

ORDINANCE — To Amend and Reordain Section 24-2101 Titled “Summary Table of Review Responsibilities,” Section 24-2103 Titled “Planning Commission,” Section 24-2203 Titled “Submittal, Acceptance, and Withdrawal of Applications,” and Section 24-2314 Titled “Plan of Development” of the Code of the County of Henrico to Conform the Plan of Development and Site Plan 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 24-2101 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-2101. Summary Table of Review Responsibilities

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Table 2101: Summary of Review Responsibilities [1]					
S = Staff Review; R = Recommendation; D = Decision; A = Appeal; <> = Public Hearing					
PROCEDURE	BUILDING OFFICIAL	PLANNING DIRECTOR	BOARD OF ZONING APPEALS	PLANNING COMMISSION	BOARD OF SUPERVISORS
• • • •					
POD or Site Plan					
Plan of Development		D		D-[4]	
Site Plan		D		D-[4]	
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NOTES:

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[4] See Sec. 24-2103.C, Sec. 24-2314.C.3(c)(5), and Sec. 24-2315.C.3.

2. That Section 24-2103 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-2103. Planning Commission

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- C.** To review and decide, at the request of the Planning Director or the applicant, the following:
1. ~~Plans of development (Sec. 24-2314) and~~
 2. ~~Site plans (Sec. 24-2315)~~ **Reserved.**

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3. That Section 24-2203 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-2203. Submittal, Acceptance, and Withdrawal 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 includes the completed application form, the submission requirements checklist, the applicable fee, and all information and materials required by this Ordinance in sufficient detail to evaluate whether it complies with the applicable review standards of this Ordinance.

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4. That Section 24-2314 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-2314. Plan of Development

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C. Plan of Development Procedure

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3. Staff Review and Action

(a) General

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- (2) The Planning Director must send the application to each state agency required to review it under state law within ~~ten~~ **five** business days of submission.

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(c) Decision on the Application

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- (2) Unless the applicant requests an extension of time, the Planning Director must make a decision on the application within ~~60~~ **40** days of submission or, if state agency review is required, within ~~35~~ **20** days of receipt of approvals from all reviewing agencies.

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- (4) If the Planning Director disapproves the application, ~~the Planning Director must set forth in writing the reasons for disapproval~~ **must be given to the applicant in a separate document or written on the plan itself. The reasons for disapproval must identify all deficiencies that caused the disapproval** by referring to the **referencing** specific, **duly adopted** ordinances, regulations, or policies and ~~must identify~~, to the greatest extent practicable, **the** modifications or corrections that will permit approval of the application **necessary for approval**.
- ~~(5) If the applicant and the Planning Director cannot agree on the review and approval of a plan of development, either party may request review by the Planning Commission. The Planning Commission will review the plan of development at a public meeting, and otherwise will be subject to the same standards as the Planning Director.~~

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5. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

(a) Revisions and Resubmittals of Application after Disapproval

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- (2) The Planning Director must approve or disapprove a resubmitted application within ~~45~~ **30** days of the date it was resubmitted. If the Planning Director fails to approve or disapprove a resubmitted application within ~~45~~ **30** days of the date it was resubmitted, the application will be deemed approved; however, any deficiency in the proposed plan of development 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.

(b) Petition to Circuit Court if Decision Not Made within Required Time

If the Planning Director fails to approve or disapprove the application within the time specified in this Ordinance for approval, the applicant may, **after giving 10 days' written notice to the Planning Director,** petition the Circuit Court to ~~direct approval of the plan of development in accordance with the Code of Virginia, after giving ten days' written notice to the Planning Director~~ **decide whether the plat should or should not be approved.**

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