

**ORDINANCE – To Amend and Reordain Section 19-2201 Titled “General,” Section 19-2203 Titled “Submittal and Acceptance of Applications,” Section 19-2204 Titled “Staff Review and Action,” Section 19-2205 Titled “Post-Decision Actions and Limitations,” Section 19-2302 Titled “Preliminary Plat,” Section 19-2303 Titled “Final Plat,” and Section 19-2304 Titled “Minor Subdivision” of the Code of the County of Henrico to Conform the Subdivision Review Procedures with Recent Changes to the Code of Virginia**

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

1. That Section 19-2201 of the Code of the County of Henrico be amended and reordained as follows:

***Sec. 19-2201. General***

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This section sets forth common procedures that are generally applicable to the submittal and review of subdivision applications under this Ordinance. Not all procedures in this section are required for every type of application. Article 2, Division 3, Specific Standards and Requirements for Subdivision Applications, identifies the applicability of each common procedure for each type of application, as well as any modifications of the common procedure that apply. Figure 2201 shows the common subdivision procedures in the format of a flowchart. A similar flowchart is provided for each type of application in Article 2, Division 3, Specific Standards and Requirements for Subdivision Applications. **The review of plans of development and site plans is subject to the provisions of Secs. 24-2314 and 24-2315 of the County Code.**

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2. That Section 19-2203 of the Code of the County of Henrico be amended and reordained as follows:

***Sec. 19-2203. Submittal and Acceptance of Applications***

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**E. Determination of Application Completeness**

**1. Completeness Review**

Upon receipt of an application, the Planning Director will, within ~~ten~~ **five** business days, determine whether the application is complete or incomplete. A complete application is one that:

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3. That Section 19-2204 of the Code of the County of Henrico be amended and reordained as follows:

***Sec. 19-2204. Staff Review and Action***

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**A. Staff Review and Opportunity to Revise Application**

1. When an application is determined complete, the Planning Director will distribute it to all appropriate county staff and all relevant state and other review agencies for review and comment. If the application includes a plat that requires state agency review, the Planning Director will forward the plat within ~~ten~~ **five** business days of the date of submittal to each state agency that must review it under state law.

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**B. Decision by Planning Director**

1. After review of the application, and within ~~60~~ **40** days after the date the complete application was submitted or within ~~35~~ **20** days of receipt of any response from a state agency or public authority authorized by state law to review plats forwarded to it, whichever is later, the Planning Director will approve or disapprove the application, based on the review standards in Article 2, Division 3, Specific Standards and Requirements for Subdivision Applications, for the particular type of application. The time periods in this subsection may be extended if requested by the applicant.
2. If the application is disapproved, the specific reasons for disapproval ~~must be set forth in writing, along with a statement of what corrections or modifications will permit approval of the application~~ **must be given to the applicant in a separate document or written on the plat itself. The reasons for disapproval must identify all deficiencies that caused the disapproval by referencing specific, duly adopted ordinances, regulations, or policies and, to the greatest extent practicable, the modifications or corrections necessary for approval.** The applicant may resubmit a revised application in accordance with Sec. 19-2205.B, Revision and Resubmittal of Application after Disapproval.

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4. That Section 19-2205 of the Code of the County of Henrico be amended and reordained as follows:

***Sec. 19-2205. Post-Decision Actions and Limitations***

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**B. Revisions and Resubmittals of Application after Disapproval**

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2. The Planning Director must approve or disapprove a resubmitted application within 45 ~~45~~ **30** days of the date it was resubmitted. If the Planning Director identifies deficiencies on the resubmission, the Director must refer to specific ordinances, regulations or policies and must identify modifications or corrections that will permit approval. If the Planning Director fails to approve or disapprove a resubmitted application within 45 ~~45~~ **30** days of the date it was resubmitted, the application will be deemed approved; however, any deficiency in the proposed plat that, if left uncorrected, would violate local, state, or federal law or regulations, mandatory state Department of Transportation ~~E~~ngineering and ~~S~~safety requirements, or other mandatory engineering and safety requirements, will not be considered, treated, or deemed as having been approved.

**3. If the Planning Director determines the deficiencies identified during a third or subsequent resubmission are minor, instead of disapproving the application, the Planning Director may either approve the application as submitted or permit the applicant to address such deficiencies and resubmit the application for administrative approval. If the Planning Director permits an applicant to resubmit for administrative approval, the Planning Director will complete the administrative approval within seven days of the date it was resubmitted. The applicant must not make any revisions other than those necessary to address the minor deficiencies. If the applicant makes any revisions other than those necessary to address the minor deficiencies, the resubmission will be disqualified from the seven-day administrative approval process.**

5. That Section 19-2302 of the Code of the County of Henrico be amended and reordained as follows:

***Sec. 19-2302. Preliminary Plat***

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**C. Preliminary Plat Procedure**

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**3. Staff Review and Action**

The common procedures in Sec. 19-2204 apply, subject to the following additions or modifications:

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***(b) Decision on the Application***

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- (2) The Planning Director must make a decision on the application within ~~60~~ **45** days of submission, unless state agency review is required. If state agency review is required, the Planning Director must make a decision on the application within ~~35~~ **20** days of receipt of approvals from all reviewing state agencies or within 90 days, whichever is earlier, provided the Planning Director is not required to make a decision less than ~~60~~ **45** days from the date of submittal. The time periods in this subsection may be extended if requested by the applicant.

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6. That Section 19-2303 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-2303. Final Plat**

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**C. Final Plat Procedure**

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**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 19-2205 apply, subject to the following additions or modifications:

**(a) Notice if Application Disapproved**

If the Planning Director disapproves the application, the reasons for disapproval must be given to the applicant in a separate document or written on the plat itself. The reasons for disapproval must identify **all** deficiencies in the plat **that caused the disapproval** by reference to **referencing** specific, duly adopted ordinances, regulations, or policies and **must identify, to the greatest extent practicable,** the modifications or corrections necessary for approval.

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7. That Section 19-2304 of the Code of the County of Henrico be amended and reordained as follows:

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**C. Minor Subdivision Procedure**

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**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 19-2205 do not apply to minor subdivisions. Instead, the following ing requirements apply:

**(a) Notice if Application Disapproved**

If the Planning Director disapproves the application, the reasons for disapproval must be given to the applicant in a separate document or written on the minor subdivision plat itself. The reasons for disapproval must identify **all** deficiencies in the plat **that caused the disapproval** by reference to **referencing** specific, duly adopted ordinances, regulations, or policies and ~~must identify,~~ **to the greatest extent practicable,** the modifications or corrections necessary for approval.

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8. That this ordinance will be in full force and effect on and after its passage as provided by law.