

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 10, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. April 12, 2018 Meeting Minutes

D. OLD BUSINESS

1. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations - Stage III, Continued

E. NEW BUSINESS

1. ZO-0004-2018 and SO-0004-2018. Amendments to the Zoning and Subdivision Ordinances to Delete References to Fees
2. Upcoming Joint Planning Commission and Board of Supervisors Work Session

F. ADJOURNMENT

ITEM SUMMARY

DATE: 5/10/2018
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: April 12, 2018 Meeting Minutes

ATTACHMENTS:

	Description	Type
☐	April 12, 2018 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	5/3/2018 - 4:23 PM
Policy	Holt, Paul	Approved	5/4/2018 - 9:15 AM
Publication Management	Burcham, Nan	Approved	5/4/2018 - 9:19 AM
Policy Secretary	Secretary, Policy	Approved	5/4/2018 - 9:53 AM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 12, 2018
4:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair
Tim O'Connor
Julia Leverenz
Rich Krapf

Absent:

Heath Richardson

Staff:

Ellen Cook, Principal Planner
Tammy Rosario, Principal Planner
Jose Ribeiro, Senior Planner II
Roberta Sulouff, Senior Planner
Alex Baruch, Planner
Tom Leininger, Community Development Assistant

C. MINUTES

1. March 8, 2018 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the February 8, 2018 meeting minutes.

The motion passed 4-0.

D. OLD BUSINESS

1. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis - Stage III

Mr. Jack Haldeman opened the discussion.

Mr. Alex Baruch presented the Zoning and Subdivision Ordinance amendments for bicycle and pedestrian accommodations. He stated that the transportation impacts formerly addressed through the Proffer system are generally addressed under three administrative policies: the Pedestrian Accommodations Master Plan, Regional Bikeway Plan and the Transportation Impact Analysis Policy. He stated that staff has drafted Zoning and Subdivision Ordinance language. He stated that staff had reexamined the waiver criteria. He stated that staff

recommends the addition of Ordinance language that specifically addresses the Virginia Department of Transportation's (VDOT) role in site plan and subdivision approval process. He stated that VDOT is required to give its approval before final site plan or subdivision approval. He stated that if the off-site improvements are mitigated than the proposed plan passes the Transportation Adequate Facilities Test. He stated that the current policy language provides steps for identifying impacts, but does not provide direction to when the impacts cannot be addressed.

Mr. Haldeman stated that he noticed areas of the proposed changes only apply to pedestrians.

Ms. Julia Leverenz asked if there were situations where pedestrian accommodations were required and bicycle accommodations were not.

Ms. Roberta Sulouff stated that there is a section of the proposed Ordinance that references pedestrian accommodations for the interconnectivity of subdivisions. She stated that staff can add bicycle accommodations to the Ordinance language per the Policy Committee's recommendation.

Mr. Tim O'Connor stated that he could see a benefit in keeping the pedestrian accommodations separate from the bicycle accommodations.

Ms. Sulouff stated that the definition of bicycle facilities covers bike paths and shared roads. She stated that there is a required amount of bike and pedestrian facilities required by the Parks and Recreation Development Guidelines.

Ms. Leverenz asked if the pedestrian accommodations could be a gravel path.

Ms. Sulouff stated that the Parks and Recreation Development Guidelines require sidewalks to be paved or poured concrete.

Ms. Ellen Cook stated that staff would work with VDOT standards.

Ms. Leverenz stated that she would be in favor of allowing the individual property owner to determine if they want to develop the bicycle and pedestrian accommodations separately.

Mr. Baruch stated that staff will work with the Planning Director to amend the language to include the changes from the Policy Committee.

Mr. Haldeman asked if bicycle accommodations would be required on the final subdivision plat along with the pedestrian accommodations.

Mr. Baruch stated that if the bicycle accommodations are included in the right-of-way then they would not need to be separated out on the plat.

Ms. Sulouff stated that a multi-use path would also cover the bicycle accommodations.

Mr. Haldeman asked if a minimum width could be included in the Ordinance language along with the American with Disabilities Act (ADA) Accessibility Guidelines.

Mr. Baruch stated that the path could not be built smaller than ADA's requirements.

Mr. Haldeman stated that if the ADA standards were to decrease in size, having a specific width measurement in the Ordinance would ensure that the paths would not be built smaller even if the ADA standards are lowered.

Mr. Baruch stated that the pedestrian accommodations must also meet VDOT's standards.

Ms. Sulouff stated that staff could look into what the Parks and Recreation Developmental Guidelines required for path widths.

Mr. Baruch stated that he would prefer going by the VDOT's and ADA's requirements and not include a specific width that over time might need adjusting due to changing construction standards.

Mr. Krapf stated that he would like the Ordinance to only reference VDOT and ADA requirements and not a specific width.

Ms. Leverenz stated that she would like the Ordinance language to state that the path must adhere to the standards of VDOT, ADA or the Parks and Recreation Developmental Guidelines, whichever is wider.

Mr. O'Connor asked if there is a difference between VDOT standards and VDOT construction standards. He stated that VDOT construction standards did not imply that there is a size regulation.

Mr. Baruch stated that the word "construction" can be removed.

Ms. Leverenz stated that she would combine the two bullet points to form one single point about construction standards.

Ms. Sulouff stated that staff will look into creating a more condensed Ordinance language.

Mr. O'Connor asked if VDOT has a response requirement.

Ms. Sulouff stated that staff is unaware of a response requirement for VDOT. She stated that staff is required to respond within 15 business days.

Mr. O'Connor asked if staff can approve plans without VDOT approval.

Ms. Sulouff stated that our current Ordinance requires VDOT approval and the new Ordinance specifically calls out the requirement by VDOT.

Mr. Baruch asked if the Policy Committee was comfortable with the Transportation Impact Analysis (TIA) language.

Mr. Haldeman confirmed.

Ms. Leverenz stated that the Board of Supervisors wanted the Policy Committee to take a close look at the exemptions.

Mr. Baruch stated that staff has included two new exemptions to the Ordinance.

Mr. Baruch stated that staff will work on the recommendations from the Policy Committee and the next step is to go to the Planning Commission (PC).

Mr. Haldeman confirmed.

Ms. Leverenz asked if the Committee is able to review the Ordinance language before the PC.

Mr. Baruch confirmed. He stated that he will send the amended Ordinance language to the PC members by email.

Mr. Krapf stated that he had one grammatical change to the TIA language.

Mr. Haldeman asked if there were any further comments.

There were no further comments.

2. ZO-0001-2018/SO-0001-2018, Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018/SO-0003-2018, Zoning and Subdivision Ordinance Amendments for the Archaeological Policy-Stage II

Mr. Haldeman opened the discussion.

Mr. Jose Ribeiro stated that at the last Policy Committee meeting staff presented the requirements of the Natural Resource and Archaeological Policy. He presented the Natural Resource and Archaeological Policies to be included in the Zoning Ordinance for site plans and Subdivision Ordinance for subdivision plans. He stated that the proposed Ordinance amendments has a list of exemptions. He stated that there will be two new sections added to the Zoning Ordinance. He stated that the new sections will list the standards for archaeology studies and natural resource inventories.

Ms. Leverenz stated that she appreciated staff following up with her on her questions regarding titling and citation of documents, deletion of references to G1, G2 and G3 rankings in the Natural Resource language, and verification that the Department of Conservation and Recreation and Department of Natural Heritage qualifies biologists.

Mr. Ribeiro stated that staff will correct the title references. He stated that the Virginia Department of Historic Resources now uses a different title than what was referenced. He stated that staff will look further into the other items, including biologist qualifications.

Ms. Leverenz stated that the references in the Ordinance should be accessible to the public.

Mr. Krapf stated that he did not have any comments.

Mr. O'Connor asked how areas are identified as ultra-sensitive.

Mr. Ribeiro stated that in the Comprehensive Plan there is a map showing the different sensitivity levels of areas in the County.

Ms. Cook stated that an archaeologist surveyed the County and identified the different areas.

Mr. Haldeman stated that a Stage III review would not be required because the Policy Committee is satisfied with the Ordinance language. He asked if there were any further comments.

There were no further comments.

E. NEW BUSINESS

Mr. O'Connor stated that he had a concern with the location of vending machines along Community Character Corridors (CCC). He stated that there could be a performance standard that the Policy Committee could discuss at a future meeting.

Mr. Haldeman asked if there could be an Ordinance amendment.

Mr. O'Connor stated that the CCC Ordinance could be amended to address vending machines.

Ms. Rosario stated that staff can take a look at the Ordinance to figure out the correct path to address the issue.

F. ADJOURNMENT

Ms. Leverenz made a motion to Adjourn. The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 4:45 p.m.

Mr Jack Haldeman, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 5/10/2018

TO: The Policy Committee

FROM: Alex Baruch, Planner and Roberta Sulouff, Senior Planner

SUBJECT: ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations - Stage III, Continued

ATTACHMENTS:

	Description	Type
☐	Staff Memorandum	Staff Report
☐	Attachment 1. Draft Ordinance Language: Sections 19-30, 24-35 and 24-151(2)	Backup Material
☐	Attachment 2. Design Specification Table	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	5/4/2018 - 2:26 PM
Policy	Holt, Paul	Approved	5/4/2018 - 3:28 PM
Publication Management	Daniel, Martha	Approved	5/4/2018 - 4:00 PM
Policy Secretary	Secretary, Policy	Approved	5/4/2018 - 4:13 PM

MEMORANDUM

DATE: May 10, 2018

TO: The Policy Committee

FROM: Alex Baruch, Planner
Roberta Sulouff, Senior Planner

SUBJECT: ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations - Stage III, Continued

HISTORY

The Policy Committee met on April 12, 2018, to further discuss strategies for addressing impacts associated with legislative cases which would formerly have been addressed through proffers per the requirements of various adopted administrative policies. At that meeting, the Committee offered staff feedback on proposed draft Zoning Ordinance language addressing pedestrian and bicycle accommodations. As the proposed revisions presented potential substantive changes, staff is seeking further Policy Committee feedback and confirmation on changes to the draft language before proceeding further. Should the Policy Committee approve of the revisions, staff will bring the language to the full Planning Commission at an upcoming meeting.

DISCUSSION ITEMS

Changes since the last Policy Committee meeting include the following items:

1. Added “, and” before the new language in Section 24-151.
2. Added bicycle accommodations to Section 24-35(a)(5) to existing pedestrian accommodations for interconnectivity between parcels.
3. Added “The accommodations” to Section 24-35(b)(2) to represent both pedestrian and bicycle accommodations.
4. Staff has developed options for addressing Policy Committee members’ concerns with previous draft language for Section 24-35(b)(3).
 - a. *Width:* Staff understood the Policy Committee’s request at the last meeting to reflect a desire for specific width requirements for privately maintained accommodations in the body of the Ordinance, as is found in current Ordinance language. The Committee recommended tying these width requirements to other established guidelines, such as the Virginia Department of Transportation (VDOT) requirements or requirements found in the Parks and Recreation Master Plan Development Guidelines. After researching the specifics of these guidelines (see Attachment No. 2), staff is recommending that the Ordinance retain the current suggested widths (five feet minimum for sidewalks and eight feet minimum for multi-use paths), but that construction standards for those accommodations be linked to established standards. For sidewalks, staff recommends that privately maintained accommodations be built to VDOT construction standards. Staff recommends that multi-use paths be built to construction standards found in the Parks and Recreation Greenways Master Plan.

- b. *Private vs. Public Accommodations:* While current Ordinance language does draw distinctions between publicly maintained and privately maintained accommodations, staff believes that this section may be made more straightforward by the rearranging of language to make those distinctions more explicit. Staff has reworked language in the proposed draft text as an effort toward this end.

RECOMMENDATION

Staff recommends that the Policy Committee recommend adoption of the draft Ordinance language to the Planning Commission.

AB/RS/nb
BPAccomStgIII-mem

Attachments:

1. Draft Ordinance Language: Sections 19-30, 24-35 and 24-151(2)
2. Design Specifications Table

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY AMENDING SECTION 24-35, PEDESTRIAN ACCOMMODATIONS; AND BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-151, REVIEW CRITERIA GENERALLY.

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 II, Special regulations, Division 1, In General, by amending Section 24-35, Pedestrian accommodations and by amending Article III, Site Plan, by amending Section 24-181, Review criteria generally.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

Sec. 24-35. Pedestrian *and bicycle* accommodations.

- (a) Pedestrian *and bicycle* accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
- (1) ~~External sidewalks.~~ Pedestrian *and bicycle* accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan *and the regional bikeways plan*. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.
 - (2) *Internal public streets.* Pedestrian accommodation internal to a residential, commercial, office or industrial development with public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.
 - (3) *Internal private streets.*
 - a. Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.
 - b. For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.
 - c. Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.
 - d. The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.
 - (4) *Interconnectivity internal to a parcel.* Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road external to the development and any

existing public transit stops. Development within industrial parks and industrial sections of the economic opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.

- (5) *Interconnectivity between parcels.* Pedestrian *and bicycle* accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or his designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This criterion may be waived by the planning director or his designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.
- (b) Construction standards: Pedestrian *and bicycle* accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:
 - (1) ~~Pedestrian~~ *If accommodations are to be publicly maintained, the* accommodations shall be built to VDOT standards and located within VDOT right-of-way. ~~when they are to be publicly maintained. If accommodations are to be privately maintained, they shall be built to VDOT construction standards.~~
 - (2) ~~Right of way and pedestrian accommodations~~ *The accommodations* shall be shown on the final plat.
 - (3) ~~Sidewalks shall be paved and a minimum of five feet in width. Multi-use paths shall be paved and a minimum of eight feet in width. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines.~~
 - (3) *If accommodations are to be privately maintained, they shall meet the following requirements:*
 - (a) *Sidewalks shall be paved and a minimum of five feet in width and be built to VDOT construction standards;*
 - (b) *Multi-use paths shall be paved and a minimum of eight feet in width and shall be built to paved trail standards in the Parks and Recreation Greenways Master Plan;*
 - (c) *All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines;*
 - (d) *Width criteria for private accommodations may be reduced with approval by the planning director or designee if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.*
- (c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:
 - (1) A proposed temporary structure(s) will not be erected for more than six months; or
 - (2) A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or
 - (3) The development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop.; *or*

(4) *Land disturbance on the project area is less than 2,500 square feet; or*

(5) *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*

(d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:

(1) A pedestrian *or bicycle* accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the county or VDOT. The planning director or his designee may request dedication of sufficient right-of-way for pedestrian *or bicycle* accommodations related to the road project in lieu of construction of the pedestrian *or bicycle* requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or

(2) In circumstances where topographical conditions make construction of pedestrian *or bicycle* accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or

(3) Pedestrian *or bicycle* accommodations *are* shown on a master plan *or corridor plan* approved by the board of supervisors that differs from the pedestrian accommodation master plan or the *regional bikeways plan*.

If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian *or bicycle* accommodation construction and maintenance fund in an amount determined by the county engineer or his designee. The amount shall be based on:

- a. projected engineering costs;
- b. projected material costs;
- c. projected labor and mobilization costs;
- d. current topographical conditions of the site; and
- e. linear feet of road frontage.

(e) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

Article II. Special Regulations

Sec. 24-151. Review criteria generally.

The planning director, zoning administrator, the planning commission, or its designee shall 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 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, 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, 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 improvements required by agencies including the Virginia Department of Transportation and the James City Service Authority shall be shown on the plan before final approval of the site plan.*

Design Specifications

	Sidewalk Width	Shared Use Path Width
VDOT	5 feet	8-14 feet
Parks and Recreation Master Plan/Greenway Master Plan	N/A	Minimum 8 feet
ADA	5 feet if no passing spaces are offered	Minimum 8, recommended 10 feet
James City County Current Ordinance	Minimum 5 feet	Minimum 8 feet

ITEM SUMMARY

DATE: 5/10/2018

TO: The Policy Committee

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: ZO-0004-2018 and SO-0004-2018. Amendments to the Zoning and Subdivision Ordinances to Delete References to Fees

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed changes to the Zoning Ordinance	Ordinance
☐	Proposed changes to the Subdivision Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	5/4/2018 - 9:53 AM
Publication Management	Daniel, Martha	Approved	5/4/2018 - 2:43 PM
Policy Secretary	Secretary, Policy	Approved	5/4/2018 - 2:44 PM

MEMORANDUM

DATE: May 10, 2018

TO: The Policy Committee

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: ZO-0004-2018 and SO-0004-2018. Amendments to the Zoning and Subdivision Ordinances to Delete References to Fees which are Set Forth in the County Code Appendix A - Fee Schedule for Development Related Permits

As noted on Page A-6 of the FY 2019-2020 Proposed Operating Budget, modernization of our County facilities will be an overarching task. Facilities including buildings, roads, stormwater rehabilitation and construction projects, technology improvements and business process enhancements will affect each resident and business owner in our great County.

Rapid growth requires us to pay attention to our infrastructure as numerous stormwater projects are planned over the next five years in addition to enhancing technology platforms to handle steady growth.

One of those enhanced technology platforms to handle the steady growth is a new permitting and inspection software system for Community Development and General Services. The software will be used by all reviewing departments and agencies, including Stormwater and Resource Protection, the Fire Department, the County Attorney's office, James City Service Authority and the Virginia Department of Transportation and will allow cross-referencing between divisions for building permits as well as site plans and zoning permits. Contractors, builders and developers will be able to access case information in real time from the field to monitor their projects.

Included in the FY 2019 budget is a new 5% fee for development-related applications. The estimated revenue generated by the fee will be used to defray the costs incurred by the County for additional resources and technology necessary to administrate each of the listed programs and for the filing and processing of amendments, applications and appeals related to each of the listed programs.

The proposed Ordinance, while adding the fees necessary to support administering our permits, also increases transparency by consolidating fee references, which are currently spread throughout the County Code, into one consolidated table.

As part of the County's budget process, the Board of Supervisors conducted a public hearing on this item on April 10, 2018. A copy of the staff report and draft Ordinance can be found here: <https://jamescity.novusagenda.com/AgendaPublic/MeetingView.aspx?MeetingID=689&MinutesMeetingID=719&doctype=Agenda>

Should the proposed Ordinance be adopted by the Board on May 8, the new fee schedule would become effective on July 1, concurrent with the start of the new fiscal year and the needed formatting and housekeeping in the Zoning and Subdivision Ordinances will need to be completed in June to avoid having outdated and conflicting information in the Code.

The resulting needed revisions to the Zoning Ordinance and Subdivision Ordinance are attached.

ZO-0004-2018 and SO-0004-2018. Amendments to the Zoning and Subdivision Ordinances to Delete References to Fees which are Set Forth in the County Code Appendix A - Fee Schedule for Development Related Permits

May 10, 2018

Page 2

RECOMMENDATION

Staff looks forward to discussing this item with the Policy Committee. Staff recommends the Policy Committee recommend approval of these changes and forward its recommendation to the Planning Commission for its consideration at the June 6 meeting.

PDH/md

ZO-SO-4-2018Amend-mem

Attachments:

1. Proposed revisions to the Zoning Ordinance (Case No. ZO-0004-2018)
2. Proposed revisions to the Subdivision Ordinance (Case No. SO-0004-2018)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES, AND BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, SECTION 24-47, KEEPING OF CHICKENS IN RESIDENTIALLY ZONED AREAS, BY DELETING REFERENCES TO FEES AND ADDING THAT ADMINISTRATIVE FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

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, and by amending Article II, Special Regulations, Division I, In General, Section 24-47, Keeping of chickens in residentially zoned areas.

Chapter 24. Zoning

Article I. In General

Sec. 24-7. Administrative fees.

- (a) Fees *and set forth in County Code Appendix A - Fee Schedule for Development Related Permits*. 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:~~

Procedure — Fee

(1) ~~Rezoning~~s:

- a. ~~Rezoning~~s 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) ~~Special use~~ permits:

- a. ~~Generally (General special use permits processed with a rezoning shall pay a rezoning fee only)~~ — \$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00
- b. ~~Manufactured home on an individual lot.~~ — 100.00

- e. ~~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~~ *and set forth in County Code Appendix A - Fee Schedule for Development Related Permits*. 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.

Article II. Special Regulations

Division I. In General

Sec. 24-47. Keeping of chickens in residentially zoned areas.

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purposes of household consumption and shall comply with the following requirements:

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling eggs or selling chickens for meat shall be allowed. Harvesting of chickens is not permitted.
- (b) The maximum number of chickens permitted on a residential lot shall be two hens per the first 5,000 square feet of lot area, and one additional bird for each additional 5,000 square feet of total lot area thereof. The total number of birds is not to exceed a maximum of 12 hens.
- (c) Chickens shall only be allowed on properties consisting of single-family homes and which are on lots of at least 15,000 square feet in size.
- (d) No roosters shall be allowed.
- (e) Coops or cages and runs shall only be located in the rear yard area. The zoning administrator may grant an exception to this requirement in cases where due to unusual lot configuration, topography, or proximity of neighbors, another area of the yard is more suitable for such an activity.
- (f) Coops or cages and runs shall be situated at least five feet from adjoining property lines and 25 feet from any dwelling located on a property not owned by the applicant. On corner lots, all pens coops or cages shall be situated no closer than 35 feet from the side street.
- (g) Coops or cages and runs shall be located outside of resource protection areas and any conservation easements dedicated to the county.
- (h) Coops or cages and runs shall be required, a portion of which shall be covered. Such coops, cages and runs shall be enclosed with a minimum four (4) feet high chicken wire fence. All coops, cages or runs shall provide at least three square feet of area per bird.
- (i) Each property owner seeking to keep chickens shall file an application with the James City County zoning office. Such application shall be accompanied by a ~~\$20.00~~ processing fee *set forth in County Code Appendix A - Fee Schedule for Development Related Permits*. The application shall include a sketch showing the area where the chickens will be housed and the types and size of enclosures in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken-keeping complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked.

- (j) Any more restrictive covenants dealing with the keeping of chickens shall supersede and control over the provisions of this section.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

Ch24Zoning-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15, FEES, BY DELETING REFERENCES TO FEES AND ADDING THAT FEES ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS, AND BY RENUMBERING SUBSECTION 19-15(4) TO NEW NUMBER 19-15(1)

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article I, General Provisions, 19-15, Fees, and by renumbering subsection 19-15(4) to new number 19-15(1).

Chapter 19. Subdivisions

Article I. General Provisions

Sec. 19-15. Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below *or set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*

- ~~(1) *General plan review.* There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivision shall be \$200.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be \$250.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be \$50.00. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the James City County treasurer. An additional fee of \$250.00 shall be collected for any review after the second re-submission not to include resubmittals that are the result of substantial redesign due to additional agency comments.~~
- ~~(2) *Inspection fee for water and sewer lines.* There shall be a fee for the inspection by the service authority of public water and sewer system installations. Such fee shall be \$1.43 per foot for every foot of sewer main or water main constructed and shall be submitted as specified by the service authority regulations.~~
- ~~(3) *Inspection fee for stormwater installations.* There shall be a fee for the inspection by the engineering and resource protection division 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.~~
- ~~(4) *(1) Fees waived.* Payment of any permit fees established in section 19-15 *and set forth in County Code Appendix A - Fee Schedule for Development Related Permits* 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.

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on July 1, 2018.

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2018.

Ch19Subdiv-ord(PHolt)

ITEM SUMMARY

DATE: 5/10/2018

TO: The Policy Committee

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Upcoming Joint Planning Commission and Board of Supervisors Work Session

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Fort Eustis Joint Land Use Study Executive Summary	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	5/4/2018 - 4:30 PM
Policy	Holt, Paul	Approved	5/4/2018 - 4:33 PM
Publication Management	Burcham, Nan	Approved	5/4/2018 - 4:44 PM
Policy Secretary	Secretary, Policy	Approved	5/4/2018 - 4:44 PM

MEMORANDUM

DATE: May 10, 2018
TO: The Policy Committee
FROM: Paul D. Holt, III, Director of Community Development and Planning
SUBJECT: Upcoming Joint Planning Commission and Board of Supervisors Work Session

On May 22, the Planning Commission will hold its annual joint work session with the Board of Supervisors to share information and to obtain the Board of Supervisors guidance on development of various work program items.

Planned work program topics include:

- Fort Eustis Joint Land Use Study Update
- Pocahontas Trail Corridor Study Update
- Potential Ordinance Amendments to Address Formerly Proffered Policies
 - Transportation and Traffic Impact Analysis
 - Archaeology Policy and Natural Resources Policy
 - Pedestrian and Bicycle Accommodations

Staff looks forward to previewing these work session topics with the Policy Committee in order to provide additional background and to answer any questions the Committee might have prior to the work session.

PDH/nb
JtWkSess-mem

Attachment:

1. Fort Eustis Joint Land Use Study Executive Summary (full study available here https://docs.wixstatic.com/ugd/3a99a7_58423e7847ce4078af32aceafeb6489f.pdf)

Links to Study Materials:

1. Fort Eustis Joint Land Use Study Website <https://www.forteustisjlus.com>
2. Pocahontas Trail Corridor Study Website <https://www.jamescitycountyva.gov/3537/Pocahontas-Trail-Corridor-Study>



FORT EUSTIS JOINT LAND USE STUDY

Growing Forward Together

Newport News, York County & James City County, VA

What is the Fort Eustis Joint Land Use Study?

The Fort Eustis Joint Land Use Study (JLUS) was a 15-month process completed in March 2018. Fort Eustis is part of Joint Base Langley Eustis (JBLE); however, the JLUS focused solely on Fort Eustis. A JLUS was prepared for Langley Air Force Base (AFB) in 2010, prior to their merger with Fort Eustis as a joint base. Coordination will occur through the host unit (633d Air Base Wing), which provides installation support functions for JBLE.

A Joint Land Use Study (JLUS) is a collaborative study conducted by the city, county, federal officials, residents, and the military installation itself to identify compatible land uses and growth management guidelines near the installation. The process encourages the local community and installation to act as a team in order to prevent or limit any encroachment issues caused by future mission expansion or local growth.

Fort Eustis, located in Newport News and James City County, is home to the U.S. Army Training and Doctrine Command (TRADOC). Newport News and James City County are directly linked by U.S. Route 60. The installation supports a population of more than 22,000, including active duty, Army National Guard, Army Reserve, civilians, and family members. TRADOC is responsible for training and developing the U.S. Army, and operates 33 schools and centers at 16 Army installations. More than 5,000 students (on temporary assignment) train at Fort Eustis each year.

The JLUS was funded through a grant from the Department of Defense (DoD), Office of Economic Adjustment (OEA) and administered by the City of Newport News.

The final JLUS report and materials are available on the website at www.forteustisjlus.com.





FORT EUSTIS JOINT LAND USE STUDY

Growing Forward Together

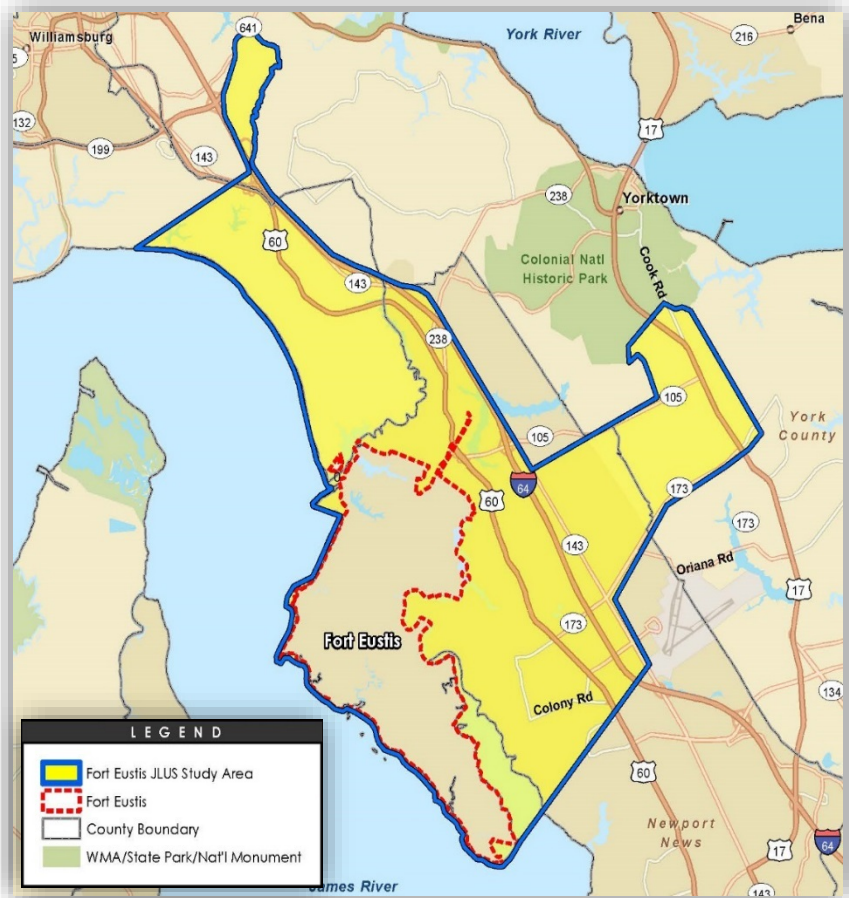
Newport News, York County & James City County, VA

What is the JLUS Study Area?

Fort Eustis is located in Virginia's Hampton Roads region. Its 7,933 acres are bounded on the north by the city of Newport News, Skiffe's Creek and James City County and on the south by the James River. The installation is primarily located within Newport News, while approximately 24 acres are located within James City County.

The study area encompasses approximately 24,288 acres surrounding Fort Eustis. It reaches into James City County, York County, and Newport News. This area was created by the Technical Working Group and Policy Committee to capture the

impacts from the mission of Fort Eustis and the influences from the surrounding communities. Some of the influencing factors include Felker Airfield airspace, noise from the gun range, the aquatic training areas, safety standard at the main gate, safety standard for the third port, and existing and future community development patterns.



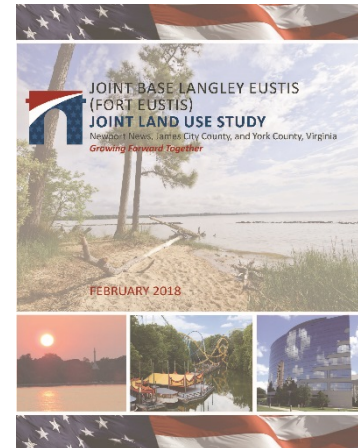
What does the JLUS Report contain?

The JLUS report is divided into 10 chapters. Chapter 1 – Chapter 4 provides background information and includes Introduction to the JLUS, Public Involvement, Community Profile, and Military Profile. Chapter 5 provides a brief economic analysis for the Upper Warwick Corridor. Chapter 6 Compatibility Tools lists

FORT EUSTIS JOINT LAND USE STUDY

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some of the tools available to assist local governments and the military with compatibility and encroachment challenges. Chapter 7 Development Compatibility Analysis evaluates the study area's potential for new development and the relationship with the mission of Fort Eustis. Chapter 8 Compatibility and Encroachment Analysis discusses 19 encroachment/compatibility factors to assess Fort Eustis and the surrounding communities. The results of the analysis are Recommendations in Chapter 9 that address and provides for proactive measures for each item of interest identified during the Study. Chapter 10 Implementation Plan gives guidance to each municipality on how to implement the suggested recommendations.



What was the process?

The Policy Committee and Technical Working Group were formed to help facilitate the JLUS. Each participated directly with the project team to provide feedback and decision-making throughout the planning process. The Technical Working Group included subject experts from surrounding jurisdictions, military planners, business and development representatives, and special organizations. They provided technical expertise through identification of issues and provided feedback to the JLUS team. Upon completion of the JLUS, they will transition to the Implementation Committee. The Policy Committee consisted of decision-makers, executive directors, and elected officials and provided policy direction, study oversight, and ultimately will adopt the final report.

A series of public and stakeholder meetings were hosted to obtain feedback and inform the public. Three rounds of public workshops and forums were held in various locations throughout the



communities. Additionally, the JLUS team targeted specific events already scheduled within the community and brought informational materials including the project fact sheet, social media handout, and project survey. Stakeholder meetings were held during the course of the planning process to obtain



FORT EUSTIS JOINT LAND USE STUDY

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individualized information from the community. A project website and Facebook page accompanied traditional methods of public notice and outreach.

What are the next steps?

Each of the recommendations incorporate one or more actions that can be implemented to promote compatible land use, prevent encroachment upon the military mission, mitigate existing incompatibilities, and facilitate compatible economic development. The recommended strategies function as tools to aid the community in their goal of ensuring the continued sustainability of the military mission at Fort Eustis. Collectively, these strategies represent an assertive and coordinated approach that will demonstrate the community's commitment to that goal.

The recommendations are customized for each of the three local governments and Fort Eustis. The recommendations and implementation strategies are organized into the following strategies which are further detailed in Chapters 9 and 10 of the JLUS report.

- **Communication and Coordination.** Recommendations in the Communication and Coordination category would provide opportunities and strategies for increased communication or coordination between Fort Eustis, the community, stakeholders, elected officials, civilians, and military families.
- **Education.** Recommendations under the Education category would educate the community on facts and details that might help to clarify information or provide new information.
- **Policy.** Policy recommendations would include changes to regulatory documents such as the comprehensive plan, Zoning Ordinances, and/or building codes.
- **Program or Process.** A program or process may need to be established to address a specified area of interest.
- **Study.** Studies or reports may be needed to determine additional information, conduct additional analyses, and research before the next steps can be determined.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT:

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Or visit us at:
www.forteustisjlus.com