeding a 25% gradient, and other environmental, cultural, and historic resources. The conservation area may include a preservation lot which permits a single family dwelling.

At the time the RC district was adopted by the Board of Supervisors, the ordinance did not contain provisions to limit the number of preservation lots. The Board adopted Ordinance 00-13 on January 24, 2001. The ordinance, as recommended by staff and the Planning Commission, contained provision limiting the number of preservation lots to no more than two, and it also established a minimum lot size of 40 acres when two preservation lots were proposed. Upon consideration of the Planning Commission and staff recommended ordinance, the Board of Supervisors adopted the ordinance with a change that limited the number of preservation lots to one with no minimum lot size.

Recommendation

Should the community development committee direct staff to draft an ordinance to provide for multiple preservation lots within the RC, Rural Conservation District, staff recommends the ordinance include the following provisions:

1. The preservation lots contain a minimum of 10 acres. Ten acres is the minimum lots size within the A-1 district. If the intent of the RC, Rural Conservation district is to preserve the rural character, then maintaining a minimum 10-acre lot size for multiple preservation lots is appropriate.
2. Only permit the construction of a dwelling on one lot. Once again, the purpose of the RC district is to concentrate development on approximately 30% of the area within the RC district, while preserving approximately 70% of the area in open space. Allowing the construction of dwellings on multiple preservation lots defeats the purpose of the district, which is to preserve open space and the rural character.

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HANOVER COUNTY

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RICHARD R. JOHNSON
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DEPUTY COUNTY
ADMINISTRATOR

JOHN H. HODGES
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STERLING E. RIVES, III
COUNTY ATTORNEY

February 13, 2001

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

Mr. Joe O'Connor, Chairman
Hanover County Planning Commission
3551 Parsley Mill Road
Mechanicsville, Virginia 23111

RE: Approval of Ordinance Amendment 00-13, Changes Related to RC District

Dear Mr. O'Connor:

At their meeting of January 24, 2001, the Hanover County Board of Supervisors, on a motion by Mr. Gordon, seconded by Mr. Ward, voted to APPROVE the above captioned Ordinance Amendment. A copy of the approved text is attached.

Should you have any questions concerning this ordinance, do not hesitate to contact me.

Sincerely,

Michael E. Crescenzo
Director of Planning

GM/jds/ord 2

Attachment

cc: The Honorable John E. Gordon, Jr.
Hanover County Planning Commission
A. Lisa Barker, Esq.
Richard Paul
Elizabeth H. Daniel
Peggy Sparks
Planning Staff

ORDINANCE 00-13

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING AND SUBDIVISION ORDINANCES, TO REVISE PROVISIONS APPLICABLE TO THE RC, RURAL CONSERVATION DISTRICT, INCLUDING AMENDMENTS TO, AMONG OTHER THINGS, PROVIDE FOR THE CONCEPTUAL PLAN TO BE CONSIDERED THE PRELIMINARY SUBDIVISION PLAT; PROVIDE FOR REVISIONS TO THE REQUIREMENTS FOR THE PRESERVATION LOTS; ALLOW PRIVATE ROADS AS AN OPTION; AND REVISE THE PROVISION FOR THE EASEMENT GOVERNING USE OF THE PRESERVATION LOT.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I, Article 5, Section 1A.3, shall be amended to read in its entirety as follows:

1A.3 *Permitted accessory uses.* The following accessory uses and structure shall be permitted:

1. *Uses of residential lots:*
 - (a) Domestic storage in a main building or an accessory building.
 - (b) Private garages.
 - (c) Guest houses.
 - (d) Home occupations in a main building.
 - (e) Keeping of companion animals, but only for personal enjoyment or household use, and not as a business.
 - (f) Servants' quarters.
 - (g) Storage of a boat trailer, recreational vehicle, or a boat, not exceeding forty (40) feet in length, but not in a front yard.
 - (h) Swimming pools and game courts, lighted or unlighted, for use of occupants or their guests.
 - (i) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining lot and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.

- (j) Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (k) Construction trailers for a period not to exceed one year.

2. *Uses of preservation lots:*

- (a) When a preservation lot is improved with a residence, the accessory uses specified in 1A.3-1 above shall be permitted. Upon a finding by the Board of Supervisors that the public interest will be served by the preservation of multiple structures, more than one main building may be permitted on a preservation lot.
- (b) On parcels of ten (10) acres or more in area used for agricultural purposes: structures for sale of farm products raised on the premises; open or enclosed storage of farm materials, products or equipment; farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
- (c) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same parcel and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
- (d) Accessory off-street parking and loading spaces.
- (e) Construction trailers for a period not to exceed one year from issuance of building permit for the trailer.

2. That the Hanover County Code, Appendix, Title I, Article 5, Section 1A.9, shall be amended to read in its entirety as follows:

1A.9 Lot area requirements. There shall be no minimum lot area within the RC district. An RC district shall be limited to the creation of one (1) preservation lot.

3. That the Hanover County Code, Appendix, Title I, Article 5, Section 1A.12-2, shall be amended to read in its entirety as follows:

2. *Conceptual Site Plan and preliminary plat; requirements.* After the on-site review of the Existing Features and Site Analysis Plan, the applicant shall prepare a Conceptual Site Plan for the proposed district,

and may also designate the Conceptual Site Plan as the preliminary subdivision plat for the proposed subdivision. The Site Plan shall include all of the information specified above for the Existing Features and Site Analysis Plan, and shall also include the following additional information:

- a. Name of proposed subdivision.
- b. Magisterial district, County and State.
- c. Name(s) of owner(s) and developer(s) (if applicable).
- d. Name of engineer or surveyor who prepared the plat.
- e. Vicinity sketch, at a scale of 1" = 2000'.
- f. Scale of Plan:
 - For districts less than 100 acres: 1":200' + the area w/in 1,000 ft. of the boundary.
 - For districts 100 acres or greater: 1":400' + the area w/in 2,000 ft. of the boundary.
- g. North arrow, scale, and date of completion, with any subsequent revision dates.
- h. Number of sheets – match lines.
- i. Boundary survey (of parent tract), showing bearings and distances.
- j. Zoning and zoning district boundaries, both existing and proposed. Provide zoning case number and proffers.
- k. Total acreage of the area to be subdivided.
- l. Number of lots in the proposed subdivision.
- m. Names of owners both within and adjoining the proposed subdivision. Provide names of any abutting subdivisions.
- n. Location, width, and names (numbers) of all existing or platted streets and public ways adjoining the proposed subdivision.
- o. Location, width, and purpose of the rights-of-way and easements.
- p. Location of existing physical features, including buildings, and all streams, washes, or ditches, including direction of flood, water

level elevations, floodplain limits of one hundred-year floods, and Chesapeake Bay Protection Areas.

- q. Proposed location of streets, showing width and names.
- r. Proposed lot layout, lot numbers, block letters, and approximate dimensions of lots.
- s. Location of the proposed subdivision as part of some larger subdivision (or tract of land), if applicable, and by reference to permanent survey monuments with a tie to a section corner.
- t. Location of common wells or common sewage disposal facilities, if applicable.
- u. Topography at vertical intervals of five (5) feet, or at such other interval as may be required by the Director.
- v. GPIN(s) of property to be divided.
- w. Location(s) of any historic resources on both the subject and adjacent parcels, including cemeteries, trenches, and archeological features as reflected in available County records.
- x. Width of right-of-way, according to the Major Thoroughfare Plan.
- y. Designation of conservation and development areas, and areas of open space.
- z. Location of pedestrian trails.
- aa. Such other information as may be required by the Director.

4. That the Hanover County Code, Article 5, Section 1A.12-6, shall be amended to read in its entirety as follows:

6. *Ownership and maintenance.*

- a. Prior to or contemporaneous with final subdivision approval for any property within an RC District, applicants shall record documents which create an owners' association, convey all common and open space areas to the association and require that the association maintain all open space, common areas and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those

areas; provided that alternate arrangements for the ownership and maintenance of the open space may be approved by the Board of Supervisors, as described below.

- b. Unless alternate arrangements are approved by the Board of Supervisors, prior to or contemporaneous with final subdivision approval for any property within an RC District, applicants shall record documents conveying open space easements applicable to the common and open space, to the County, and applicable to the preservation lot, to the County, and to the owners' association, with content approved by the County, requiring preservation of features so designated on the Plan, requiring maintenance in perpetuity of the common and open space and preservation lot(s), prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance.
- c. The Board of Supervisors may approve conveyance of the open space and any open space easement to a qualifying non-profit or governmental entity other than the owners' association or the County, upon a finding that such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RC District, that the conveyance will be beneficial to the future owners within the District and to the public, and that the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the open space and significant features.

5. That the Hanover County Subdivision Ordinance, Section 5-32(a), be amended to read in its entirety as follows:

5-32(a) *Privately maintained streets.* In the RC, Rural Conservation District, and in the RS, Single-Family Residential District, streets otherwise required to be made public may be maintained privately provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.

6. This ordinance shall be effective upon adoption.

Planning Commission Public Hearing: October 5, 2000

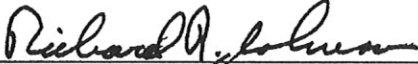
On a motion of Mr. Gordon, seconded by Mr. Ward, the members of the Board of Supervisors voted to approve Ordinance No. 00-13, on January 24, 2001, as follows:

	Vote:
John E. Gordon, Jr.	Aye
Elton J. Wade, Sr.	Aye
Aubrey M. Stanley, Jr.	Nay
Thomas F. Giles, Jr.	Nay
Timothy E. Ernst	Aye
Charles D. McGhee	Aye
Jackson T. Ward	Aye

Public Hearings

Board of Supervisors: November 21, 2000 and January 24, 2001

Adopted: January 24, 2001



Richard R. Johnson, Clerk
Hanover County Board of Supervisors

January 24, 2001

Stormwater Management Plan. The dedication shall include an area designated in the Plan extending to the one hundred year flood pool (maximum surface elevation 185.68), a twenty foot maintenance easement around the facility, upland and contiguous to the one hundred year flood pool elevation, and an access easement twenty feet in width extending from the facility to the nearest public road. The dedications shall be free of cost to the County and free of encumbrances interfering with the use of the facility.

- K. Severance – The unenforceability, elimination, revision, or amendment of any proffer, in whole or in part, shall not affect the validity or enforceability of other proffers or the unaffected part of any such proffer.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

The members of the Board of Supervisors voted to approve Ordinance C-25-00(c), Used Tire Supply, Inc., (Dominion Land) as follows:

	Vote:
Jackson T. Ward	Aye
John E. Gordon, Jr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
Charles D. McGhee	Aye
Aubrey M. Stanley, Jr.	Aye
Elton J. Wade, Sr.	Aye

Ordinance approved.

Ordinance Amendments

Ordinance No. 00-13, Changes related to RC District

The Director of Planning presented for public hearing Ordinance No. 00-13, an Ordinance to amend the Hanover County Code, Appendix, Zoning and Subdivision Ordinances, to revise provisions applicable to the RC, Rural Conservation District, including amendments to, among other things, provide for the conceptual plan to be considered the preliminary subdivision plat; provide for revisions to the requirements for the preservation lot(s); allow private roads as an option; and to revise the provision for the easement governing use of the preservation lot. A copy of the Staff Report was provided for the record. (Planning Exhibit No. 1) Mr. Crescenzo pointed out that the Board had previously deferred consideration on the proposed RC amendment to provide additional language for consideration to the changes to the RC District. He explained that the Ordinance recommended by the Planning Commission incorporated provisions for no more than two (2) preservation lots and no smaller than forty (40) acres. Both of those lots could have homes built on them.

The Director of Planning reviewed the alternative language furnished by Staff to the Board to incorporate into the Ordinance which provided for a revision regarding the

January 24, 2001

preservation lots which would limit the number to one (1) preservation lot per development, and also language, if the Board wished to incorporate, that would limit the house on that property, if there was one, to one that pre-exists. Staff recommended incorporating revisions to restrict district to no more than one (1) preservation lot per development. Staff did not recommend additional restriction for pre-existing dwellings only.

The Chairman asked if there was anyone to speak to Ordinance No. 00-13.

Mr. Anson Edmonds, currently developing a small RC in the Beaverdam Magisterial District which the Board approved in March, spoke in support of the Staff's recommendation. He stated that if the Ordinance was changed he believed the Board should also delete language or modify language in the open space easement so that the approval was firm.

Ms. Catherine Patterson, speaking for Hanover Citizens' for Quality of Life, stated that Board Members should have received a list of points which she had E-mailed to them that the Organization considered important in these revisions to strengthen the preservation component of the Ordinance. She stated that most of those points were not addressed by the Staff revision. She asked that the Board encourage Staff to present a document which incorporated some of these stronger changes.

Mr. Jamie Davis, a resident of the Cold Harbor Magisterial District, spoke in support of the Ordinance.

Mr. Cameron Wood, Executive Director of the Hanover Association of Businesses, addressed the Board concerning this Ordinance and stated that they believed it should be sixteen (16) lots per 100, sixteen (16) houses, one of which could be on the preservation lot.

Mr. Reber Dunkel, a resident of the Beaverdam Magisterial District, spoke in support of the original RC Ordinance.

Ms. Patty Jackson, a resident of the Mechanicsville Magisterial District and a member of Hanover Citizens' for Quality of Life, expressed concern about the proposed changes to the Ordinance.

Mr. Al Garlick, a resident of the Beaverdam Magisterial District, spoke against putting a home in the preservation area.

Since no one else came forward to speak, the public hearing was closed by the Chairman.

January 24, 2001

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Mr. Crescenzo responded to comments made during the public hearing and stated that the Staff continued to recommend the changes identified. Board Members then generally discussed this Ordinance with the Director of Planning.

Mr. Gordon moved that the Board approve Ordinance No. 00-13, make the minor changes recommended, allow only one (1) preservation lot, allow one (1) dwelling unit on that preservation lot whether existing or new dwelling.

Mr. Ward seconded the motion.

Mr. Giles stated that he could not support the motion with allowing a new structure to be built on a preservation lot.

Mr. Stanley stated that he could not support the motion as presented.

Mr. Wade spoke in support of the motion.

Mr. Ernst discussed Mr. Edmond's comments with the Deputy County Attorney and the Director of Planning.

Mr. McGhee offered a friendly amendment that the Board direct Staff to go back to the Planning Commission to explore the option of the elimination of the AR-6 on parcels over twenty-five (25) acres.

Mr. Gordon and Mr. Ward accepted the friendly amendment.

The Deputy County Attorney advised that the friendly amendment was unrelated and should be a separate motion.

ORDINANCE 00-13

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING AND SUBDIVISION ORDINANCES, TO REVISE PROVISIONS APPLICABLE TO THE RC, RURAL CONSERVATION DISTRICT, INCLUDING AMENDMENTS TO, AMONG OTHER THINGS, PROVIDE FOR THE CONCEPTUAL PLAN TO BE CONSIDERED THE PRELIMINARY SUBDIVISION PLAT; PROVIDE FOR REVISIONS TO THE REQUIREMENTS FOR THE PRESERVATION LOTS; ALLOW PRIVATE ROADS AS AN OPTION; AND REVISE THE PROVISION FOR THE EASEMENT GOVERNING USE OF THE PRESERVATION LOT.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I, Article 5, Section 1A.3, shall be amended to read in its entirety as follows:

1A.3 *Permitted accessory uses.* The following accessory uses and structure shall be permitted:

1. *Uses of residential lots:*
 - (a) Domestic storage in a main building or an accessory building.
 - (b) Private garages.
 - (c) Guest houses.

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- (d) Home occupations in a main building.
- (e) Keeping of companion animals, but only for personal enjoyment or household use, and not as a business.
- (f) Servants' quarters.
- (g) Storage of a boat trailer, recreational vehicle, or a boat, not exceeding forty (40) feet in length, but not in a front yard.
- (h) Swimming pools and game courts, lighted or unlighted, for use of occupants or their guests.
- (i) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining lot and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
- (j) Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (k) Construction trailers for a period not to exceed one year.

2. *Uses of preservation lots:*

- (a) When a preservation lot is improved with a residence, the accessory uses specified in 1A.3-1 above shall be permitted. Upon a finding by the Board of Supervisors that the public interest will be served by the preservation of multiple structures, more than one main building may be permitted on a preservation lot.
- (b) On parcels of ten (10) acres or more in area used for agricultural purposes: structures for sale of farm products raised on the premises; open or enclosed storage of farm materials, products or equipment; farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
- (c) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same parcel and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
- (d) Accessory off-street parking and loading spaces.
- (e) Construction trailers for a period not to exceed one year from issuance of building permit for the trailer.

- 2. That the Hanover County Code, Appendix, Title I, Article 5, Section 1A.9, shall be amended to read in its entirety as follows:

1A.9 *Lot area requirements.* There shall be no minimum lot area within the RC district. An RC district shall be limited to the creation of one (1) preservation lot.

- 3. That the Hanover County Code, Appendix, Title I, Article 5, Section 1A.12-2, shall be amended to read in its entirety as follows:

2. *Conceptual Site Plan and preliminary plat; requirements.* After the on-site review of the Existing Features and Site Analysis Plan, the applicant shall prepare a Conceptual Site Plan for the proposed district, and may also designate the Conceptual Site Plan as the preliminary subdivision plat for the proposed subdivision. The Site Plan shall include all of the information specified above for the Existing Features and Site Analysis Plan, and shall also include the following additional information:

- a. Name of proposed subdivision.
- b. Magisterial district, County and State.
- c. Name(s) of owner(s) and developer(s) (if applicable).
- d. Name of engineer or surveyor who prepared the plat.
- e. Vicinity sketch, at a scale of 1" = 2000'.
- f. Scale of Plan:
 - For districts less than 100 acres: 1":200' + the area w/in 1,000 ft. of the boundary.
 - For districts 100 acres or greater: 1":400' + the area w/in 2,000 ft. of the boundary.
- g. North arrow, scale, and date of completion, with any subsequent revision dates.
- h. Number of sheets – match lines.
- i. Boundary survey (of parent tract), showing bearings and distances.
- j. Zoning and zoning district boundaries, both existing and proposed. Provide zoning case number and proffers.
- k. Total acreage of the area to be subdivided.
- l. Number of lots in the proposed subdivision.
- m. Names of owners both within and adjoining the proposed subdivision. Provide names of any abutting subdivisions.
- n. Location, width, and names (numbers) of all existing or platted streets and public ways adjoining the proposed subdivision.
- o. Location, width, and purpose of the rights-of-way and easements.
- p. Location of existing physical features, including buildings, and all streams, washes, or ditches, including direction of flood, water level elevations, floodplain limits of one hundred-year floods, and Chesapeake Bay Protection Areas.
- q. Proposed location of streets, showing width and names.
- r. Proposed lot layout, lot numbers, block letters, and approximate dimensions of lots.
- s. Location of the proposed subdivision as part of some larger subdivision (or tract of land), if applicable, and by reference to permanent survey monuments with a tie to a section corner.

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- t. Location of common wells or common sewage disposal facilities, if applicable.
- u. Topography at vertical intervals of five (5) feet, or at such other interval as may be required by the Director.
- v. GPIN(s) of property to be divided.
- w. Location(s) of any historic resources on both the subject and adjacent parcels, including cemeteries, trenches, and archeological features as reflected in available County records.
- x. Width of right-of-way, according to the Major Thoroughfare Plan.
- y. Designation of conservation and development areas, and areas of open space.
- z. Location of pedestrian trails.
- aa. Such other information as may be required by the Director.

4. That the Hanover County Code, Article 5, Section 1A.12-6, shall be amended to read in its entirety as follows:

6. *Ownership and maintenance.*

- a. Prior to or contemporaneous with final subdivision approval for any property within an RC District, applicants shall record documents which create an owners' association, convey all common and open space areas to the association and require that the association maintain all open space, common areas and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the ownership and maintenance of the open space may be approved by the Board of Supervisors, as described below.
- b. Unless alternate arrangements are approved by the Board of Supervisors, prior to or contemporaneous with final subdivision approval for any property within an RC District, applicants shall record documents conveying open space easements applicable to the common and open space, to the County, and applicable to the preservation lot, to the County, and to the owners' association, with content approved by the County, requiring preservation of features so designated on the Plan, requiring maintenance in perpetuity of the common and open space and preservation lot(s), prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance.
- c. The Board of Supervisors may approve conveyance of the open space and any open space easement to a qualifying non-profit or governmental entity other than the owners' association or the County, upon a finding that such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RC District, that the conveyance will be beneficial to the future owners within the District and to the public, and that the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the open space and significant features.

5. That the Hanover County Subdivision Ordinance, Section 5-32(a), be amended to read in its entirety as follows:

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5-32(a) Privately maintained streets. In the RC, Rural Conservation District, and in the RS, Single-Family Residential District, streets otherwise required to be made public may be maintained privately provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.

6. This ordinance shall be effective upon adoption.

The members of the Board of Supervisors voted to approve Ordinance No. 00-13, on January 24, 2001, as follows:

	Vote:
John E. Gordon, Jr.	Aye
Elton J. Wade, Sr.	Aye
Aubrey M. Stanley, Jr.	Nay
Thomas F. Giles, Jr.	Nay
Timothy E. Ernst	Aye
Charles D. McGhee	Aye
Jackson T. Ward	Aye

Ordinance approved.

Mr. McGhee moved that the Board direct Staff to explore the options of eliminating the AR-6 on parcels of land over twenty-five (25) acres where the RC could be used.

Mr. Giles seconded the motion.

	Vote:
Jackson T. Ward	Aye
John E. Gordon, Jr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
Charles D. McGhee	Aye
Aubrey M. Stanley, Jr.	Aye
Elton J. Wade, Sr.	Aye

Motion approved.

Mr. Crescenzo noted that Staff would be bringing the actual easement documents back to the Board in February for review and approval as well as for use in the RC District.

Ordinance No. 00-17 Provision Allowing Expansion of Non-Conforming Industrial and Business Uses Without Conformity with Current Standards in Certain Instances

The Director of Planning presented for public hearing Ordinance No. 00-17, an Ordinance to amend the Hanover County Zoning Ordinance, Article 6, Section 4, by the addition of a provision allowing expansion of non-conforming industrial and business uses without conformity with current standards in certain instances. A copy of the Staff Report was provided for the record. (Planning Exhibit No. 1) Mr. Crescenzo recommended adoption of this Ordinance.

The Chairman asked if there was anyone present to speak to Ordinance No. 00-

- **Sec. 6-51. - Owner's responsibility to remove, repair or secure unsafe buildings and structures.**

The owners of property shall remove, repair or secure any building or other structure which might endanger the public health or safety of other residents of the county, within sixty (60) days of being provided notice that the building official has determined such building or other structure to be unsafe. **Exception: Farm buildings and structures.**

- **Sec. 6-54. - Criteria.**

- ~~In determining whether a building or other structure endangers the public health or safety of residents of the county, the building official shall consider whether the building or other structure is in a state of dilapidation, deterioration or decay to the extent that it is in danger of collapse or structural failure and whether the building or other structure is located in proximity to occupied dwellings, businesses or community facilities.~~

A structure shall be deemed unsafe and subject to the enforcement provisions of this article if it:

(a) Meets the definition of an Unsafe Structure or Structure Unfit for Human Habitation in Part III of the Uniform Statewide Building Code

And

(b) Is located in any of the following:

- Within the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan**
- Within 50 feet of any property line or lot line**
- Within 1000 feet of a school, park, or similar property intended for public access**

In addition, if the Building Official determines that a building or structure meets the definition of an Unsafe Structure or Structure Unfit for Human Habitation, and finds that the structure is occupied or creates a public nuisance by attracting trespassers to the property, the structure shall also be subject to the enforcement provisions of this article.

Proposed language:

If the building official has determined a building or other structure is unsafe to the extent that the building or structure constitutes an immediate danger to public health or safety, or that there is a code violation resulting in the immediate serious and imminent threat to the life and safety of the occupants, in order to make the structure temporarily safe, the building official is authorized to take emergency measures to repair or secure the unsafe building or structure. Notice shall be provided to the owner, owner's agent or person in control of the building or structure at least seven (7) days prior to taking such actions.

Nothing in this section precludes the issuance of a Notice of Violation if the building official determines there are coinciding code violations which do not present immediate serious and imminent threats to the life and safety of the occupants or that do not constitute an immediate danger to public health or safety.

References for informational purposes

Code of Virginia

§ 36-98 The building code adopted and promulgated by the Board of Housing and Community Development "shall supersede the building codes and regulation of the counties, municipalities and other political subdivision and state agencies."

Hanover Ordinances

Sec. 6-51: "The owners of property shall remove, repair or secure any building or other structure which might endanger the public health or safety of other residents of the county, ***within sixty (60) days of being provided notice*** that the building official has determined such building or other structure to be unsafe."

Sec. 6-52. - Abatement by building official.

If the owners of property on which an unsafe building or other structure is located have failed to remove, repair or secure such structure within sixty (60) days after notice from the building official, the building official may cause the building or other structure to be removed, repaired or secured. For the purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

Virginia Maintenance Code

106.4: "When a structure is determined to be unsafe or unfit for human occupancy by the code official, **a written notice** of unsafe structure or structure unfit for human occupancy shall be issued by personal services to the owner, the owner's agent or the person in control of such structure. The notice shall **specify the corrections necessary to comply** with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the

demolition must occur. **Requirements in Section 105.2 for notices of violation are also applicable to notices issued under this section** to the extent that any such requirements are not in conflict with the requirements of this section.

105.2: upon findings by the code official that violation of this code exist, the code official **shall issue a correction notice or notice of violation** to the owner or the person responsible for the maintenance of the structure. Work done to correct violation of this code subject to the permit, inspection and approval provision of the VCC shall not be construed as authorization to extend the time limits established for compliance with the code.

105.4 Notice of violation: If the code official determines there are violations of this code a written notice of violation may be issued to the owner or the person responsible for the maintenance or use of the building or structure in lieu of a correction notice as provided for in Section 105.3. In addition, the code official shall issue a notice of violation for any uncorrected violation remaining from a correction notice established in Section 105.3. The code official shall provide the section number to the owner for any code provision cited in the notice of violation. **The notice shall require correction of the violation or violations within a reasonable time frame** established for any re-inspections to assure the violation have been corrected. The code official will be responsible for making such inspection and verifying the violation have been corrected. In addition, the notice of violation shall indicate **the right of appeal** by referencing the appeals section of this code.

(Relevant) Exceptions:

1. Notices issued, and legal proceedings or **emergency actions** taken under Section 106 for unsafe structures, unsafe equipment or structures unfit for human occupancy.

Section 202 Definitions

Imminent Danger: A condition which could cause serious or life-threatening injury or death at any time.

Unsafe Structure: An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public; (ii) that contains unsafe equipment; or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

106.9 Emergency repairs and demolition.

To the extent permitted by the locality, the code official may authorize emergency repairs to unsafe structure or structures unfit for human habitation when it is determined that there is an immediate danger of any portion of the unsafe structure of structure unfit for human habitation collapsing or falling and when life is endangered. Emergency repair may also be authorized where there is a code violation resulting in the immediate serious and imminent threat to the life and safety of the occupants. The code official shall be permitted to authorize the necessary work to make the structure temporarily safe whether or not legal action to compel compliance has been instituted.

semitrailer used for transporting landscaping or lawn care equipment whether or not such trailer or semitrailer is attached to another vehicle. The provisions of any such ordinance shall not apply to any commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the delivery of goods or the performance of work or service at a particular location.

Any violation of the provisions of any such ordinance shall be a traffic infraction.

Code 1950, § 46-259.2; 1952, c. 602; 1958, cc. 10, 541, § 46.1-254; 1989, c. 727; 1996, c. 770; 1997, c. 19; 1998, cc. 391, 403, 424; 2005, c. 293; 2006, cc. 874, 891; 2009, c. 183.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Subdivision Performance Agreement:

1. Required by Article V of the Subdivision Ordinance
 - a. Sections 25-68 through 25-78 Address performance agreements and surety requirements
 - b.
 - c. 25-69 (c) requires the director to prepare the agreement and directs the County attorney to review and approve it as to form
 - d. 25-69(c) also establishes the 18-month period for completion
2. As a matter of procedure, when requested a six-month extension is always granted
 - a. Upon review of practices in Henrico and Chesterfield, staff has discovered their respective agreement terms are 24 months
3. Staff recommends the Community Development Committee authorize staff to prepare an amendment to 25-69(c) extending the performance period from 18 to 24 months.
4. Following adoption, staff will incorporate the proposed change into the performance agreement document

**HANOVER COUNTY, VIRGINIA
PLANNING DEPARTMENT**

SUBDIVISION PERFORMANCE AGREEMENT

THIS SUBDIVISION PERFORMANCE AGREEMENT ("the Agreement") is entered into _____, 200____, by _____, ("the Developer"), and HANOVER COUNTY, VIRGINIA, ("the County").

IN CONSIDERATION OF the approval by the County, through its Agent, of a subdivision plat titled " _____", by _____, dated _____, Developer for itself and its personal representatives, assigns, and other successors in interest, agrees to construct, install and complete all of the physical improvements and facilities necessary to comply with all statutory and other requirements, including all provisions of the Virginia Code, the Hanover County Code, including the Zoning and Subdivision Ordinances, all rules and regulations adopted pursuant to those statutes and ordinances, agreements, and proffers, and the conditions of final approval established by the Subdivision Agent (collectively referred to as "the Requirements"). Any reference in this Agreement to completion or construction of improvements shall be deemed to include all functions, goods and services and design and engineering work necessary to conform to the Requirements.

The Developer shall complete all facilities and improvements in conformance with the Requirements and in conformance with approved plans and revisions. Approved plans are incorporated in this Agreement only to the extent that they meet the Requirements. Facilities and improvements shall be completed within eighteen (18) months of the date of recordation of the subdivision plat, or, in the case of residential subdivision, upon the occupancy of one-third (1/3) of the residences in the subdivision, whichever occurs first. Extensions of time for completion may be granted by the County in accordance with the Hanover County Code, regulations and procedures of the County.

If, in the opinion of the Planning Director ("the Director"), the approved plans are inadequate to ensure that construction and development will conform to the Requirements, the Developer, upon request of the Director, shall submit revised plans conforming to the Requirements and shall construct and complete improvements in accordance with the revisions. If in the opinion of the Director, the actual improvements made or facilities constructed do not conform to the plans or the Requirements, the Developer shall, upon the Director's request, design, redesign, construct or reconstruct all such facilities or improvements so as to comply.

DEVELOPER FURTHER AGREES:

1. To comply with all requirements of the Virginia Code, the Hanover County Code and any conditions or requirements imposed by the Hanover County Board of Supervisors or its agents, and utility agreements, if any, and to maintain any stormwater management, detention or retention facilities associated with the development and not either maintained by the Virginia Department of Transportation ("VDOT"), or accepted as County facilities.

2. In the event the subdivision includes public roads:

A. To be responsible for having the streets and other improvements in any dedicated right-of-way accepted by VDOT into the State system of highways; to comply with all requirements of VDOT for acceptance, and to make prompt application upon completion of the required work for acceptance by VDOT.

B. Where a road intended for public use has not been accepted into the State system of highways, the Developer shall maintain such road until such time as it is accepted into the system, and if requested, shall furnish the County a maintenance and indemnifying bond with surety to secure such maintenance in accordance with the Hanover County Code and the Virginia Code.

C. The Developer shall provide and maintain adequate all weather access, including snow removal and ice control, from all occupied structures to a public highway in the State system, until such time as roads in the subdivision are accepted by VDOT.

3. To request inspections, file applications and take any other actions required of the Developer for the purpose of effecting acceptance or approval of completed improvements by the appropriate governmental entity.

4. To acquire on behalf of the County any property rights necessary for completion of the obligations of this Agreement in the event of default by the Developer, or for the purpose of maintenance by a governmental entity, if applicable, or to pay all costs of acquisition of such property rights.

5. That no required construction or public improvement shall be considered complete until it is accepted by the governmental unit which is to have ultimate responsibility for its maintenance, if applicable, and it is approved by the County as being in compliance with the Requirements and as-built plans certified by a professional engineer or certified land surveyor are provided to the Director.

6. A default shall be deemed to have occurred on the part of the Developer if Developer shall fail to complete its obligations under this Agreement within the specified time or any extensions; or prior to the expiration of such period, if in the judgment of the Director, the Developer has:

- (a) abandoned the performance of its obligations under the Agreement; or,
- (b) renounced or repudiated its obligations under the Agreement; or,
- (c) demonstrated through insolvency, inaction, or otherwise, that its obligations under the Agreement cannot be completed within the time allotted under the Agreement.

In the event of default, the County may terminate whatever rights the Developer may have to construct or correct construction of facilities.

7. In the event of default, the Developer shall be responsible for payment of administrative costs of ten percent (10%) of the cost of construction or correction of the improvements, in addition to the cost of construction. The cost of construction or correction shall include all functions, goods and services, and design and engineering work necessary to construct improvements conforming to the Requirements.

8. To provide and maintain security satisfactory to the County, to secure performance of this Agreement. The security shall be provided and maintained in the form of a cash bond, letter of credit or surety bond in an amount and with content acceptable to the Director and in a form acceptable to the County Attorney. Evidence of continuing validity of the security shall be provided to the County upon request. In the event all improvements are not completed thirty days

prior to the expiration of any bond or letter of credit, the Developer shall provide substitute security documents on that date, or shall be deemed to be in default and shall pay the full cost of completion of those improvements.

9. To defend and indemnify the County and hold the County harmless for all loss or damage to property, or injury, or death of any and all persons; for any suits, claims, liability or demands in connection with the physical improvements and facilities, however caused, including those arising directly or indirectly from construction, failure to maintain, or use of such improvements prior to final acceptance.

10. That no building permits shall be issued within the subdivision if any lot or development of any portion of the subdivision does not meet all requirements of the Hanover County Code, including the Hanover County Zoning and Subdivision Ordinances, all other applicable laws, proffered conditions or the terms of any special exception or permit; nor shall any building permits be issued within the subdivision at any time during which the Developer is not in complete compliance with this Agreement, including the requirement that the Developer maintain security satisfactory to the County.

If any clause or portion of this Agreement is found not to be valid and binding, the remainder shall continue in full force and effect.

The failure or refusal of the County to take any action, proceedings, or step to enforce any remedy or exercise any right under this Agreement or the taking of any action, proceeding, or step by the County, acting in good faith upon the belief that same is permitted shall not in any way release the Developer from the obligations of this Agreement.

This Agreement shall be administered and interpreted in accordance with the laws of the Commonwealth of Virginia. Any actions arising out of this Agreement, bonds or other obligations securing the obligations of this Agreement shall be filed and maintained in the District Court or Circuit Court of Hanover County, Virginia.

The parties, if more than one, collectively referred to in this Agreement as the "Developer", shall each be fully, jointly and severally liable for all obligations of this Agreement, including performance and payment. This Agreement shall be recorded in the Hanover County Circuit Court Clerk's Office, and shall be binding on the Developer's successors in interest.

The purpose and effect of this Agreement is to secure the completion of all improvements required by the Virginia Code, the Hanover County Code, the Hanover County Zoning and Subdivision Ordinances, and all other applicable statutes, ordinances, rules and regulations. The County does not waive or modify any provision or requirement of those statutes, ordinances, rules or regulations by this Agreement. Any approved plan or revision referred to anywhere in this Agreement is incorporated for reference purposes only to the extent that it meets, at a minimum, the unmodified requirements of those statutes, ordinances, regulations and rules.

Any notice required by this Agreement shall be effective if given by receipted mail or delivery, to Developer or to the County in the name and at the address given below; provided that change of address shall be effective if given in accordance with this paragraph. The Developer agrees to notify the County immediately of any change of legal status or of address.

The parties have acknowledged this Agreement by their signatures and seals set out below.

DEVELOPER

Type of Organization (Individual/
Sole Proprietorship/Partnership/
Corporation):

Legal Name(s) & Mailing Address(es):
(Print or type)

Signature: _____ (SEAL)

Name (Print or type): _____

Address (if different from above): _____

Signature: _____ (SEAL)

Name (Print or type): _____

Address (if different from above): _____

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 200____, by _____.

My commission expires: _____

Notary Public

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 200____, by _____.

My commission expires: _____

Notary Public

HANOVER COUNTY, VIRGINIA

Director of Planning

P. O. Box 470

Hanover, Virginia 23069-0470

Signature: _____(SEAL)

Director of Planning or Designee

COMMONWEALTH OF VIRGINIA,
COUNTY OF HANOVER, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 200____, by _____.

My commission expires: _____

Notary Public