

ORDINANCE – To Allow the Director of Planning to Approve Preliminary Subdivision Plats and Plans of Development During the COVID-19 Pandemic

WHEREAS, on March 13, 2020, the County Manager, in his capacity as the Director of Emergency Management, issued a Declaration of Local Emergency declaring the existence of a local emergency in the County because of the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors confirmed the County Manager's declaration by resolution approved on March 16, 2020; and,

WHEREAS, health officials at the federal, state, and local level advise that gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic and have recommended against public gatherings of more than 10 attendees; and,

WHEREAS, paragraph 1 of Executive Order Number Fifty-Three (2020) of the Governor of Virginia prohibits "all public and private in person gatherings of 10 or more individuals," subject to an exception in paragraph 9(e) for "the operation of government"; and,

WHEREAS, Section 15.2-2260(A) of the Code of Virginia provides that the local planning commission, or an agent designated by the commission or by the governing body, shall complete action on preliminary subdivision plats; and,

WHEREAS, Section 15.2-2258 of the Code of Virginia provides that plans of development shall be subject to the provisions of Section 15.2-2260; and,

WHEREAS, Section 19-27 of the Henrico County Code designates the Planning Commission as the agent of the Board of Supervisors for conditional approval of subdivision plats; and,

WHEREAS, Section 19-62 of the Henrico County Code requires the Planning Commission to hold a public hearing to review preliminary subdivision plats; and,

WHEREAS, Section 24-11(b) of the Henrico County Code requires the Board of Supervisors to approve a layout plan of development in accordance with Section 24-106 for County-owned or County-leased buildings and properties of a conservational, cultural, administrative, or public service type and publicly owned or publicly leased buildings and property of a recreational type; and,

WHEREAS, Section 24-106 of the Henrico County Code requires the Planning Commission to hold a public hearing to review and approve other plans of development; and,

WHEREAS, Section 15.2-1200 of the Code of Virginia allows counties to adopt necessary regulations to prevent the spread of contagious diseases; and

WHEREAS, the Board of Supervisors wishes to eliminate the necessity for meetings of the Planning Commission to review and approve preliminary subdivision plats and plans of development during the duration of the local emergency declaration (the "Emergency") by permitting the Director of Planning to approve preliminary subdivision plats and plans of development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. *Approval of Subdivision Plats.* Notwithstanding the provisions of Sections 19-27 and 19-62 of the Henrico County Code, the Director of Planning may grant conditional approval of subdivision plats during the Emergency.
2. *Approval of Plans of Development.* Notwithstanding the provisions of Sections 24-11 and 24-106 of the Henrico County Code, the Director of Planning may approve plans of development during the Emergency.
3. That this ordinance will be in full force and effect on and after its passage as provided by law and shall remain in full force and effect until the Board has acted to end the declared emergency pursuant to Section 44-146.21(A) of the Code of Virginia.