

**COUNTY OF HENRICO, VIRGINIA**  
**Board of Supervisors' Agenda**  
**November 10, 2009**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Dr. J. Rayfield Vines, Jr. Pastor, Hungary Road Baptist Church

**APPROVAL OF MINUTES** – October 27, 2009 Regular Meeting

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATION**

273-09                      Resolution - Congratulating St. Joseph's Villa on Its 175th Anniversary.

**PUBLIC HEARINGS - REZONING CASES**

- 274-09                      Towne Center-West, LLC and Towne Center West Shoppes, LLC: Request to  
C-27C-09                      amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels  
Three Chopt                      735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel  
734-764-9340 located on the north line of W. Broad Street (U.S. Route 250)  
approximately 1,100 feet east of N. Gayton Road, approximately 500 feet north  
of W. Broad Street approximately 1,100 feet east of N. Gayton Road, and  
approximately 675 feet north of W. Broad Street approximately 1,775 feet east of  
N. Gayton Road. The applicant proposes to amend Proffer 20 related to exterior  
elevations and building materials. The existing zoning is B-2C Business District  
(Conditional). The Land Use Plan recommends Commercial Arterial. The site is  
in the West Broad Street Overlay District. The Planning Commission voted to  
recommend the Board of Supervisors **grant** the request.
- 275-09                      Towne Center-West, LLC: Request to conditionally rezone from R-6C General  
C-28C-09                      Residence District (Conditional) to B-3C Business District (Conditional), part of  
Three Chopt                      Parcel 734-764-9340, containing approximately 4.85 acres, located approximately  
325 feet north of W. Broad Street (U.S. Route 250) approximately 1,100 feet east  
of N. Gayton Road. The applicant proposes commercial uses. The use will be  
controlled by zoning ordinance regulations and proffered conditions. The Land  
Use Plan recommends Commercial Arterial. The site is in the West Broad Street  
Overlay District. The Planning Commission voted to recommend the Board of  
Supervisors **grant** the request.
- 276-09                      Staples Mill Marketplace, LLC: Request to conditionally rezone from R-3 One-  
C-3C-09                      Family Residence District to B-2C Business District (Conditional), Parcels 767-  
Brookland                      757-8360 and 767-756-9991 and part of Parcel 767-757-6317, containing  
approximately 28.914 acres, located between the southwest line of Staples Mill  
Road (U. S. Route 33), the east line of Hungary Spring Road, and the north line

of Lucas Road. The applicant proposes commercial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration and Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

277-09  
C-25C-09  
Three Chopt  
Hightech Signs: Request to amend proffered conditions accepted with Rezoning Case C-5C-97, on part of Parcel 747-759-8591, located at the southwest intersection of W. Broad Street (U. S. Route 250) and Cox Road (Colonnades West Shopping Center). The applicant proposes to amend proffers related to sign height. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.

278-09  
C-26C-09  
Three Chopt  
KCA/Holloway, L.C.: Request to rezone from R-3C One-Family Residence District (Conditional) to C-1C Conservation District (Conditional), part of Parcel 750-774-6038, containing approximately 1.8 acres, located along the Chickahominy River beginning at a point approximately 200 feet to the northeast of Riverplace Court and extending approximately 475 feet southeast through the proposed Martin's Ridge subdivision. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

#### **PUBLIC HEARINGS - OTHER ITEMS**

279-09  
Ordinance – To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled “Deduction of receipts taxed by other jurisdiction” Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.

280-09  
Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Records,” “Procedure upon failure to file return or filing of false return,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All Relating to Short-term Rental Property tax.

281-09  
Ordinance - To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-52 Titled “Application for approval,” Section 19-53 Titled “Review of plat; action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic

site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly

## **PUBLIC COMMENTS**

## **GENERAL AGENDA**

- 282-09            Resolution – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond’s Amendment to Its Zone III/North Enterprise Zone.
- 283-09            Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith.
- 284-09            Introduction of Ordinance – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District.
- 285-09            Resolution - To Permit Additional Fine of \$200 for Speeding on University Boulevard.

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
October 27, 2009

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, October 27, 2009 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

**Members of the Board Present:**

Patricia S. O'Bannon, Vice-Chairman, Tuckahoe District  
James B. Donati, Jr., Varina District  
Richard W. Glover, Brookland District  
Frank J. Thornton, Fairfield District

**Members of the Board Absent:**

David A. Kaechele, Chairman, Three Chopt District

**Other Officials Present:**

Virgil R. Hazelett, P.E., County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Merle H. Bruce, Jr., Undersheriff  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
George T. Drumwright, Jr., Deputy County Manager County Manager for Human Services  
Angela N. Harper, Deputy County Manager for Special Services  
Leon T. Johnson, Deputy County Manager for Administration  
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations  
Randall R. Silber, Deputy County Manager for Community Development

Mrs. O'Bannon called the meeting to order at 7:00 p.m. and led recitation of the Pledge of Allegiance. She announced that Mr. Kaechele was out of town so she would be chairing the meeting.

George T. Drumwright, Jr., Deputy County Manager for Community Services, delivered the invocation.

Mr. Thornton asked the Board for a correction to the draft minutes of the October 13, 2009 regular meeting to clarify that the late Dr. Dorothy N. Cowling was the first female acting president of Virginia Union University rather than the first female president. At that meeting, Mr. Thornton recognized Dr. Cowling's passing during Board of Supervisors' Comments.

On motion of Mr. Donati, seconded by Mr. Glover, the Board approved the minutes of the October 13, 2009 Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Donati, Glover, and Thornton

Absent: Kaechele

### **MANAGER'S COMMENTS**

During the Virginia Municipal League's 105<sup>th</sup> Annual Conference held in Roanoke, Virginia on October 20, 2009, Henrico County received the Virginia Municipal League's (VML's) 2009 Achievement Award for localities with a population of over 90,000. The County was recognized for the coordinated response that led to the opening of the one-stop Employment Transition Center in the former Innsbrook Branch Library. The Employment Transition Center is a joint project supported by Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, and Powhatan Counties as well as the City of Richmond. The County's entry was one of more than 50 submitted to VML by Virginia localities for judging in seven categories. The following persons have been instrumental to the success of this project: George Drumwright, Jr., Henrico Deputy County Manager for Community Services; Rosalyn Key-Tiller, Acting Director of the Capital Region Partnership Workforce Investment Board; Jane Crawley, Henrico Director of Social Services; Susanne Crump, former Senior Vice-President for Community Building of the United Way of Greater Richmond and Petersburg; Leontine Jameson, Director of the Employment Transition Center; and Erica Blount, Raymond Jones, Carissa Lundquist, and Wesley Smith, members of the Employment Transition Center staff.

### **BOARD OF SUPERVISORS' COMMENTS**

Mr. Donati commented that the previous day he had once again received a nice thank you note from a citizen acknowledging the Department of Public Works' removal of a dead tree in the County's right-of-way. He thanked the Department for doing a great job throughout this past summer in taking care of the grass in the ditch lines of County roads.

### **RECOGNITION OF NEWS MEDIA**

No media representatives were present.

### **PUBLIC COMMENTS**

There were no comments from the public.

### **GENERAL AGENDA**

269-09            Introduction of Ordinance - To Add Section 20-73 to the Code of the County of Henrico Titled "Partial exemption for rehabilitated, renovated or replacement

residential structures other than multifamily residential rental units,” to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.

On motion of Mr. Donati, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 269-09 – see attached introduction of ordinance.

270-09      Resolution - Authorizing and Directing the Publication of a Notice of Public Hearing in Connection with the Authorization of Not to Exceed \$9,800,000 Principal Amount of Water and Sewer System Revenue Bonds.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 270-09 – see attached resolution.

271-09      Resolution – Award of Contract for Computer Assisted Mass Appraisal (CAMA) Software and Implementation Services.

On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 271-09 – see attached resolution.

272-09      Resolution – Acceptance of Road.

On motion of Mr. Donati, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 272-09 – see attached resolution.

There being no further business, the meeting was adjourned at 7:16 p.m.

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Chairman, Board of Supervisors  
Henrico County, Virginia

## **RESOLUTION – Congratulating St. Joseph’s Villa on Its 175<sup>th</sup> Anniversary**

Founded by the Daughters of Charity as an orphanage and girls’ school in downtown Richmond in November 1834, St. Joseph’s Villa was the first cottage-style orphanage in the eastern United States and is the oldest and largest continuously operating children’s nonprofit organization in metropolitan Richmond. The Villa relocated its campus to the former Hollybrook farm in Henrico County in 1931 and presently serves 508 children, nearly half of whom are from Henrico County. On Saturday, November 21, 2009, the Villa will host a public celebratory event in official acknowledgment of its 175th anniversary. This resolution extends the Board’s congratulations to the officers, trustees, volunteers, and more than 300 employees of St. Joseph’s Villa.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 273-09

Page No. 1 of 2

Agenda Title: RESOLUTION – Congratulating St. Joseph's Villa on Its 175<sup>th</sup> Anniversary

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: <b>NOV 10 2009</b>	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____			
( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____	REMARKS: _____ _____ _____	Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____		

WHEREAS, the Daughters of Charity founded an orphanage and girls' school in downtown Richmond in November 1834 that incorporated in 1868 as St. Joseph's Orphan Asylum and Academy; and

WHEREAS, in 1931, the agency operating the school and orphanage assumed the name St. Joseph's Villa and opened its current campus on the former Hollybrook farm in Henrico County; and

WHEREAS, St. Joseph's Villa was the first cottage-style orphanage in the eastern United States; and

WHEREAS, the Villa's Dooley School opened in 1970, which today offers alternative and special education services for children in grades kindergarten through 12; and

WHEREAS, the Daughters of Charity withdrew from the Villa in 1977, at which time the agency became a nonsectarian, nonprofit organization with a multi-service focus; and

WHEREAS, in the ten-year period from 1979 to 1989, the Villa established the Richmond area's first summer day camp for children with developmental disabilities, Central Virginia's first 12-month center-based respite and after-school program for developmentally disabled children, and Virginia's first special housing system exclusively designed for adults with physical disabilities and first comprehensive transitional housing program for homeless women and children; and

By Agency Head \_\_\_\_\_ 7th By County Manager \_\_\_\_\_

Routing:  
Yellow to: \_\_\_\_\_  
Copy to: \_\_\_\_\_

Certified:  
A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_



**COUNTY OF HENRICO, VIRGINIA**  
**BOARD OF SUPERVISORS**  
MINUTE

Agenda Item No. **275-09**

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**Agenda Title: RESOLUTION – Congratulating St. Joseph’s Villa on Its 175<sup>th</sup> Anniversary**

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**WHEREAS**, during the past three decades, the Villa has also launched a child development center, child and family emergency shelter, summer day camp for at-risk children, alternative private academy for students in grades 6 through 12, therapeutic day treatment after-school service for behaviorally challenged children, and center for autism; and

**WHEREAS**, the Villa is the oldest and largest continuously operating children’s nonprofit organization in metropolitan Richmond and presently serves 508 children, nearly half of whom are from Henrico County; and

**WHEREAS**, on Saturday, November 21, 2009, the Villa will host a public celebratory event in official acknowledgment of its 175<sup>th</sup> anniversary.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Henrico County, Virginia hereby extends its sincere congratulations to the officers, trustees, volunteers, and more than 300 employees of St. Joseph’s Villa on the occasion of the organization’s 175<sup>th</sup> anniversary.

**BE IT FURTHER RESOLVED** that a copy of this resolution be presented to representatives of St. Joseph’s Villa with the very best wishes of this Board and the citizens of Henrico County.

274-09  
C-27C-09  
Three Chopt

Towne Center-West, LLC and Towne Center West Shoppes, LLC: Request to amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels 735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel 734-764-9340 located on the north line of W. Broad Street (U.S. Route 250) approximately 1,100 feet east of N. Gayton Road, approximately 500 feet north of W. Broad Street approximately 1,100 feet east of N. Gayton Road, and approximately 675 feet north of W. Broad Street approximately 1,775 feet east of N. Gayton Road. The applicant proposes to amend Proffer 20 related to exterior elevations and building materials. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because the changes do not greatly reduce the original intended purpose of the proffers and continue to assure quality form of development.

275-09  
C-28C-09  
Three Chopt

Towne Center-West, LLC: Request to conditionally rezone from R-6C General Residence District (Conditional) to B-3C Business District (Conditional), part of Parcel 734-764-9340, containing approximately 4.85 acres, located approximately 325 feet north of W. Broad Street (U.S. Route 250) approximately 1,100 feet east of N. Gayton Road. The applicant proposes commercial uses. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because the business use is compatible with surrounding development and it conforms to the Comprehensive Plan's land use recommendation.

276-09  
C-3C-09  
Brookland

Staples Mill Marketplace, LLC: Request to conditionally rezone from R-3 One-Family Residence District to B-2C Business District (Conditional), Parcels 767-757-8360 and 767-756-9991 and part of Parcel 767-757-6317, containing approximately 28.914 acres, located between the southwest line of Staples Mill Road (U. S. Route 33), the east line of Hungary Spring Road, and the north line of Lucas Road. The applicant proposes commercial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration and Office. Acting on a motion by Mr. Vanarsdall seconded by Mr. Branin, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because it conforms to the Commercial Concentration recommendation of the Comprehensive Plan and the proffered conditions will assure a level of development not otherwise possible.

277-09  
C-25C-09  
Three Chopt

Hightech Signs: Request to amend proffered conditions accepted with Rezoning Case C-5C-97, on part of Parcel 747-759-8591, located at the southwest intersection of W. Broad Street (U. S. Route 250) and Cox Road (Colonnades West Shopping Center). The applicant proposes to amend proffers related to sign height. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors deny the request because it does not meet the original intent of the proffers and would set an adverse precedent for the adjacent development and West Broad Street corridor.

278-09  
C-26C-09  
Three Chopt

KCA/Holloway, L.C.: Request to rezone from R-3C One-Family Residence District (Conditional) to C-1C Conservation District (Conditional), part of Parcel 750-774-6038, containing approximately 1.8 acres, located along the Chickahominy River beginning at a point approximately 200 feet to the northeast of Riverplace Court and extending approximately 475 feet southeast through the proposed Martin's Ridge subdivision. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Environmental Protection Area. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because it reflects the Land Use Plan and future use and zoning of the area, and it conforms with the objectives and intent of the County's Comprehensive Plan.

**Ordinance – To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled “Deduction of receipts taxed by other jurisdiction” Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.**

*This paper proposes an amendment to Henrico Code section 20-599 relating to deductions from gross receipts of contractors and speculative builders. This amendment clarifies the Code to reflect a recent ruling of the Virginia Supreme Court.*

This ordinance was discussed with the Board during a work session on September 22, 2009.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **279-09**  
Page No. 1 of 1

Agenda Title: **Ordinance - To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled "Deduction of receipts taxed by other jurisdiction" Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.**

For Clerk's Use Only:

Date: **NOV 10 2009**

- ☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

AN ORDINANCE to amend and reordain Section 20-599 of the Code of the County of Henrico titled "Deduction of receipts taxed by other jurisdiction" relating to deductions from gross receipts of contractors and speculative builders.

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

1. That Section 20-599 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-599. ~~Deduction of r~~Receipts taxed by for business done in other jurisdictions.

In computing the license tax of a contractor or speculative builder whose principal office or branch office is located in the county, there shall be exempt from the basis of taxation the amount of business done in any other city, town or county in which the contractor or speculative builder has (i) a definite place of business or (ii) no definite place of business and upon which a local license tax has been assessed as provided in Code of Virginia, § 58.1-3715.

2. That this ordinance shall be in full force and effect on and after its passage.

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_



**Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Records,” “Procedure upon failure to file return or filing of false return,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All Relating to Short-term Rental Property Tax.**

*This paper proposes an ordinance to amend various Henrico Code sections relating to short-term rental property tax. These amendments result from legislation enacted by the 2009 General Assembly.*

This ordinance was discussed during a work session on September 22, 2009.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

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Agenda Title: Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," "Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," All Relating to Short-term Rental Property Tax.

For Clerk's Use Only:

NOV 10 2009

Date: \_\_\_\_\_

- ( ) Approved  
( ) Denied  
( ) Amended  
( ) Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

AN ORDINANCE to amend and reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico titled respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," "Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," all relating to short-term rental property tax.

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

1. That Section 20-311 of the Code of the County of Henrico be amended and reordained as follows:

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 280-09  
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**Agenda Title: Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Records,” “Procedure upon failure to file return or filing of false return,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All Relating to Short-term Rental Property Tax.**

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ARTICLE X. DAILY SHORT-TERM RENTAL PROPERTY TAX

Sec. 20-311. Definitions. Short-term rental property; short-term rental business.

~~For purposes of~~ The following words, terms and phrases, when used in this article: shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) ~~Daily~~Short-term rental property means all tangible personal property held for rental and owned by a person engaged in the short-term rental business, except trailers as defined in Code of Virginia, § 46.2-100, as amended, and other tangible personal property required to be licensed or registered with the state department of motor vehicles, the state department of game and inland fisheries, or the state department of aviation.

(b) A person is engaged in the ~~Short~~short-term rental business. ~~A person is engaged in the short-term rental business if:~~

(1) ~~not~~Not less than 80 percent of the gross rental receipts of such business in any~~during the preceding~~ year are from transactions involving the rental of short-term rental property, other than heavy equipment property, for rental periods of 92 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lesser~~lessee; or~~

(2) Not less than 60 percent of the gross rental receipts of such business during the preceding year are from transactions involving the rental of heavy equipment property for periods of 270 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee. For purposes of this subdivision, “heavy equipment property” means rental property of an industry that is described under code 532412 or 532490 of the 2002 North American Industry Classification System as published by the United States Census Bureau, excluding office furniture, office equipment, and programmable computer equipment and peripherals as defined in Code of Virginia § 58.1-3503 A 16, as amended.

COUNTY OF HENRICO, VIRGINIA  
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MINUTE

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**Agenda Title: Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Records,” “Procedure upon failure to file return or filing of false return,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All Relating to Short-term Rental Property Tax.**

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**(c) For purposes of determining whether a person is engaged in the short-term rental business as defined in subsection (b), (i) a person is** ~~The term “affiliated,” for purposes of this subsection with the lessee of rental property if such person is an officer, director, partner, member, shareholder, parent or subsidiary of the lessee, or if such person and the lessee have~~ shall mean any common ownership interest in excess of five percent, ~~of any officers or partners in common with the lessor and lessee~~ **(ii) For purposes of this subsection, any rental to a person affiliated with the lessor-lessee shall be treated as rental receipts but shall not qualify for purposes of the 80 percent requirement of subdivision (1) of subsection (b) or the 60 percent requirement of subdivision (2) of subsection (b), and (iii) any rental of personal property which also involves the provision of personal services for the operation of the personal property rented shall not be treated as gross receipts from rental, provided however that** ~~For purposes of this subsection, the delivery and installation of tangible personal property shall not mean operation for the purposes of this subsection.~~ **For purposes of this article, the term “gross proceeds” means the total amount charged to each person for the rental of daily rental property, excluding any state and local sales tax paid pursuant to the Virginia Retail Sales and Use Tax Act, Code of Virginia, § 58.1-600 et seq.**

**(d) A person who has not previously been engaged in the short-term rental business who applies for a certificate of registration pursuant to § 20-314 shall be eligible for registration upon his certification that he anticipates meeting the requirements of a specific subdivision of subsection (b), designated by the applicant at the time of application, during the year for which registration is sought.**

**(e) In the event that the director of finance makes a written determination that a rental business previously certified as a short-term rental business under § 20-315 has failed to meet either of the tests set forth in subsection (b) during a preceding tax year, such business shall lose its certification as a short-term rental business and shall be subject to the business personal property tax with respect to all rental property for the tax year in which such certification is lost and any subsequent tax years until such time as the rental business obtains recertification under § 20-315. In the event that a rental business loses its certification as a short-term rental business pursuant to this subsection, such business shall not be required to refund to customers daily rental property taxes previously collected in good faith and shall not be subject to assessment for business personal property taxes with respect to rental property for tax years preceding the year in which the certification is**

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lost unless the director of finance makes a written determination that the business obtained its certification by knowingly making materially false statements in its application, in which case the director of finance may assess the taxpayer the amount of the difference between short-term rental property taxes remitted by such business during the period in which the taxpayer wrongfully held certification and the business personal property taxes that would have been due during such period but for the certification obtained by the making of the materially false statements. Any such assessment, and any determination not to certify or to decertify a rental business as a short-term rental business as defined in this section, may be appealed pursuant to the procedures and requirement in Code of Virginia, § 58.1-3983.1, as amended, for appeals of local business taxes, which shall apply mutatis mutandis to such assessments and certification decisions.

(f) A rental business that has been decertified under the provision of subsection (e) shall be eligible for recertification for a subsequent tax year upon a showing that it has met one of the tests provided in subsection (b) for at least ten months of operations during the present tax year.

2. That Section 20-312 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-312. Levy; amount.

Pursuant to Code of Virginia, § 58.1-3510.46 **A**, as amended, for each tax year, there is hereby levied and imposed a tax of one percent on the gross proceeds arising from rentals of every person engaged in the short-term rental business ~~a tax of one percent of such gross proceeds~~. Such tax shall be in addition to the tax levied pursuant to Code of Virginia, § 58.1-605, as amended. “Gross proceeds” means the total amount charged to each person for the rental of short-term rental property, excluding any state and local sales tax paid under the provisions of Code of Virginia, Title 58.1, Chapter 6. The imposition and collection of a short-term rental property tax under this article with respect to rental property shall be in lieu of taxation of such rental property as tangible business personal property in the same tax year.

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3. That Section 20-313 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-313. Taxation of rental property other than daily rental property.

Except for daily rental ~~passenger cars~~vehicles, all rental property ~~not meeting the definition of daily rental property provided in section 20-311 shall be classified for taxation pursuant to Code of Virginia, § 58.1-3503, as amended shall be classified, assessed and taxed as tangible personal property if such property (i) is owned and rented by a person not engaged in the short-term rental business, as defined in § 20-311; or (ii) has acquired situs in the Commonwealth and is owned and rented by a person who does not collect and remit to a locality within the Commonwealth a short-term rental property tax with respect to the rental of such property.~~

4. That Section 20-314 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-314. Application for certificate of registration.

(a) Every person engaging in the business of short-term rental shall file annually an application for a certificate of registration with the director of finance for each place of business in the county from which short-term rental business will be conducted by the applicant. Such application shall be filed by December 1 of the year preceding or within 30 days of the beginning of a short-term rental business. The application shall be on a form prescribed by the director of finance and shall set forth the name under which the applicant operates or intends to operate the rental business, the location of the business, the subdivision of § 20-311 (b) under which the business asserts that it is qualified for certification as a short-term rental business, and such other information as the director of finance may require.

(b) A list of rental inventory and copies of the applicant's standard rental contracts shall be submitted with each application.

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(c) Each applicant shall sign the application as owner of the rental business. If the rental business is owned by an association, partnership, **limited liability company** or corporation, the application shall be signed by a member, partner, executive officer or other person specifically authorized by the association, partnership, **limited liability company** or corporation to sign.

5. That Section 20-316 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-316. Collection and remittance; returns.

Every person engaged in the short-term rental business shall collect the daily **short-term** rental property tax from the lessee of the daily **short-term** rental property at the time of the rental. The lessor of the daily **short-term** rental property shall transmit a quarterly return to the director of finance, indicating the gross proceeds derived from the short-term rental business, and shall remit therewith the payment of such tax as is due for the quarter. The quarterly returns and payment of tax shall be filed with the director of finance on or before April **2015**, July **2015**, October **2015** and January **2015**, representing, respectively, the gross proceeds and taxes collected during the preceding quarters ending March 31, June 30, September 30 and December 31. The tax imposed by this article shall become delinquent for each quarter on April **2116**, July **2116**, October **2116** and January **2116**. The return shall be upon such forms and set forth such information as the director of finance may require, showing the amount of gross proceeds and the tax required to be collected. The taxes required to be collected under this article shall be deemed to be held in trust by the business required to collect such taxes until remitted as required in this article. Any person who neglects, fails or refuses to collect the tax imposed by this article shall be liable for and pay the tax himself.

6. That Section 20-317 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-317. Records.

(a) *Record of transactions.* The person collecting the daily **short-term** rental property tax shall maintain a record of all rental transactions for which this tax is collected, which record shall contain:

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- (1) A description of the property rented;
- (2) The period of time for which the property was rented;
- (3) The name of the person to whom the property was rented; and
- (4) The amount charged for each rental, including all late charges, penalties and interest.

(b) *Record of exemptions.* In addition to the information specified in subsection (a) of this section, every person engaged in a short-term rental business shall maintain a complete record of all exemptions from payment of this tax granted to renters of short-term rental property, including:

- (1) A copy of the state department of taxation tax exemption certificate; or
- (2) A copy of the U.S. State Department tax exemption certificate, which U.S. State Department card must specify the renter by name as exempt from sales tax; or
- (3) Other explanation and proof of claimant exemption.

7. That Section 20-318 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-318. Procedure upon failure to file return or filing of false return.

**Except as otherwise provided in § 20-311 (e), if** If any person, whose duty it is so to do, shall fail or refuse to file within the time provided in this article the returns required in this article or files a return that is false or fraudulent, it shall be the duty of the director of finance to make an estimate for the taxable period of the gross proceeds of such person and assess the tax plus such penalties and interest as are provided in this article. The director of finance shall give the person ten days' notice in writing requiring such person to appear before him with such books, records and papers as he may require relating to the business for the taxable period. The director of finance may require the person or his agents and employees to give testimony or to answer interrogatories under oath administered by the director of finance respecting such gross proceeds or the failure to make a return thereof as provided in this article. If any person fails to make any such return or refuses to permit an examination of his books, records or papers or to appear and answer questions within the scope of such investigation, the director of finance shall proceed to make an assessment based upon such information as may be available to him. The assessment so made shall be deemed prima facie correct.



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8. That Section 20-320 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-320. Exemptions.**

No tax shall be collected or assessed on rentals by the state, any political subdivision of the state or the United States or any rental of durable medical equipment as defined in subdivision 210 of Code of Virginia, § 58.1-609.710, as amended. Additionally, all exemptions applicable in Code of Virginia, §§ 58.1-609.1--58.1-609.101, as amended, shall apply mutatis mutandis to the daily rental property tax.

9. That Section 20-321 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-321. Collection without certificate of registration prohibited.**

No person renting any property or service to any other person shall collect from the lessee the daily rental property tax authorized by this article unless he has a valid certificate of registration issued for the current year by the director of finance. Except as otherwise provided in § 20-311 (e), any Any-payments collected by any person, certified or uncertified, in a manner not authorized by law shall be refunded to such lessees as can be identified, with the remainder forfeited to the county.

10. That Section 20-325 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-325. Bond.**

The director of finance, when in his judgment it is necessary and advisable so to do in order to secure the collection of the daily short-term rental tax, may require any person subject to such tax to file with him a bond with such surety as the director of finance determines is necessary to cover the payment of the tax, penalty or interest due or which may become due from such person.

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11. That Section 20-327 of the Code of the County of Henrico shall be amended and reordained as follows:

Sec. 20-327. Period of limitations.

**Except as otherwise provided in § 20-311 (e), the**The tax imposed by this article shall be assessed within three years from the date on which such taxes became due and payable. ~~In, or in~~ the case of a false or fraudulent return with intent to evade payment of the tax imposed by this article, or a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within six years from such date. The director of finance shall not examine any person's records beyond the three-year period of limitations unless he has reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a return and failed to do so.

12. That this ordinance shall be effective for tax years beginning on and after January 1, 2009.

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs

**ORDINANCE — To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-52 Titled “Application for approval,” Section 19-53 Titled “Review of plat; action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly**

This Board paper would amend the County’s zoning and subdivision ordinances to comply with recent changes enacted by the General Assembly. The changes include new provisions regarding dam break inundation zones and extensions of approvals to address the housing crisis and revisions of existing provisions dealing with approvals of site plans, PODs, and subdivisions. These changes were discussed in a joint work session with the Planning Commission on September 8, 2009 and were recommended by the Planning Commission on October 15, 2009.



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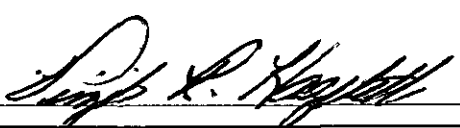
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Agenda Title: **ORDINANCE — To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-52 Titled “Application for approval,” Section 19-53 Titled “Review of plat; action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly**

For Clerk's Use Only:  Date: <b>NOV 10 2009</b>  <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____  REMARKS: _____ _____ _____	<b>YES NO OTHER</b>  Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____
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After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia adopted the attached ordinance.

Comments: The Director of Planning recommends approval of this Board paper; the County Manager concurs.

By Agency Head:  By County Manager:   
Routing: \_\_\_\_\_  
Yellow to: \_\_\_\_\_  
Copy to: \_\_\_\_\_  
Certified: \_\_\_\_\_  
A Copy Teste: \_\_\_\_\_ Clerk, Board of Supervisors  
Date: \_\_\_\_\_

**ORDINANCE — To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-52 Titled “Application for approval,” Section 19-53 Titled “Review of plat; action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly**

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

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

**Sec. 19-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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**Commercial use means any use in a business, office, office service, or institutional district as classified and defined in chapter 24.**

**Dam means a man-made structure across a watercourse used to restrain water.**

**Dam break inundation zone means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation.**

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*Floodplain* means any land area susceptible to being inundated by water from any source other than a dam break.

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*Impounding structure* means a dam or a man-made structure outside a watercourse used or to be used to retain or store waters or other materials as defined by Va. Code § 10.1-604. The term includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The term "impounding structure" shall not include: (a) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt retaining dams approved pursuant to Va. Code § 45.1-222 or § 45.1-225.1; or (e) obstructions in a canal used to raise or lower water.

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*Subdivision.*

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(2) The term "subdivision" shall not include a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. Any such division shall conform to all provisions of chapter 24. Only one such division shall be allowed per family member, and such division shall not be for the purpose of circumventing this chapter. For the purpose of this **subsection**, the term "member of the immediate family" is defined as any person who is a

natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner.

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(Code 1980, §§ 19-2; Ord. No. 997, § 1, 2-22-00; Ord. No. 1116, § 2, 11-27-07)

**State law references:** Definitions, Code of Virginia, § 15.2-2201, -2244.

2. That Section 19-32 be added to the Code of the County of Henrico as follows:

**Sec. 19-32. Extension of approvals to address housing crisis.**

(a) Notwithstanding the time limits for validity set out in this article, any approved subdivision plat valid and outstanding as of January 1, 2009 shall remain valid until July 1, 2014. Any other plan or permit associated with such plat extended by this subsection shall likewise be extended until July 1, 2014.

(b) The extension of validity provided in subsection (a) shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

**State law reference: Code of Virginia, § 15.2-2209.1.**

3. That Section 19-52 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-52. Application for approval.**

The subdivider shall provide the following information with the application for conditional approval of a preliminary plat:

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(2) *Preliminary plat.* The preliminary plat shall show the proposed layout of streets, lots and other features in relation to existing topography. The preliminary plat shall have a horizontal scale of 100 feet to the inch or other scale approved by the director of planning, and it shall be prepared by a registered professional engineer, certified landscape architect or registered

land surveyor authorized to do business in the state. The plat shall clearly show the following:

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f. The topography at vertical intervals of at least two feet; the location of physical features, such as buildings, streams, drainage ditches, floodplains, mapped dam break inundation zones, wetlands and Chesapeake Bay Preservation Areas; data showing base flood elevations as defined in section 24-3; features of the property controlled by proffered conditions; and other information required by article II of chapter 10, chapter 18, chapter 23 and chapter 24.

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**(3) Traffic study. Information required for review under section 15.2-2222.1 of the Code of Virginia.**

4. That Section 19-53 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-53. Review of plat; action by planning commission.**

**The planning commission shall review preliminary plats as required by state law. A preliminary plat shall be deemed submitted when it contains all the information required by this chapter.**

~~(a) Requirements upon receipt. The director of planning shall forward the preliminary plat and relevant supplementary materials to all state and local agencies that must approve a feature of the plat and shall consult with the subdivider on necessary changes as appropriate.~~

~~(b) Time for review. Upon receipt of approvals from all reviewing agencies, the planning commission shall hold a public hearing and act on the preliminary plat within 45 days. If state agency review is not required, the planning commission shall hold a public hearing and act within 60 days of submission. The planning commission shall not be required to approve a preliminary plat in less than 60 days from submission, and all actions on the preliminary plat shall be completed within 90 days of submission. For purposes of this subsection, a preliminary plat shall not be deemed submitted until it contains all the information required by this chapter.~~



(a) Real property used for residential and non-commercial and non-industrial uses. If state agency review is not required, the planning commission shall hold a public hearing and act within 60 days of submission. If state agency review is required, the director of planning shall forward the plat within 10 business days of submission to each state agency which must review it under state law. Upon receipt of approvals from all reviewing agencies, the planning commission shall hold a public hearing and act on the preliminary plat within 45 days of approval. In every case, the planning commission shall identify all deficiencies in the plat in writing by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plat. The planning commission shall not be required to approve a preliminary plat in less than 60 days from submission, and all actions on the preliminary plat shall be completed within 90 days of submission unless the Virginia Department of Transportation requires additional time for review as provided in Va. Code § 15.2-2222.1. The applicant may request an extension of these timelines.

(b) Real property used for commercial or industrial uses. In addition to the requirements of subsection (a), the following requirements apply to plats for real property used for commercial or industrial uses.

In its review of a resubmitted plat that has been previously disapproved, the planning commission shall only consider deficiencies it identified in its previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plat.

The planning commission shall identify such deficiencies by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plat.

The plat shall be deemed approved if the planning commission fails to approve or disapprove a resubmitted plat within 45 days of resubmission.

Notwithstanding the planning commission's approval or deemed approval of a proposed plat, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, or other mandatory engineering and safety requirements, shall not be treated as approved.

Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the planning

commission may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

The provisions of this subsection shall not apply to the review and approval of construction plans.

(c) *Approval or disapproval.* If the planning commission approves the preliminary plat, it shall grant conditional approval. ~~If the planning commission cannot give conditional approval, it shall give written reasons for denial and shall state what modifications will permit conditional approval.~~

(Code 1980, § 19-5)

**State law references:** Preliminary plat approval, Code of Virginia, §§ 15.2-2258; 15.2-2259.

5. That Section 19-55 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-55. Effect of approval; expiration of approval.**

(a) Conditional approval of a preliminary plat does not constitute or guarantee approval of the final plat. It approves the layout of the preliminary plat for use in preparation of the final plat, and the final plat must conform to the preliminary plat as approved. Conditional approval shall expire after 12 months unless the planning commission or director of planning grants an extension. Once a preliminary plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period allowed by the director of planning or the planning commission pursuant to subsection (b), and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the planning commission may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

~~If any section of the preliminary plat has been recorded within 12 months of conditional approval, the director of planning may grant the subdivider's request for extension of conditional approval for up to 60 months.~~

(b) If no section of the preliminary plat has been recorded within 12 months **one year** of conditional approval, the director of planning may grant the subdivider's

request for extension of conditional approval for up to 42 months one year. The director of planning may grant extensions as long as the total of all extensions does not exceed 60 months from the date of conditional approval.

**(c)** The planning commission shall act on extension requests in the following cases:

- (1) If the subdivider appeals a denial of the director of planning; or
- (2) If the director of planning requests planning commission action because of changes in conditions affecting the subdivision plans; or
- (3) If the subdivider requests an extension of approval for a period more than 60 months from the date of conditional approval.

(Code 1980, § 19-7; Ord. No. 997, § 3, 2-22-2000)

**State Code Reference: Code of Virginia § 15.2-2260(F)**

6. That Section 19-56 be added to the Code of the County of Henrico as follows:

**Sec. 19-56. Development in dam break inundation zone.**

**(a) The owner of each impounding structure in the county shall prepare a map of the dam break inundation zone for the impounding structure and submit the map to the director of planning and the Virginia Department of Conservation and Recreation.**

**(b) For any subdivision containing three or more residential units or any business or industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation zone, the director of planning shall (i) review the dam break inundation zone map, (ii) notify the dam owner, and (iii) within 10 days forward a request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed subdivision on the spillway design flood standards required of the dam. Upon receipt of the determination of the Virginia Department of Conservation and Recreation or if the county has not received comments within 45 days of the Department's receipt of the county's request, the director of planning shall complete the county's review of the proposed subdivision.**

**(c) If the Virginia Department of Conservation and Recreation determines that a proposed subdivision is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the subdivider must submit an engineering study meeting state standards to the Virginia Department of Conservation and Recreation prior to final approval of the subdivision. Following the completion of the engineering study, and prior to any development within**

the dam break inundation zone, the subdivider shall change the proposed subdivision so that it does not alter the spillway design flood standards of the dam or shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the subdivision, together with administrative fees required by state law. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.

(d) Dam break inundation zone maps are only required for dams that meet the requirements for an impounding structure. The requirements of this subsection shall not apply to any subdivision proposed downstream of a dam for which a dam break inundation zone map is not on file with the county at the time of the official submission of a subdivision plat to the county. However, the director of planning may map the dam break inundation zone and recover the costs of such mapping from the owner of an impounding structure for which a dam break inundation zone map is not on file with the county and a map has not been prepared by the impounding structure's owner.

(e) Following completion of any subdivision in a dam break inundation zone, the subdivider shall provide the dam owner and the director of planning with information necessary for the dam owner to update the dam break inundation zone map to reflect the new development.

State Code Reference: Code of Virginia §§ 10.1-606.2; 10.1-603.3; 15.2-2243.1.

7. That Section 19-72 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-72. Form and contents.**

The final plat shall be on a sheet 16 inches by 24 inches in size with a margin of one-half inch outside ruled border lines at the bottom and right sides, and 1 1/2 inches at the top and left side. The plat shall have a scale of 100 feet to the inch unless otherwise permitted by the director of planning. The final subdivision plat shall clearly show the following:

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**(22) Mapped dam break inundation zones.**

8. That Section 19-74 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-74. Action by director of planning.**

The director of planning shall review all final subdivision plats as required by state law. A final plat shall be deemed submitted when it contains all the information required by this chapter. If state agency review is required, the director of planning shall forward the final plat within 10 business days of submission to each state agency which must review it under state law.

(a) *Real property used for residential and non-commercial and non-industrial uses.* The director of planning shall act on a final plat **within 35 days of the receipt of approvals from all state agencies or, if state review is not required,** within 60 days of submission by either approving or disapproving it in writing and giving the specific reasons for any disapproval. The reasons for disapproval may be given in a separate document or may be written on the plat itself. The reasons for disapproval shall identify deficiencies in the plat by reference to specific duly adopted ordinances, regulations or policies and shall generally identify the modifications or corrections necessary for approval. **The director shall act on a proposed plat he has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval. The applicant may request an extension of these timelines.**

(b) *Real property used for commercial or industrial uses.* In addition to the requirements of subsection (a), the following requirements apply to plats for real property used for commercial or industrial use.

In his review of a resubmitted plat that has been previously disapproved, the director of planning shall only consider deficiencies he identified in his previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plat.

The plat shall be deemed approved if the director of planning fails to approve or disapprove a resubmitted plat within 45 days of resubmission.

Notwithstanding the director of planning's approval or deemed approval of a proposed plat, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, or other

mandatory engineering and safety requirements, shall not be treated as approved.

Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the director of planning may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

The provisions of this subsection shall not apply to the review and approval of construction plans.

(Code 1980, § 19-9)

**State law reference** — Approval of final plat, Code of Virginia § 15.2-2259.

9. That Section 19-75 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-75. Installation of improvements or bonding; release of bond.**

(a) Prior to final approval of a plat for recordation, the subdivider shall complete or provide for completion of all required public improvements at the subdivider's expense. To provide for completion, the subdivider shall provide the director of planning a certified check, cash escrow, surety bond, or bank or savings and loan association's letter of credit approved by the county attorney in an amount sufficient to cover the estimated costs of all required improvements. The amount of the certified check, cash escrow, bond or letter of credit shall not exceed the estimated cost of construction based on unit prices for new public or private sector construction in the county plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing roads or utilities, which shall not exceed 10 percent of the estimated construction cost. The subdivider shall obtain the director of planning's approval of its estimate of the time necessary to complete the improvements. If that time is exceeded and is not extended by the director of planning, the director of planning shall arrange for completion of the improvements using the certified check, cash escrow, or letter of credit or by calling on the surety on the bond.

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(Code 1980, § 19-38)

**State law references:** Requirements for subdivision, Code of Virginia, § 15.2-2241.

10. That Section 19-77 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-77. Recording.**

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(c) If a subdivider records a final plat for a section of the subdivision shown on an approved preliminary plat and has furnished a certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of improvements dedicated in the final plat for public use and to be maintained by the county, the state or other public agency, the subdivider shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first **any** section, subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

**(d) Once an approved final subdivision plat for all or a portion of the property is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.**

**State law references:** Recording, Code of Virginia, §§ 15.2-2241; **15.2-2260; 15.2-2261.**

11. That Section 19-111 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-111. Development of areas subject to inundation flooding.**

No lot or portion of a lot in a subdivision subject to inundation **flooding** shall be divided or subdivided for development except in accordance with section 24-106.1. Any area subject to inundation **flooding** may be further regulated by sections 24-95(t), 24-95(u), 24-106.1, and 24-106.3, **and 24-106.4.**

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

**Sec. 24-3. Enumerated.**

For the purpose of interpreting and construing this chapter, certain words and terms used herein shall have the following meanings, unless the context requires otherwise:

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**Commercial use** means any use in a business, office, office service, or institutional district as classified and defined in this chapter.

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**Dam** means a man-made structure across a watercourse used to restrain water.

**Dam break inundation zone** means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation.

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**Floodplain.** Any land area susceptible to being inundated by water from any source **other than a dam break.**

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**Impounding structure** means a dam or a man-made structure outside a watercourse used or to be used to retain or store waters or other materials as defined by Va. Code § 10.1-604. The term includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater, and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The



term "impounding structure" shall not include: (a) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt retaining dams approved pursuant to Va. Code § 45.1-222 or § 45.1-225.1; or (e) obstructions in a canal used to raise or lower water.

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13. That Section 24-8 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-8. Nonconforming uses; regulations.**

No nonconforming building or use shall be moved, enlarged, extended, reconstructed, substituted or structurally altered except when required by law or order, unless the use thereof is changed to a use permitted in the district in which located, except as in section 24-66(a) or as follows:

(a) Such use may be extended throughout any part of the building which was manifestly arranged or designed for such use at the time of adoption of this chapter, provided no structural alterations except those required by law are made therein.

(b) Any building that is conforming as to use, but is nonconforming as to floor area, lot, yard, road frontage, distance or height requirements, may be enlarged or structurally altered, but not reconstructed or substituted, ~~so that it more nearly~~ provided the enlargement or structural alteration complies with these requirements and the building remains conforming as to use.

(c) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification; but it shall not thereafter be changed back to a use of a less restricted classification.

(d) ~~If a~~ **A** residential or commercial building is may be repaired, rebuilt or replaced after being damaged or destroyed by a natural disaster or other act of God; ~~the owner shall to~~ eliminate or reduce nonconforming features to the extent possible, without the need to obtain a variance as provided in Code of Virginia, § 15.2-2310, as amended. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall

comply with the floor area, lot, yard, road frontage, distance or height requirements of this chapter as nearly as possible. The owner shall apply for a building permit, and any work done to repair, rebuild or replace such building shall be in compliance with the Uniform Statewide Building Code and the floodplain regulations adopted in section 24-106.1 as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, or rebuilt or replaced within four years of the date of the natural disaster or replaced ~~within four years of the date of the natural disaster~~ or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with this chapter.

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**(h) For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or § 18.2-80 of the Code of Virginia and obtain vested rights under this section.**

(Code 1980, § 22-8; Ord. No. 1092, § 1, 1-23-07)

**State law reference: Code of Virginia 15.2-2307**

14. That Section 24-106 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-106. Plan of development (POD), administrative and schematic site plans.**

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(d) Required information. Every plan of development (POD) shall contain the following information as well as other information required by the director of planning on the application form:

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- (18) Traffic study providing information required for review under section 15.2-2222.1 of the Code of Virginia.
- (19) Mapped dam break inundation zones.

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(g) *Procedure for processing.* The director of planning is responsible for checking the plan of development (POD) for completeness and obtaining review by appropriate officials. For purposes of this section, the plan shall be deemed submitted when it contains all the information required by this chapter. The director of planning shall see send the POD to each state agency required to review it under state law within 10 business days of submission. ~~that all reviews are completed on time and that initial action is taken by the~~ The planning commission or by the board of supervisors, shall hold a public hearing and act on the POD within 60 days of receipt ~~of the application~~ submission or, if state agency review is required, within 45 days of receipt of approvals from all reviewing agencies unless the applicant requests an extension of time.

The planning commission or board of supervisors shall identify all deficiencies in the plan in writing by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plan.

In the review of a resubmitted plan for real property used for commercial or industrial uses that has been previously disapproved, the following requirements in this subsection shall also apply. The planning commission or board of supervisors shall only consider deficiencies it identified in its previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plan. In addition, the plan shall be deemed approved if the planning commission or board of supervisors fails to approve or disapprove a resubmitted plan within 45 days of resubmission.

Notwithstanding the approval or deemed approval of a proposed plan by the planning commission or board of supervisors, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, or other mandatory engineering and safety requirements shall not be treated as approved.

Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the planning commission or board of supervisors may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

The provisions of this subsection for commercial and industrial uses shall not apply to the review and approval of construction plans.

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(j) *Approval and extension.* ~~Subject to the provisions of the Code of Virginia, approval of a plan of development (POD) submitted under the provisions of this section shall expire two years after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the director of planning made within 90 days before the expiration of the approved plan of development (POD). The director of planning shall acknowledge the request and shall make a decision regarding the requested extension within 30 days after receipt of the request.~~ Approved plans of development shall be valid for the periods provided in section 15.2-2261 of the Code of Virginia, as amended. However, any approved plan of development valid and outstanding as of January 1, 2009 shall remain valid until July 1, 2014. Any other plan or permit associated with such plan of development shall likewise be extended until July 1, 2014.

The extension of validity provided for approved plans of development outstanding as of January 1, 2009 shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(k) *Revisions and waiver.* ~~Any plan of development (POD) may be revised in the same manner as originally approved, and any requirement of this section may be waived by the board of county supervisors in specific cases when such waiver will not be adverse to the purpose of this section.~~

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(Code 1980, § 22-106; Ord. No. 998, § 2, 2-22-00; Ord. No. 1058, § 2, 11-12-03)

15. That Section 24-106.4 be added to the Code of the County of Henrico as follows:

**Sec. 24-106.4. Development in dam break inundation zone.**

**(a) The owner of each impounding structure in the county shall prepare a map of the dam break inundation zone for the impounding structure and submit the map to the director of planning and the Virginia Department of Conservation and Recreation.**

**(b) For any development containing three or more residential units or any business or industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation zone, the director of planning shall (i) review the dam break inundation zone map, (ii) notify the dam owner, and (iii) within 10 days forward a request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. Upon receipt of the determination of the Virginia Department of Conservation and Recreation or if the county has not received comments within 45 days of the Department's receipt of the county's request, the director of planning shall complete the county's review of the development.**

**(c) If the Virginia Department of Conservation and Recreation determines that the proposed development is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the developer must submit an engineering study meeting state standards to the Virginia Department of Conservation and Recreation prior to final approval of the proposed development. Following the completion of the engineering study, and prior to any development within the dam break inundation zone, the developer shall change the proposed development so that it does not alter the spillway design flood standards of the impounding structure or shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with administrative fees required by state law. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.**

**(d) Dam break inundation zone maps are only required for dams that meet the requirements for an impounding structure. The requirements of this subsection shall not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county at the time of the official submission of a development plan to the county. However, the director of planning may map the dam break inundation zone and recover the costs of such mapping from the owner of**

an impounding structure for which a dam break inundation zone map is not on file with the county and a map has not been prepared by the impounding structure's owner.

(e) Following completion of the proposed development in a dam break inundation zone, the developer shall provide the dam owner and the director of planning with information necessary for the dam owner to update the dam break inundation zone map to reflect the new development.

16. That Section 24-116 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-116. Powers.**

The board shall have the following powers and ~~it shall be its duty~~ **duties**:

(a) To hear and decide an appeals ~~where it is alleged there is error to~~ **from** any order, requirements, decision or determination by the ~~director of planning~~ **an administrative officer** in the administration and enforcement of the provisions of this chapter. **The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.**

(b) To authorize upon appeal **or original application** in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship ~~(unnecessary to carry out the spirit and purpose of this chapter);~~ **provided** and so that the spirit of this chapter shall be observed and substantial justice done, as follows:

- (1) When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional topographic conditions or other extraordinary ~~or exceptional situation,~~ **or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto**, the strict application of the terms of this chapter would actually **effectively** prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, ~~approaching confiscation~~ -- as distinguished from a special privilege or convenience sought by the applicant -- provided, that all variances shall be in harmony with the intended spirit and purpose of this chapter.

- (2) No such variance shall be authorized by the board unless it finds, by a preponderance of evidence, that all of the following facts and conditions exist:
- a. ~~The exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, do not apply generally to other properties or classes of uses in the same zoning district.~~ **That the strict application of the ordinance would produce undue hardship relating to the property;**
  - b. ~~That the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.~~ **That the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and**
  - c. ~~That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purpose of this chapter or the public interest.~~ **and that the character of the district will not be changed by the granting of the variance.**
- (3) No variance shall be authorized unless the board specifically finds that the condition or situation of the specific piece of property **concerned** ~~or the intended use of said property, for which variance is sought — one or the other or in combination —~~ is not of such **so** general or recurring a nature as to make reasonably practicable the formulation of a general regulation ~~for such condition or situation, to be adopted as an amendment to this chapter in the manner prescribed herein for amendments.~~
- (4) In authorizing a variance, the board may attach thereto **impose** such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary to further the purposes of this chapter and in the public interest, **and it may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.**

**(5) No variance shall be authorized except after notice and hearing as required by Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.**

(c) To hear and decide applications for such special exceptions as are authorized **by this chapter** herein, including the specific exceptions listed below and others authorized elsewhere in this chapter. **The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and it may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.**

**No special exception may be granted except after notice and hearing as provided by Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.**

In considering an application for a special exception, the board shall give due regard to the nature and condition of all adjacent uses and structures and the probable effect upon them of the proposed use. It shall also take into account the special characteristics, design, location, construction, method of operation, effect of traffic conditions or any other aspects of the particular use or structure that may be proposed by the applicant. If it should find, after the hearing, that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, ~~will not~~ **nor** unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the official land use plan of the county, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be **in** substantial accordance with the general purpose and objectives of this chapter, the board shall grant the exception and authorize the issuance, by the secretary of the board, of a special use permit. In those instances where the board finds that the proposed use may be likely to have an adverse effect as above, the board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation in addition to those expressly stipulated in this chapter for the particular class of use. If such determination be in the affirmative, the board shall impose such requirements or



conditions, and if these are accepted by the applicant, the board shall authorize the issuance of the special use permit; otherwise the permit shall be denied. The board may require satisfactory evidence and guarantee or bond that the conditions stipulated will be and will continue to be complied with. Any special use permit may be authorized and issued for either a limited or an indefinite period of time, ~~and shall be revocable by the board at any time for failure to adhere to the applicable conditions. Before revoking any such permit, however, the board shall afford the permit holder an opportunity to be heard, giving him at least five days' written notice of the time and place of such hearing, served as prescribed by law.~~ Construction or operation shall be commenced within one year of the date of issuance of a special use permit or it shall become void. In addition to permitting the special exceptions authorized elsewhere in this chapter, the board shall have the power to permit the following:

(1) Temporary uses and structures, in any district, for a purpose that does not conform to the regulations prescribed by this chapter for the district in which located; provided, that such uses be of a temporary nature and do not involve the erection of substantial buildings. Such use or structure shall be authorized by the issuance of a temporary and revocable permit for not more than a 24-month period, subject to such conditions as will safeguard the public health, safety and welfare.

(2) Public buildings and uses owned or operated by any public agency, and public service buildings and uses owned and operated by any public utility company (except communication towers as regulated by section 24-95(a)(3) and any facilities for construction or repair, or for the service or storage of utility materials or equipment) in any district where reasonably necessary in the public interest, provided the construction or use shall be such as to adequately safeguard the health, safety and welfare of the occupants of adjacent property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in the streets and shall not increase public danger from fire or otherwise affect public safety.

(3) Sanitary landfill refuse disposal areas and sewage treatment plants.

~~(d) To vary the application of the terms of this chapter in harmony with its general power and intent and in accordance with the rules herein prescribed, in the following respects: To hear and decide applications for interpretation of the district map, where there is any uncertainty as to the location of a district boundary. Where the actual street or lot layout differs from the layout indicated on such map, the board, after~~ **After** ~~notice to the owners of the property~~ **affected by the question,** and after public hearing **with notice as required by Va. Code § 15.2-2204,** shall **the board may** interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question. **The board shall not have the power to change substantially the**

locations of district boundaries as established by ordinance. When giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

(e) To hear and decide appeals from the decision of the director of planning after notice and hearing as provided in Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

(f) To revoke a special exception previously granted by the board if the board determines that there has not been compliance with the terms and conditions of the permit. No special exception may be revoked except after notice and hearing as provided in Va. Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

(Code 1980, § 22-116)

**State law reference:** § 15.2-2309.

17. That this ordinance shall be in full force and effect on and after its passage as provided by law except that the amendment to §19-75 shall expire on July 1, 2014; provided, however, any certified check, cash escrow, bond or letter of credit offered or renewed after July 1, 2009, and prior to July 1, 2014, and meeting the requirements of § 19-75 of this chapter shall be deemed to continue to meet the requirements after July 1, 2014.

**RESOLUTION – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond’s Amendment to Its Zone III/North Enterprise Zone.**

This resolution authorizes the County Manager to execute the Joint Application Amendment Agreement for the City of Richmond’s amendment to its Zone III/North Enterprise Zone. The City of Richmond is proposing to delete 541 acres of residential land from their Zone III/North Enterprise Zone. The City is shifting acreage to south of the James River where more revitalization efforts are taking place. Additionally, the City is proposing to add 53 acres to its Zone III/North Enterprise Zone in the Boulevard Diamond Stadium area in order to be able to offer incentives to potential developers of that area. The Enterprise Zone Program Regulations, administered by the Virginia Department of Housing and Community Development, require that the County be in agreement with the City’s request because the City’s North Enterprise Zone is a Joint Enterprise Zone shared by the City of Richmond and the County of Henrico.

The Director of Community Revitalization recommends approval, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 282-09  
Page No. 1 of 2

Agenda Title: RESOLUTION – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond's Amendment to Its Zone III/North Enterprise Zone.

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
NOV 10 2009	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____			
Date: _____	REMARKS: _____ _____ _____			
( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____				
		Donati, J. _____		
		Glover, R. _____		
		Kaechele, D. _____		
		O'Bannon, P. _____		
		Thornton, F. _____		

WHEREAS, in April 2003, the Virginia Department of Housing and Community Development (the "Department") redesignated the City's North Enterprise Zone as a Joint Enterprise shared by the City of Richmond and the County of Henrico (the "County"); and,

WHEREAS, the City of Richmond is requesting the Department approve its application to delete 541 acres of residential land from their Zone III/North Enterprise Zone, and to add 53 acres to their Zone III/North Enterprise Zone; and,

WHEREAS, the Enterprise Zone Program Regulations (the "Regulations"), administered by the Department require the County be in agreement with the City's request before the Department may approve the request; and,

WHEREAS, the Regulations require a resolution adopted by the Board of Supervisors indicating agreement with the amendment and a Joint Application Amendment Agreement executed by the County Manager; and,

WHEREAS, the County's agreement with the City's request will have no administrative or programmatic impact on the County's portion of the North Enterprise Zone; and,

WHEREAS, it is in the County's best interest that the Board express its agreement with the City's request to delete 541 acres of residential land and add 53 acres of land to their Zone III/North Enterprise Zone; and,

By Agency Head

*A. Mark Stender* JLC

By County Manager

*David L. Kappeler*

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **282-09**

Page No. 2 of 2

**Agenda Title: RESOLUTION – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond’s Amendment to Its Zone III/North Enterprise Zone.**

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**NOW, THEREFORE, BE IT RESOLVED** that the Henrico County Board of Supervisors expresses its agreement with the City of Richmond’s application to delete 541 acres of residential land and add 53 acres of land to their Zone III/North Enterprise Zone.

**BE IT FURTHER RESOLVED** that the Board authorizes the County Manager to execute the Joint Application Amendment Agreement indicating the County’s agreement with the City’s application, substantially in the form of the document attached to this resolution and shall be approved as to form by the County Attorney.

**COMMENTS:** The Director of Community Revitalization recommends approval of this Board paper, and the County Manager concurs.

## **Appendix I. Joint Application Amendment Agreement -Single Jurisdiction Amending**

This form insures that all jurisdictions are in agreement with the application being submitted by the amending jurisdiction. Completed joint application amendment agreements and corresponding authorizing resolutions of the governing bodies should be attached at the end of the amendment application.

### JOINT APPLICATION AMENDMENT AGREEMENT-SINGLE JURISDICTION AMENDING

As the representative of the local governing body of the County of Henrico, I hereby certify that: (Certifying Locality)

1. We are in agreement with the City of Richmond in filing this amendment; (Amending Locality)
2. Any local enterprise zone incentives proposed by the aforementioned locality in this amendment application represent a firm commitment;
3. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives listed in this application, the joint zone shall be subject to termination.

\_\_\_\_\_  
Chief Administrator's signature

\_\_\_\_\_  
Date

Name: Virgil R. Hazelett, P.E.

Title: County Manager

**Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith**

The Board of Supervisors created the Short Pump Town Center Community Development Authority in 2000 for the purpose of assisting in the construction, installation, and financing of certain infrastructure improvements in connection with the development of the Short Pump Town Center. In 2003, the Authority issued bonds to finance those infrastructure improvements. The bonds have been paid in full, and all other obligations of the Authority have been satisfied, discharged, or otherwise provided for.

The County has received a certified copy of a resolution which the Authority adopted March 30, 2009 indicating that it is now appropriate for the Authority to be dissolved. This Board paper concurs in the findings and declarations of the Authority's resolution, finds and determines that it is in the County's best interests to authorize the dissolution of the Authority, and authorizes the County Manager to execute and deliver any and all documents, including articles of dissolution and articles of termination of corporate existence, as he deems necessary or desirable to dissolve the Authority and terminate its corporate existence.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 283-09

Page No. 1 of 2

Agenda Title: Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith

For Clerk's Use Only:

Date: NOV 10 2009

- ( ) Approved  
( ) Denied  
( ) Amended  
( ) Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

WHEREAS, in accordance with the terms of the Virginia Water and Waste Authorities Act, the Board of Supervisors of Henrico County, acting by and on behalf of Henrico County, Virginia, created the Short Pump Town Center Community Development Authority for the purpose of assisting in the construction, installation, and financing of certain infrastructure improvements in connection with the development of the Short Pump Town Center; and

WHEREAS, the Authority's articles of incorporation were approved and a certificate of incorporation was issued by the Virginia State Corporation Commission on September 28, 2000; and

WHEREAS, to finance the cost of the improvements at the Town Center, the Authority issued its Taxable Special Assessment Revenue Bonds, Series 2003, pursuant to an indenture of trust dated as of September 1, 2003, and in connection therewith also entered into various contracts, agreements, deeds, and other instruments; and

WHEREAS, the bonds have been paid in full and all obligations of the Authority in connection with the bonds and the indenture have been satisfied and discharged; and

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **28309**

Page 2 of 2

**Agenda Title: Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith**

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WHEREAS, the County has received a certified copy of a resolution of the Authority, adopted March 30, 2009, indicating that it is now appropriate for the Authority to be dissolved in accordance with Section 15.2-5109 of the Code of Virginia of 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County, Virginia that:

1. The Board concurs in the findings and declarations of the Authority's resolution.
2. The Board finds and determines that it is in the best interests of the County to authorize the dissolution of the Authority in accordance with Section 15.2-5109 of the Code.
3. The County Manager is authorized to execute and deliver any and all documents including, without limitation, articles of dissolution and articles of termination of corporate existence, as he deems necessary or desirable in order to dissolve the Authority and terminate its corporate existence.
4. This resolution shall take effect immediately upon its adoption.

**INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District**

This Board paper introduces for advertisement and a public hearing on December 8, 2009 an ordinance that would make various technical corrections in the text of the County Code. The corrections relate to the polling places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District. None of the technical corrections has any impact on the electoral process.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 284-09  
Page No. 1 of 1

Agenda Title: **INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District**

For Clerk's Use Only:

**NOV 10 2009**

Date: \_\_\_\_\_

- ☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

The Clerk is directed to advertise, in the Richmond Times-Dispatch on November 17, 2009 and November 24, 2009, the following ordinance for a public hearing to be held at the Board Room on December 8, 2009 at 7:00 p.m.:

“AN ORDINANCE to amend and reordain section 9-2 of the Code of the County of Henrico titled ‘Precincts and polling places’ by making technical corrections in the text relating to the polling places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District. A copy of the full text of this ordinance and maps depicting the polling places are available for inspection in the Office of the County Manager.”

Comments: The Registrar and County Attorney recommend approval of this Board paper; the County Manager concurs.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

**BLACKLINE**

AN ORDINANCE To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled "Precincts and polling places" by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District.

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

1. That Section 9-2 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 9-2. Precincts and polling places.**

The following shall be the precinct boundaries and polling places for the magisterial districts in the county.

(1) Brookland Magisterial District.

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p. *Westwood Precinct.* Beginning at the intersection of the boundary line of the City of Richmond and Henrico County and West Broad Street; thence northwestwardly along West Broad Street to its intersection with Horsepen Road; thence westwardly along Horsepen Road to its intersection with Betty Lane; thence southwardly along Betty Lane to its intersection with Fitzhugh Avenue; thence eastwardly along Fitzhugh Avenue to its intersection with Orchard Road; thence southwestwardly along Orchard Road to its intersection with Monument Avenue; thence southeastwardly along Monument Avenue to its intersection with Libbie Avenue; thence southwestwardly along Libbie Avenue to its intersection with the boundary line of the City of Richmond and Henrico County; thence eastwardly and northwardly along the boundary line of the City of Richmond and Henrico County to its intersection with West Broad Street and the point of beginning. The polling place for Westwood Precinct shall be ~~Epiphany Evangelical Lutheran Church, 1400 Horsepen Road.~~ **the Jewish Community Center, 5403 Monument Avenue.**

(2) Fairfield Magisterial District.

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- o. *Maplewood Precinct.* Beginning at the intersection of Mechanicsville Turnpike (U.S. Route 360) and the Virginia Power easement (approximately 1,800 feet northeast of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Springdale Road); thence southeastwardly along the Virginia Power easement to its intersection with Creighton Road (approximately 400 feet northeast of the intersection of Carolee Drive and Creighton Road); thence southwestwardly along Creighton Road to its intersection with North Laburnum Avenue; thence northwestwardly along North Laburnum Avenue to its intersection with Harvie Road and East Laburnum Avenue; thence northwestwardly along East Laburnum Avenue to its intersection with Mechanicsville Turnpike (U.S. Route 360); thence northeastwardly along Mechanicsville Turnpike (U.S. Route 360) to its intersection with the Virginia Power easement (approximately 1,800 feet northeast of the intersection of Mechanicsville Turnpike (U.S. Route 360) and Springdale Road) and the point of beginning. The polling place for Maplewood Precinct shall be ~~Broadus Memorial Baptist Church~~ **Abundant Life Church of Christ**, 3700 Goodell Road.

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- w. *Yellow Tavern Precinct.* Beginning at the intersection of the Richmond and Ashland Electric right-of-way and the boundary line of Hanover County and Henrico County; thence eastwardly along the boundary line of Hanover County and Henrico County to its intersection with Chamberlayne Road (U.S. Route 301); thence southwestwardly along Chamberlayne Road (U.S. Route 301) to its intersection with East Parham Road; thence southwestwardly along East Parham Road to its intersection with Interstate Route 95; thence northwardly along Interstate Route 95 to its intersection with Interstate Route 295; thence northwestwardly along Interstate Route 295 to its intersection with Longdale Avenue extended; thence southeastwardly along Longdale Avenue extended to its intersection with Davis Avenue and Longdale Avenue; thence southeastwardly along Longdale Avenue to its intersection with Lee

Avenue; thence southwestwardly along Lee Avenue to its intersection with Richmond Road; thence southeastwardly along Richmond Road to its intersection with Cole Boulevard; thence southwestwardly along Cole Boulevard to its intersection with Greenwood Road; thence northwardly along Greenwood Road to its intersection with Interstate Route 295; thence northwestwardly along Interstate Route 295 to its intersection with Woodman Road; thence northeastwardly along Woodman Road to its intersection with Greenwood Road; thence southeastwardly along Greenwood Road to its intersection with Winfrey Road; thence northwardly along Winfrey Road to its intersection with the Richmond and Ashland Electric right-of-way; thence northwestwardly along the Richmond and Ashland Electric right-of-way to its intersection with the boundary line of Hanover County and Henrico County and the point of beginning. The polling place for Yellow Tavern Precinct shall be North Park Library, 8508 Franconia Road.

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(5) Varina Magisterial District.

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- i. *Laburnum Precinct.* Beginning at the intersection of the Norfolk Southern Railway and S. Airport Drive (State Route 156); thence southwardly along S. Airport Drive (State Route 156) to its intersection with W. Williamsburg Road (U.S. Route 60 and Williamsburg Road (U.S. Route 60); thence westwardly along Williamsburg Road (U.S. Route 60) to its intersection with S. Airport Drive Extended; thence southwardly along S. Airport Drive Extended to its intersection with S. Airport Drive (State Route 156); thence southwardly along S. Airport Drive (State Route 156) to its intersection with Charles City Road; thence northwestwardly along Charles City Road to its intersection with Williamsburg Road (U.S. Route 60); thence eastwardly along Williamsburg Road (U.S. Route 60) to its intersection with Millers Lane; thence northwardly along Millers Lane to its intersection with Millers Lane Extended; thence northwardly along Millers Lane Extended to its intersection with Interstate Route 64; thence eastwardly along Interstate Route 64 to its intersection with Oakleys Lane; thence northwardly along Oakleys Lane to its intersection with the Norfolk Southern Railway; thence eastwardly along the Norfolk Southern Railway to its

intersection with S. Airport Drive (State Route 156) and the point of beginning. The polling place for Laburnum Precinct shall be ~~St. Paul Lutheran Church~~ **Mountain of Blessings Christian Center**, 4700 Oakleys Lane.

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- p. *Sandston Precinct.* Beginning at the intersection of Charles City Road and S. Airport Drive; thence northwardly along S. Airport Drive to its intersection with S. Airport Drive Extended (approximately 2,650 feet southwest of the intersection of S. Airport Drive and Williamsburg Road); thence northwardly along S. Airport Drive Extended to its intersection with Williamsburg Road (U.S. Route 60); thence eastwardly along Williamsburg Road (U.S. Route 60) to its intersection with S. Airport Drive (State Route 156); thence northwardly along S. Airport Drive (State Route 156) to its intersection with the Southern Railway; thence eastwardly along the Southern Railway to its intersection with East Nine Mile Road (State Route 33); thence southeastwardly along East Nine Mile Road (State Route 33) to its intersection with Bond Street; thence northeastwardly along Bond Street to its intersection with Algiers Drive; thence southeastwardly along Algiers Drive to its intersection with Defense Avenue; thence southeastwardly along Defense Avenue to its intersection with Seven Pines Avenue; thence southwardly along Seven Pines Avenue to its intersection with Howard Street; thence southwestwardly along Howard Street to its intersection with East Nine Mile Road (State Route 33); thence southwardly along East Nine Mile Road (State Route 33) to its intersection with East Williamsburg Road (U.S. Route 60); thence eastwardly along East Williamsburg Road (U.S. Route 60) to its intersection with Sandston Avenue; thence southwardly along Sandston Avenue to its intersection with Huntsman Road; thence eastwardly along Huntsman Road to its intersection with Seabury Avenue; thence southwardly along Seabury Avenue to its intersection with Treva Road; thence westwardly along Treva Road to its intersection with Beulah Road; thence southwardly along Beulah Road to its intersection with White Oak Swamp Creek (approximately 1,200 feet north of the intersection of Beulah Road and La France Road); thence southeastwardly along White Oak Swamp Creek to its intersection with Portugee Road; thence southwardly along White Oak Swamp Creek to a fork in the creek (approximately 400 feet west of the intersection of Poplar Springs Road and White Oak Swamp Creek); thence southwestwardly along White Oak Swamp Creek to its intersection with an unnamed

stream (approximately 4,800 feet east of the intersection of White Oak Swamp Creek and Interstate Route 295); thence southwardly along the unnamed stream to its intersection with another unnamed stream; thence southwestwardly along this unnamed stream to its intersection with Charles City Road (approximately 2,000 feet east of the intersection of Turner Road and Charles City Road); thence northwestwardly along Charles City Road to its intersection with S. Airport Drive and the point of beginning. The polling place for Sandston Precinct shall be ~~Sandston Library, 23 E. Williamsburg Road.~~ **Sandston Baptist Church, 100 W. Williamsburg Road.**

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2. That the remaining provisions of Section 9-2 of the Code of the County of Henrico shall remain unchanged and in full force and effect.

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



**RESOLUTION — To Permit Additional Fine of \$200 for Speeding on University Boulevard between Henrico Avenue and Forest Avenue**

Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.

On February 10, 2004, the Board approved criteria for the County's Traffic Calming Program.

The County's Traffic Engineer has collected traffic data and has determined that University Boulevard between Henrico Avenue and Forest Avenue in the County is experiencing speeding problems and meets the criteria for traffic calming measures set forth in the Traffic Calming Program.

*The citizens in the area of this road requesting the increased fine have collected signatures from 75% of the residents.*

The Board paper authorizes the County Manager to place appropriate signs on University Boulevard between Henrico Avenue and Forest Avenue warning of an additional fine of \$200 for speeding.

The Director of Public Works recommends approval of this Board paper; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda **285-09**  
Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on University Boulevard between Henrico Avenue and Forest Avenue**

For Clerk's Use Only:  <b>NOV 10 2009</b> Date: _____  ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____  REMARKS: _____ _____ _____	<b>YES NO OTHER</b>  Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____
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WHEREAS, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, the statute also requires the Board of Supervisors (the "Board"), because Henrico County maintains its own roads, to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that University Boulevard between Henrico Avenue and Forest Avenue in the County is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

By Agency Head

By County Manager

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **285-09**

Page No. 2 of 2

**Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on University Boulevard between Henrico Avenue and Forest Avenue**

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WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 75% of the residents; and,

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on University Boulevard between Henrico Avenue and Forest Avenue advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

Comments: The Director of Public Works recommends approval of this Board paper; the County Manager concurs.