

BOARD OF SUPERVISORS WORK SESSION GOVERNMENT CENTER BOARD ROOM

APRIL 26, 2011 - 5:30 P.M.

A. Call to Order

B. Roll Call

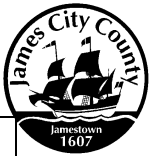
C. Board Discussion(s)

1. Zoning Ordinance Update (Summary) (Memorandum)

- (Attachment 1) (Attachment 1a)
- (Attachment 2)
- (Attachment 3) (Attachment 3a) (Attachment 3b) (Attachment 3c)
- (Attachment 4) (Attachment 4a)
- (Attachment 5) (Attachment 5a) (Attachment 5b) (Attachment 5c) (Attachment 5d)
- (Attachment 6) (Attachment 6a)
- (Attachment 7) (Attachment 7a)
- (Attachment 8) (Attachment 8a)
- (Attachment 9) (Attachment 9a)
- (Attachment 10) (Attachment 10a)
- (Attachment 11)
- (Attachment 12) (Attachment 12a)
- (Attachment 13) (Attachment 13a)
- (Attachment 14)
- (Attachment 15)
- (Attachment 16)

D. Adjournment

MEMORANDUM COVER



Subject: Zoning/Subdivision Ordinance Update Work Session – Remaining Items

Strategic Management Plan Pathway: 3 - Plan responsibly for the needs of a growing and diverse community

Action Requested: Shall the Board recommend any guidance on the categories summarized in the memorandum, particularly noting areas of agreement or disagreement with staff’s recommendations or the Policy Committee’s guidance?

Summary: This work session is a continuation of the March 22, 2011, work session regarding Stage 1 of the Zoning/Subdivision Ordinance Update process.

Staff has worked through Stage 1 of the Zoning Ordinance and Subdivision Ordinance update process, specifically, developing memorandums for each category of districts that provides background on identified issues, describes input received during the update process (including the Sustainability Audit recommendations), presents policy choices, and includes staff recommendations. Staff has presented the memorandums for most of the remaining categories to the Policy Committee. The staff memorandums and minutes from the Policy Committee meetings are listed in the memorandum, and are posted electronically on the Board's Work Session Agenda webpage (<http://www.jccgov.com/agendas/index.html>).

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
1. Floodplain Overlay District Additional Information Memorandum
 2. Signs Memorandum
 3. Residential Districts Memorandum – Affordable Housing and Infill/Redevelopment
 4. Residential Districts Memorandum – Cluster Overlay
 5. Administrative, Procedural, and Submittal Items Memorandum
 6. Fiscal Impact Study Guidelines Memorandum
 7. Environmental Submittal Guidelines Memorandum
 8. Non-Conformities Memorandum
 9. Subdivision Ordinance Memorandum
 10. Mixed Use Districts Memorandum
 11. Form Based Code/Redevelopment Memorandum
 12. Urban Development Areas Memorandum
 13. Green Building Memorandum
 14. Unapproved February 9, 2011, Policy Committee Meeting Minutes
 15. Unapproved February 23, 2011, Policy Committee Meeting Minutes
 16. Unapproved February 24, 2011, Policy Committee Meeting Minutes

Work Session

Date: April 26, 2011

MEMORANDUM

DATE: April 26, 2011

TO: The Board of Supervisors

FROM: Allen J. Murphy, Jr., Director of Planning/Assistant Development Manager
Tamara A. M. Rosario, Principal Planner

SUBJECT: Zoning/Subdivision Ordinance Update Work Session – Remaining Items

Process To-Date and Purpose of Work Session

The Board of Supervisors adopted a Zoning/Subdivision Ordinance update methodology in May 2010, and held a kick-off work session in August 2010. Since that time, staff has been working on Stage 1 of the process, specifically, developing memorandums for each category of districts that provides background on identified issues, describes input received during the update process (including the Sustainability Audit recommendations), presents policy choices, and includes staff recommendations. In addition to the priority categories discussed at the last Board work session, staff has now presented the memorandums for the following categories to the Policy Committee:

1. Development Standards (follow-up items)
2. Residential Districts
3. Procedural and Administrative Items
4. Subdivision Ordinance
5. Mixed Use Districts and Form Based Code
6. Green Building

The staff memorandums and minutes from these Policy Committee meetings are listed at the end of this memorandum, and are posted electronically on the Board's Work Session Agenda webpage (<http://www.jccegov.com/agendas/index.html>). The Policy Committee chair provided updates on the topics covered to the Planning Commission at their March 2, 2011, meeting.

The overall goals of today's work session are to:

1. Inform the Board of the process to-date;
2. Present a summary of the identified issues, staff recommendations, and input from the Policy Committee meetings for each of the four priority items; and
3. Gather guidance from the Board regarding the direction moving forward.

After this Board work session, staff will proceed with developing draft ordinances for the categories listed above during Stage 2 of the ordinance update process. The draft ordinances will be reviewed by the Policy Committee and Planning Commission, and then proceed to the Board with staff's recommendation for final approval.

Category Summaries

1. Development Standards

The majority of staff's memorandums on the Development Standards topics were presented to the Policy Committee on February 3 and February 7, 2011, and the Board began discussion of them at their February 22, 2011, meeting. The cover memorandum summarizing these items and the individual memorandums can be found in the Board's February 22, 2011, materials.

This memorandum contains information on two additional Development Standards topics: the Floodplain Overlay District and Signs. The Floodplain Overlay District was previously discussed by the Board, and this meeting's information is an update regarding material which was presented to the Policy Committee at its March 16, 2011, meeting. The memorandum on Signs was also presented to the Policy Committee at its March 16, 2011, meeting. These memorandums and their associated attachments are included as Attachment Nos. 1 - 2.

Staff's recommendations on these topics were as follows:

- Floodplain Overlay District –
 - The Policy Committee asked staff to evaluate the impacts of increasing the elevation of buildable sites from one foot to two feet above the floodplain. Staff determined that in riverine floodplain districts buildable sites should be two feet above the 100-year floodplain and that building sites in tidal floodplain districts should be two feet above the 100-year floodplain or, where land is already above the floodplain, be filled to be two feet above the floodplain. This would not allow filling in the floodplain and would prevent unnecessary flood damage to property.
 - Staff was also asked to consider the addition of language that would require using flood resistant materials and construction methods. Staff determined that this is already required by applicable building codes and will clarify by references in the Floodplain regulations.

- Signs
 - Review sign lighting, height, and location guidelines to ensure the incorporation of current industry material and construction standards.
 - Review requirements for directional signage to ensure that the intended directional purpose is achieved while preventing visual clutter.
 - Clarify definitions for flashing, animated, and digital signage.

Policy Committee input on these two items will be provided at the Board's work session.

2. Residential Districts

Staff's memorandum on the Residential Districts was presented to the Policy Committee on February 9, 2011, and included discussion of affordable housing, redevelopment/infill, and the Cluster Overlay District. These memorandums are listed as Attachment Nos. 3 - 4.

With regard to affordable housing, staff recommended a housing policy be developed that addresses the following:

- Defining affordable versus workforce units;
- Establishing a desired percentage (or range) of affordable and/or workforce units to total residential units;
- Stating a desire for mixed cost neighborhoods;
- Integrating affordable and/or workforce units with market rate units;
- Providing for reduced cash contribution for schools for affordable and/or workforce units;
- Establishing guidelines for terms with regard to soft second mortgages, as well as provisions for resale or re-rental of units, including establishing right of first refusal to the Office of Housing and Community Development (OHCD);
- Providing for cash contribution to a James City County Housing Fund to be used to increase the supply of affordable and/or workforce units in the County; and
- Establishing OHCD as the County designee for affordable and/or workforce housing.

In terms of redevelopment/infill, staff recommended creating a new district in the Zoning Ordinance to accommodate and encourage redevelopment proposals. The existing Planned Unit Development (PUD) district in the Zoning Ordinance can be used as a model, with modifications to achieve the desired outcomes. The new district can accommodate both residential and commercial redevelopment and infill, and staff recommended that it do so.

With regard to the Cluster Overlay District staff presented recommendations on the following items:

- Provide additional guidance on desired open space design;
- Require a conceptual/sketch plan prior to submission of a master plan;
- Investigate ways to include graphics in the ordinance or develop a separate development design guidebook;
- Look at linking the open space percentage to the development density bonus system by scaling the required open space amount to the scale of the proposed density;
- Explore restructuring the density bonus system to emphasize the fundamental elements of cluster design;
- Revise the items used as density bonus items;
- Update the developable area description; and
- Provide clarity in Section 24-540 stating that the Cluster Overlay District is permitted only inside the Primary Service Area.

While discussed in the memorandum, staff did not recommend changing the method for calculating density used in Cluster Overlay, or recommend concentrating on additional incentives for by-right cluster development.

Policy Committee input on affordable housing and redevelopment/infill was generally consistent with staff recommendations. The Committee concurred with a housing policy, rather than an affordable dwelling unit ordinance, and deferred to the Board on all details. With regard to redevelopment/infill, the Committee generally concurred with all recommendations, limiting feedback to increasing clarification and/or quantification of the design elements presented in the Residential memorandum's Attachment No. 3.

The Policy Committee also generally concurred with staff's recommendations on the Cluster Overlay District. Policy Committee members provided an example open space design principles description and example open space design graphics for staff's consideration. Staff also received a list of items to consider, including making cluster by-right, providing for certain commercial uses as permitted or specially permitted uses (this would be done in coordination with the R-1, R-2 and R-5 districts, since cluster is an overlay), and considering ways to provide density bonuses for a combination of items, such as providing a certain percentage of units that front on open space in combination with provision of affordable housing.

3. Procedural and Administrative Items

Staff's recommendations on Procedural Descriptions, Submittal Requirements, and Administrative Items were presented to the Policy Committee on February 23, 2011. These memorandums are listed as Attachment Nos. 5 - 8.

Staff recommended the following:

- Amend Section 24-143 of the Zoning Ordinance, when site plans are required, to include criteria to exempt certain types of development from the site plan submittal requirement;
- Amend Sections 24-7 of the Zoning Ordinance and 19-15 of the Subdivision Ordinance to remove the enumerated fee schedule and replace it with language referencing a separate fee scheduled document approved by the James City County Board of Supervisors;
- Amend Section 24-2 of the Zoning Ordinance, Definitions, to include revisions to existing definitions and define new terms;
- Include illustrations throughout the ordinance in order to visually aid the understanding of planning/zoning terms and concepts;
- Develop guidelines for environmental impact, fiscal impact studies, and traffic impact analysis (see 3.a., 3.b., and 3.c.);
- Amend Article VII, Nonconformities, to clearly separate sections for nonconforming structures, uses, and signs (see 3.d.); and
- Amend a number of items in response to agency comments on needed updates, and make clarifications in response to frequently asked questions.

The Policy Committee generally agreed with staff's recommendations. The Committee further recommended that staff consider site plan submittal exemption criteria such as expansion of any building or structure by less than 20 percent of the existing floor area. They also recommended revisions to existing definitions and new ones to have their meanings consistent with other documents such as the 2009 Comprehensive Plan.

3.a. Procedural and Administrative Items-Environmental Submittal Requirements Guidelines

Staff recommended that environmental submittal requirements be compiled in order to clarify what is required for applications. Staff recommended that a policy be adopted for legislative cases and that the list of requirements be included in the Zoning and Subdivision Ordinance. A checklist could also be created that would be included with applications.

The Policy Committee generally agreed with staff's recommendation that environmental submittal requirements be compiled in one location in order to make it clear for applicants what is required with each application. The Policy Committee supported the use of a checklist and asked that all Board adopted policies be included on the website.

3.b. Procedural and Administrative Items-Fiscal Impact Study Guidelines

Staff recommended that the guidelines for fiscal impact studies, prepared by staff, be included into the submittal requirements for legislative cases in the ordinance. The Policy Committee supported the creation of standard guidelines for fiscal impact studies.

3.c. Procedural and Administrative Items-Nonconformities

Staff recommended amending the Zoning Ordinance to address the various types of nonconformities in separate sections (i.e., nonconforming signage, structure, and uses). The Policy Committee supported staff's recommendation.

4. Subdivision Ordinance

Staff's memorandum on the Subdivision Ordinance was presented to the Policy Committee on February 23, 2011. This memorandum is listed as Attachment No. 9.

Staff recommended the following:

- Coordinating the Subdivision Ordinance with the *Code of Virginia* regarding alternative onsite sewage systems, with relatively minor changes to terminology, submittal information needs, and notation on subdivision plats;
- Including in the family subdivision provisions a requirement for five years of ownership prior to subdivision and limitation of their use to the R-8 and A-1 zoning districts; and
- Amending a number of items in response to agency (JCSA, Virginia Department of Transportation (VDOT), etc.) comments on needed updates, and making clarifications in response to frequently asked questions.

The Policy Committee concurred with staff's recommendations on these items. In addition, the Policy Committee asked staff to strike subsections (b) and (c) in Section 19-23, which provide for Development Review Committee (DRC) review (as opposed to administrative review) of major subdivision plans. They also asked staff to ensure that the terminology used in Section 19-20 for master plans was consistent with the definition and description of master plans throughout the ordinance.

5. Multiple Use Districts, Form Based Code, and Urban Development Area Information

Staff's memorandums on multiple use districts and form based code were presented to the Policy Committee on February 24, 2011. These memorandums are listed as Attachment Nos. 10 - 11. The major issues and recommendations included the following items:

- Inclusion of a "balance of uses" section that would help ensure an actual mixed use development;
- Addition of a construction phasing section to ensure residential development is not constructed entirely before commercial/industrial development;
- Inclusion of complementary design requirements to help create a sense of place for mixed use developments;
- Discussion of the provision in R-4 that allows developers who control the master plan of a community to add additional acreage to the development (no change from current ordinance language was needed);
- Discussion on a number of sustainability audit recommendations; and

- Consideration of a new redevelopment district to promote redevelopment in Toano and throughout the County, rather than a form based code.

The Policy Committee was generally in agreement with staff's recommendations, both for the multiple use districts and the redevelopment district approach; however, the Committee did recommend better defining the individual Comprehensive Plan descriptions of mixed use so as to better inform zoning proposals of these specific areas. Committee members felt that this could help create more predictability for the community. The Committee also discussed providing more specific recommendations for a "balance of uses" section in mixed use that would include a reorganization of the use list into various categories and a mixing of uses that could be based on parcel size and Floor Area Ratio (FAR) rather than just by percentage.

At the March 16, 2011, meeting, staff presented the Policy Committee with information about Urban Development Areas in James City County (see Attachment No. 12); this information is related to the multiple use districts, but will be proceeding on a different path towards Board certification to comply with State legislation.

6. Green Building

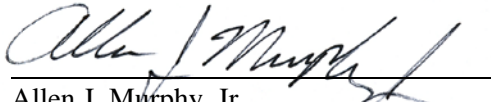
Staff's memorandum on Green Building was presented to the Policy Committee on February 24, 2011. This memorandum and attachment are listed as Attachment No. 14. The major issues and recommendations in the report included six main topics:


- Use of Leadership in Energy and Environmental Design (LEED) and EarthCraft as the County's primary benchmark programs, with provisions for the use of equivalent programs;
- Expectation for actual program certification as the County standard, given the desire for verification of the practices committed to, and given current resources;
- Expectation via a policy document that rezoned or specially-permitted buildings over 10,000 square feet achieve green building certification at the basic certified level, and that 35 percent of homes within major subdivision residential developments achieve basic certification (preliminary recommendation pending further study). Staff also recommends including opportunities in the ordinance to incentivize higher certification levels, and certification of development that would otherwise be below the policy threshold. Finally, staff recommends investigating ways to provide recognition for certification;
- Inclusion in the policy document of information on the certification process and timeframe, as well as provisions for enforcement should it become necessary;
- Inclusion in the policy document of certain limited exemptions, such as for buildings without climate control systems; and
- Investigating inclusion in the policy of an Energy Star expectation for development that falls outside the certification triggers.

The Policy Committee generally concurred with the recommendations. The major item of input was to have an expectation of basic certification apply to 100 percent of rezoned residential units, rather than the 35 percent figure preliminarily recommended by staff. The Committee also reinforced the idea of providing for use of equivalent certification programs, and requested that the process for determining equivalency be stated in the policy. Finally, input was received that some flexibility in the administrative process be provided regarding the timing of initial submission of the program checklist.


Conclusion

Staff looks forward to any guidance that the Board may have on these categories, particularly noting areas of agreement or disagreement with staff's recommendations or the Policy Committee's guidance.


Allen J. Murphy, Jr.


Tamara A.M. Rosario

CONCUR:


Steven W. Hicks

AJM/TAMR/nb
ZSOrdUpdate_mem2

Attachments:

Staff Memorandums and Minutes (posted electronically at <http://www.jccegov.com/agendas/index.html>)

1. Floodplain Overlay District Additional Information Memorandum
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