

JUN 09 2015

ORDINANCE NO. 31A-297

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 I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-20, AMENDMENTS AND VARIATIONS OF CONDITIONS; AND BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-23, SUBMITTAL REQUIREMENTS.

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 I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-20, AMENDMENTS AND VARIATIONS OF CONDITIONS; AND BY AMENDING ARTICLE I, SECTION 24-23, SUBMITTAL REQUIREMENTS.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-7. Administrative fees.

(a) Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning	\$1,200.00 plus \$75.00 per acre, not to exceed \$15,000.00

- a. Rezoning or proffer amendments which require a public hearing...\$1,200 plus \$75.00 per acre, not to exceed \$15,000.00
- b. Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density.....200.00

(If the board of supervisors determines that an amendment or variation of proffered conditions warrants a public hearing in accordance with section 24-13 of this chapter, such requests shall pay a rezoning fee in accordance with (1)a., above.)

(2) Applications for Special use permits:

- a. Generally (General special use permits processed with..... \$1,000.00 plus \$30.00 a rezoning shall pay a rezoning fee only) per acre, not to exceed \$5,000.00
- b. Manufactured home on an individual lot..... 100.00
- c. Family subdivision under section 24-214..... 100.00
- d. Amendment to a special use permit.....400.00
- e. Wireless communications facilities under division 6 1,500.00

(3) Master plan review:

- a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only)200.00

- b. Revision of approved plan:
 - 1. Residential Cluster 75.00
 - 2. R-4, PUD, Mixed Use 150.00

- (4) Site Plan Review:
 - a. Administrative review:
 - 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
 - 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
 - 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

 - b. Planning commission review:
 - 1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
 - 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
 - 3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

 - c. Amendment to an approved plan:
 - 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
 - 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
 - 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
 - 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.

 - d. Zoning administrator and fire department review only, \$20.00.

 - e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.

- (5) Sign permits, \$5.00 per square foot of gross sign area.

- (6) Appeals to the board of zoning appeals, \$500.00.

- (7) Application for a height limitation waiver to the board of supervisors, \$200.00.

- (8) Application for administrative variance, \$250.00.

- (9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.

- (10) Conceptual plan review, \$25.00.

- (11) Zoning verification request, \$100.00.

(12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.

(b) Payment of any permit fees established in section 24-7 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Sec. 24-20. Amendments and variations of conditions.

(a) Conditions proffered and accepted as part of an amendment of the zoning ordinance shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) *Except as provided in subsection (c),* ~~There~~ *there* shall be no amendment or variation of *proffered* conditions created pursuant to the provisions of this article until after a public hearing before the board of supervisors which shall be advertised pursuant to section 24-13 of this chapter.

(c) Where an amendment or variation of proffered conditions is requested pursuant to Virginia Code § 15.2-2302(A), and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirement for a public hearing under any statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions. Written notice of such application shall be provided by the applicant to any landowner subject to such existing proffered conditions in the manner prescribed by Virginia Code § 15.2-2302(H).

Sec. 24-23. Submittal requirements.

(a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.

(1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:

- a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and

- b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
 - c. Environmental information shall be submitted in accordance with the environmental constraints analysis for legislative cases; and
 - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
 - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
 - f. A Phase IA historic and archaeological study if the property is identified as being a highly-sensitive area on the James City County archaeological assessment. If the property is identified as a moderately-sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and
 - g. An environmental inventory in accordance with the James City County natural resource policy; and
 - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
 - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
 - b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
 - c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;

- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

Type of Development	Area Designation
Single family	A
Multi-family dwellings containing up to and including four dwelling units	B
Multi-family dwellings containing more than four dwelling units	C
Apartments	D
Commercial uses	E
Wholesale and warehouse uses	F
Office uses	G
Light industrial uses	H
Institutional or public uses	I
Areas of common open space, with recreation areas noted	J
Structures containing a mixture of uses	M*
Other structures, facilities or amenities	X

*Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

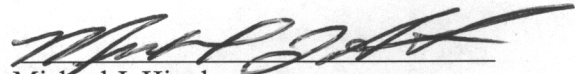
1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.

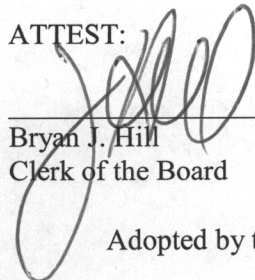
If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

- (3) Any other submittal requirement which may be required by this chapter.
- (4) An application and fee in accordance with section 24-7 of this chapter.
- (b) Supplemental information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezonings" policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.

(c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the "Electronic Submittal Requirements for Legislative Applications" policy, as approved by the planning commission.

(e)(d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.


 Michael J. Hipple
 Chairman, Board of Supervisors

ATTEST: 
 Bryan J. Hill
 Clerk of the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JONES	<u>X</u>	___	___	___
MCGLENNON	<u>X</u>	___	___	___
ONIZUK	<u>X</u>	___	___	___
KENNEDY	___	___	___	<u>X</u>
HIPPLE	<u>X</u>	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2015.