

JUN 12 2012

ORDINANCE NO. 31A-267**Board of Supervisors
James City County, VA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-143, WHEN SITE PLANS REQUIRED; SECTION 24-144, PREAPPLICATION IN CONFERENCE AND SUBMISSION OF CONCEPTUAL PLAN; SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS; SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS; SECTION 24-149, PROCEDURE FOR REVIEW OF SITE PLANS BY THE COMMISSION'S DESIGNEE(S); SECTION 24-150, PROCEDURES FOR ADMINISTRATIVE REVIEW OF SITE PLANS; SECTION 24-151, REVIEW CRITERIA GENERALLY; SECTION 24-153, SUBMITTAL OF REVISED SITE PLAN GENERALLY; SECTION 24-155, ACTION UPON COMPLETION OF REVIEW OF REVISED SITE PLAN; SECTION 24-156, TERM OF VALIDITY OF FINAL APPROVAL; SECTION 24-157, AMENDMENT OF APPROVED SITE PLANS; SECTION 24-158, FINAL "AS-BUILT" PLANS REQUIRED; AND SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, by amending Section 24-143, When site plans required; Section 24-144, Preapplication conference and submission of conceptual plan; Section 24-145, Site plan submittal requirements; Section 24-148, Procedure for commission review of site plans; Section 24-149, Procedure for review of site plans by the commission's designee(s), Section 24-150, Procedures for administrative review of site plans; Section 24-151, Review criteria generally; Section 24-153, Submittal of revised site plan generally; Section 24-155, Action upon completion of review of revised site plan; Section 24-156, Term of validity of final approval; Section 24-157, Amendment of approved site plans; Section 24-158, Final "as built" plans required; and Section 24-159, Compliance with site plan required

Chapter 24 Zoning

Article III. Site Plan

Sec. 24-142. Statement of intent.

(a) The purpose of this article is to encourage sound and innovative design and to ensure that land is used in a manner that is efficient, in harmony with neighboring property and the environment, and in accordance with the Comprehensive Plan and provisions of this chapter or other parts of the James City County Code.

(b) Nothing herein shall require the approval of any development, use or plan, or any feature thereof, which shall be found by the commission or the zoning administrator to constitute a danger to the public health, safety or general welfare, or which shall be determined to be a violation of federal, state or county laws or regulations.

Sec. 24-143. When site plans required.

Site plans shall be required for the following major uses and additions and expansions thereto:

- (1) ~~Multiple~~ Multi-family dwellings *with a combined total of four units or more*; except for the addition of individual private decks and fences accessory thereto,;
- (2) ~~Townhouses or condominiums~~ Apartments; except for the addition of individual private decks and fences accessory thereto,;
- (3) ~~Churches, temples, synagogues or cemeteries~~ *Places of public assembly, such as houses of worship, temples, synagogues, cemeteries, and public meeting halls*;
- (4) Docks, marinas, wharves, piers, bulkheads and the like or any overwater structures, except private overwater piers and boat houses accessory to *a* single-family dwelling;
- (5) ~~Business~~ Commercial or industrial buildings or developments;
- (6) Manufactured home parks;
- (7) Campgrounds;
- (8) Public parks or recreation facilities;

- (9) Public utilities, public service or transportation uses, transmission mains, buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, transformer or substations, or power transmission lines;
- (10) Schools or public buildings;
- (11) Hospitals or nursing homes;
- (12) ~~Towers;~~ *Wireless communications facilities;*
- ~~(13) — Two or more two-family dwellings on the same parcel;~~
- ~~(14)~~(13) Three or more single-family dwellings on the same parcel; or
- ~~(15)~~(14) Off-street parking areas or any additions to existing off-street parking areas except for single-family residences.

Sec. 24-144. Preapplication conference and submission of conceptual plan.

(a) Before filing an application for approval of a site development plan, the applicant is advised to confer with the planning director or his designee, and such other agencies of the county, state and/or federal governments as the planning director suggests to be advisable concerning the general proposal.

(b) Prior to the submission of a site plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a *conceptual* plan which meets all applicable submittal criteria.

(c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final site plan approval by the zoning administrator; such action does not constitute site plan approval or preliminary approval. ~~Submittal of a site plan that does not incorporate the conditions set forth during the conceptual plan review period, shall be reviewed by the commission under the requirements of section 24-148.~~
Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.

(d) Conceptual plans shall, at a minimum, ~~show~~: *identify or contain*:

- (1) ~~Property lines~~; *Project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties*;
- (2) ~~Building locations and orientation~~; *Vicinity and location maps and site address*;
- (3) ~~Building locations on adjacent properties~~; *County tax parcel identification number, site boundary, and parcel size information*;
- (4) ~~Location of parking area(s)~~; *Building locations and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as those associated with Resource Protection Areas (RPA) and CCC (Community Character Corridors)*;
- ~~(5) Landscape areas/buffers~~;
- ~~(6)~~(5) Entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.);
- ~~(7)~~(6) Greenway connections (on-site and those adjacent to the subject property);
- ~~(8)~~(7) *Narrative description of the P*roposed use of site;
- ~~(9) Building/landscape setbacks per James City County ordinance~~;
- ~~(10) Site zoning and zoning of surrounding properties~~;
- (8) *Location of stormwater management facilities*;
- ~~(12) Graphic scale~~;
- ~~(13)~~(9) *Recorded Easements (conservation, utility, rights-of-way, etc.)*;
- ~~(14)~~(10) Unique natural/visual features (viewsheds, water features, wetlands, etc.) ~~RPA buffer, known archaeological sites, etc.~~);
- ~~(15)~~(11)—Unique natural/visual features to be preserved (~~mature specimen trees, known archeological sites, etc.~~);
- ~~(16)~~(12) List of currently binding proffers or SUP conditions;
- ~~(17)~~(13) Location of entry signs; and

~~(18)(14)~~ Existing Topography of site using county base mapping (two (2) foot contour or greater with the prior approval of the Engineering and Resource Protection Director) or other mapping sources or resources.

(e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

Sec. 24-145. Site plan submittal requirements.

(a) Site plans shall, at a minimum, *identify or* contain:

(1) ~~Title of project;~~ *Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;*

(2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;

(3) ~~Vicinity and~~ Location of site by an inset map at a scale no less than one inch equals to 2,000 feet;

(4) ~~Indication of the scale, north arrow, zoning, parcel number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;~~

~~(5)(4)~~ Boundary survey of site;

(6) ~~All existing and proposed streets and easements, their names, numbers, and width; existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;~~

~~(7)(5)~~ Location, type and size of all entrances to the site. *All existing and proposed streets and easements, their names, numbers and width;*

(6) *Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;*

- ~~(8)(7)~~ Existing topography *using county base mapping (two (2) foot contour or greater with the prior approval of the Engineering and Resource Protection Director), or other mapping sources or resources*, and proposed finished contours.
- (8) *Spot elevations shown at topographic low and high points;*
- (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;
- ~~(10)~~ *A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;*
- ~~(11)~~ *An outdoor lighting plan in accordance with section 24-130;*
- ~~(10)(12)~~ Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- ~~(11)(13)~~ Number of floors, floor area, height and location of each building;
- ~~(12)(14)~~ For a multi-family *or apartment residential* development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- ~~(13)(15)~~ Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- ~~(14)(16)~~ Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- ~~(15)(17)~~ Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family *residential or apartment* developments;
- ~~(16)(18)~~ Bylaws of homeowner association where applicable;

- ~~(17)(19)~~ Copies of notification to adjacent property owners; ~~and~~
- ~~(18)(20)~~ Copy of conceptual plan ~~reviewed under the requirements of section 24-144~~. *(if applicable)*;
- ~~(21)~~ *Narrative description of compliance of plan to any proffers or special use permit conditions; and*
- ~~(22)~~ *The following environmental information about the site proposed for development including:*
- a. All existing easements, disturbed area, impervious cover, and percent impervious estimates;*
 - b. Flood zone designation, Resource Protection Areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils group A & B);*
 - c. Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);*
 - d. Demonstration that the project complies with section 23-9(b)(1), (2), & (3) of the county's Chesapeake Bay Preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);*
 - e. County watershed, steep slopes (grade 25 percent or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and*
 - f. Description of Better Site Design or Low Impact Development (LID) techniques if being used.*
- (b) If the zoning administrator determines that one or more of the above submittal requirements is not applicable to the proposed project, the zoning administrator may waive those requirements.
- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.
- ~~(d)~~ ~~If the submitted site plan does not have an approved conceptual plan, as set forth in section 24-144, then the site plan shall be reviewed by the commission under the requirements of section 24-148.~~

Sec. 24-146. Public access to site plan.

(a) It shall be the responsibility of the applicant for site plan approval to notify all adjoining property owners, advising them of the submission of plans to the county and that plans are on file and available for review in the planning division. No site plan shall be reviewed until the applicant presents evidence to the satisfaction of the planning director, or his designee, that all property owners contiguous to and sharing a common property line with such applicants or whose property lies directly across from the proposed development have been notified in writing prior to the time the site plan is reviewed. Evidence that such notice was sent by mail to the last-known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.

(b) All site plans shall be kept on file in the planning division and will be available for review by all interested persons during normal business hours for no less than five working days prior to receiving preliminary approval. This five-day period shall begin at the time the applicant has submitted sufficient evidence to the planning director that all adjacent property owners have been notified as required in this article.

Sec. 24-147. Criteria for review.

(a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s), shall consider site plans if any of the following conditions are present:

(1) The site plan proposes:

- a. a multifamily development of 10 or more units which is not subject to a binding legislatively approved master plan; or
- b. a shopping center; or
- c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 % of the total square of the building or more.

(2) There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed developments off-site impacts and/or density, as determined by the planning director.

(b) Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the economic development director determines to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Sec. 24-148. Procedure for commission review of site plans.

(a) The applicant shall submit to the planning director or his designee, ten copies of the site plan and pay the appropriate application fee. Site plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for site plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such site plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal government as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review *comments and* requirements by other agencies: *and determine consistency with all applicable zoning ordinance requirements, policies and regulations.* The DRC shall consider the composite report and the site plan and make a recommendation to the commission.

(c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the site plan. The site plan may be granted preliminary approval with conditions that must

be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

(d) The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director ~~and the DRC~~ in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review *comments and* requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The *composite report and the* enhanced conceptual plan ~~and the planning division's composite report~~ shall be ~~reviewed~~ *considered* by the DRC *at one of its regularly scheduled monthly meetings when it meets* to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further review administratively by the planning division ~~and other agencies as deemed necessary by the planning director~~. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

- (e) The enhanced conceptual plan shall at a minimum contain:
- (1) Project title, title block, legend, north arrows and ~~plan~~ *graphic* scale labeled;
 - (2) Vicinity and location maps and site address;
 - (3) Site owner and developer information;

- (4) County tax parcel number, site boundary and parcel size information;
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character);
- (6) Adjacent property information;
- (7) Existing site features such as property lines, roads, buildings, ~~roads~~, driveways, and utilities;
- (8) Existing topography using county base mapping (five (5) foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;

- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and Hydrologic Soil Group A and B soils;
- (34) Full Environmental Inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID Code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;

- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and Minimum Standard #19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP Point System;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

Sec. 24-149. Procedure for review of site plans by the commission's designee(s).

(a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal government as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review *comments and* requirements by other agencies and submit the report to the Commission's designees for consideration.

(c) The Commission's designees shall consider the planning division's report and either grant preliminary approval, defer, disapprove or refer the site plan back to the ~~DRC development review committee and full Commission~~. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall provide written notice to the applicant of the Commission's designee's decision. Such notice shall state any actions, changes, conditions or additional

information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

Sec. 24-150. Procedures for administrative review of site plans.

(a) The applicant shall submit to the planning director, or designee, ten copies of the site plan and pay the appropriate application fee. Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal government as deemed necessary by the planning director. The planning division shall transmit county staff comments to the applicant within 45 days of the initial submittal of plans meeting all applicable submittal criteria. No plan shall be approved until all staff and other agency comments are satisfied.

(b) The site plan may be granted preliminary approval *with conditions that must be satisfied prior to final approval* ~~by the planning division or deferred. It or~~ may also be approved or disapproved by the zoning administrator. ~~The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator.~~ The planning division shall notify the applicant of any action taken on the site plan within ten working days of such action. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for denial.

Sec. 24-151. Review criteria generally.

~~The planning director, zoning administrator, the planning commission, or its designee(s), the planning director and the zoning administrator shall~~ *examine review* and consider site plans with respect to:

- (1) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan *Development Standards*;
- (2) Design and layout of the site including *all existing and proposed* buildings, *exterior* signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage,

stormwater management, sanitary sewage disposal and water supply ~~exit and entrance points~~ *locations* on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservation; efficient layout of buildings, parking areas *and* off-street loading and unloading and movement of people, goods and vehicles (including emergency vehicles) from access roads within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles, *including emergency vehicles, a safe means of* ingress and egress;

- (3) Design standards contained in this chapter as they relate to traffic circulation, parking, *lighting*, performance standards, location of structures, *building and landscape* setbacks, ~~yards, bulk, yard requirements~~, height and building coverage *limits* shall apply, where applicable, to site plan approval. The design criteria established in the county subdivision ordinance and applicable standards of the State Department of Transportation shall apply where appropriate to site plan approval.

Sec. 24-152. Term of validity for preliminary approval.

Preliminary approval of a site plan shall be valid for a period of one year. A revised site plan must be presented and properly filed with the planning director, or his designee, and receive final approval from the zoning administrator prior to the termination date of the preliminary approval.

Sec. 24-153. Submittal of revised site plan generally.

Ten copies of a revised site plan shall be submitted to the planning director; or his designee; who shall, within 30 days, review the second submittal of plans for compliance with applicable county regulations, the requirements for final approval and any conditions of the preliminary approval. The planning director; or his designee; shall review each subsequent submittal of revised plans within 21 days. The planning director shall provide a set of all submittals to ~~relevant~~ *applicable* agencies or departments for their review and written

comments. The revised site plan shall be submitted on separate sheets or overlays as appropriate for accurate representation of the project. Insufficient submittals may be returned to the applicant with written notification of deficiencies from the planning director or his designee. The revised site plan shall, at a minimum, contain those items set forth in subsection 24-145(a)(1) through (17) (22).

Sec. 24-154. Reserved.

Sec. 24-155. Action upon completion of review of revised site plan.

Upon final approval of the site plan by the zoning administrator, the planning director or his designee shall transmit two approved sets of plans to the developer, owner or authorized project agent, and one *One* copy of any correspondence and *an approved set of plans* is to be retained *on file* by the planning director or his designee *by the records management division*.

Sec. 24-156. Term of validity of final approval.

(a) Final approval of a site plan submitted under the terms of this article shall ~~expire~~ *be valid from the date of approval for a period of five years after the date of such approval*. During that period, all building permits shall be obtained or the development shall be put into use. When building permits have been issued, the site plan approval shall run concurrently with the building permit term of validity for only those buildings and improvements covered by *a the permit(s)*.

(b) ~~The approved final site plan shall be valid for a period of five years from the date of approval. For so as long as the final site plan remains valid in accordance with the provisions of this section, no change or amendment to any county ordinance, map, resolution, policy or plan adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the developer or successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.~~ *as determined by the planning director and by the building safety and permits director.*

(c) Application for minor modifications to approved site plans made during the five-year term of validity shall not constitute a waiver of provisions of this section nor shall the approval of such minor modifications extend the ~~period~~ *term* of validity *of the originally approved site plan*. Any minor modification shall be made in accordance with section 24-157.

(d) The provisions of this section shall not be construed to affect any litigation nonsuited and thereafter refiled; the authority of the governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; the application to parcels of land subject to final site plans, to the greatest extent possible, of the provisions of the county's Chesapeake Bay Preservation ordinance, or any county ordinance adopted to comply with the requirements of the federal Clean Water Act Section 402(p) Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

Sec. 24-157. Amendment of approved site plans.

(a) Upon application, an approved site plan may be amended with the approval of the zoning administrator, provided that such proposed amendment does not:

- (1) Alter a recorded plat;
- (2) Conflict with the specific requirements of this article;
- (3) Change the general character or content of an approved development plan or use;
- (4) Have an appreciable affect on adjoining or surrounding property;
- (5) Result in any substantial change of major external access points;
- (6) Increase the approved number of dwelling units or height of buildings; ~~or~~
- (7) Decrease the specified yards and open spaces or specified parking and loading spaces; *or*
- (8) *Increase specified parking and loading spaces.*

(b) Amendments not in accordance with subsections (a)(1) through ~~(7)~~(8) of this section shall be considered as new site plans and resubmitted for approval. Approval of an amendment under this section shall not extend the term of validity of the original approved site plan.

Sec. 24-158. Final "as-built" plans required.

For all projects subject to site plan review in accordance with section 24-143, a copy of final "as-built" plans and specifications for all water and sewer facilities and fire hydrants shall be submitted to the James City Service Authority prior to the issuance of any ~~permanent~~ *final* certificate of occupancy *by the building safety and permits division.*

Sec. 24-159. Compliance with site plan required.

(a) *Inspection and supervision during development:*

- (1) Unless otherwise specifically provided in this chapter, the construction standards for all ~~off-site and on-site~~ *on-site and off-site* improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of building safety and permits or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.
- (2) The owner or agent shall notify the director of building safety and permits in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
- (3) The stormwater division shall, after approval of the plan and specifications, inspect construction of all stormwater installations, including but not limited to BMPs, storm drains, channels, inlets, and outfalls to assure conformity with the approved plans to the maximum extent possible.
- (4) The owner or agent shall provide adequate supervision on the site during installation of all required improvements and have a responsible superintendent or foreman, together with one set of the approved plans, profiles and specifications available at the site at all times when the work is being performed.

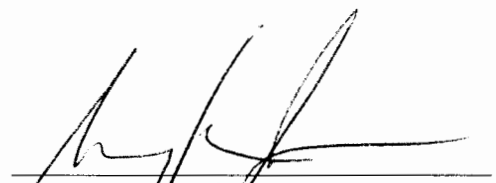
(b) *Sanctions, penalties and relief.* Any person, firm or corporation, whether as principal, agent, owner, lessee, employee or similar position, who violates or fails to comply with any provision of this article, permits such violation or erects any structure or uses any land or structure prior to preliminary approval or contrary to a

site plan shall be subject to criminal sanctions, civil penalties and/or injunctive relief as provided in section 24-22.

Sec. 24-160. Administrative review fees.

Submittal of a site plan and subsequent revisions proposed by the applicant shall be accompanied by a fee as specified in section 24-7.

Secs. 24-161 - 24-170. Reserved.



Mary K. Jones, Chairman
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
ICENHOUR	AYE
KALE	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2012.