

ADOPTED

AUG 14 2018

Board of Supervisors
James City County, VA

CORRECTED

ORDINANCE NO. 31A-341

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 24-23, SUBMITTAL REQUIREMENTS; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION I, IN GENERAL, BY ADDING SECTION 24-50, STANDARDS FOR ARCHAEOLOGICAL STUDIES, AND SECTION 24-51, STANDARDS FOR NATURAL RESOURCE INVENTORIES; AND BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN 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 24-23, Submittal requirements; by amending Article II, Special Regulations, Division I, In General, by adding Section 24-50, Standards for archaeological studies, and Section 24-51, Standards for natural resource inventories; and by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

Chapter 24. Zoning

Article I. In General

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 (SUP) 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 *policy* 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 *an ultra- or* 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. *A preliminary natural resource inventory if the property is identified as being in any B1, B2, or B3 areas, as defined by the Virginia Department of Conservation and Recreation's Natural Heritage Resources Program. 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 SUP; 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 SUP 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.

- (2) Any other submittal requirement which may be required by this chapter.
 - (3) 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.
 - (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.

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Article II. Special Regulations

Division 1. In General

Sec. 24-50. Standards for archaeological studies.

(a) *All archaeological studies shall meet the Virginia Department of Historic Resources' Guidelines for Conducting Historic Resources Survey in Virginia for preparing archaeological resource management reports and the secretary of the interior's standards and guidelines for archaeological documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the secretary of the interior's professional qualification standards.*

(1) *When a phase I archaeological study is required, it shall identify, in accordance with accepted practices, all sites recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places. If the phase I study concludes that there are no sites meeting these criteria, then no further work is required and development may occur within the subject area. If the phase I study concludes that there are sites that meet these criteria, then the requirements of subsection (a)(2) will apply.*

(2) *All sites in a phase I archaeological study that are recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:*

a. *The preparation of a phase II study to identify, in accordance with accepted practices, all sites recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places; or*

b. *Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.*

If the phase II study concludes that there are no sites that meet these criteria, then no further work is required and development may occur within the subject area.

(3) *All sites in a phase II archaeological study that are recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:*

a. *The preparation of a phase III study in accordance with the plan for data recovery outlined in the approved treatment plan. The phase III study shall identify in accordance with accepted practices, all sites identified as being eligible for inclusion on the national register of historic places; or*

b. *Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.*

(4) *All studies and treatment plans shall be submitted to the director of planning for review and approval prior to land disturbance. If in the phase II or III study a site is determined eligible for nomination to the national register of historic places and the site is to be preserved in situ, the treatment plan shall include nomination of the site to the national register of historic places. The director of planning shall determine whether the studies and plans have been prepared in accordance with the applicable guidelines through consultation with the Virginia Department of Historic Resources. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

Sec. 24-51. Standards for natural resource inventories.

- (a) *When a natural resource inventory is required, it shall identify habitats suitable for S1, S2, S3, G1, G2, and G3 resources, as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH), in the project area. If the inventory concludes that there is no suitable habitat, then no further work is required and development may occur within the subject area. If the inventory concludes that there is suitable habitat, then the requirements of item (b) will apply.*
- (b) *If the natural resource inventory confirms that a S1, S2, S3, G1, G2 or G3 natural heritage resource either exists on, or could be supported by a portion of the site, a conservation management plan for the affected area shall be submitted to and approved by the director of planning. The conservation management plan shall consist of a plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*
- (c) *All inventories and conservation management plans shall meet the DCR/DNH standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by DCR/DNH, the United States Fish and Wildlife Service and/or the Virginia Department of Game and Inland Fisheries.*
- (d) *All inventories and conservation management plans shall be submitted to the director of planning for review and approval prior to land disturbance. The director of planning shall determine whether the inventories and conservation management plans have been prepared in accordance with the standards through consultation with DCR/DNH.*
- (e) *Upon written request by the applicant demonstrating that the conservation management plan would severely impact the plan of development, the director of planning may waive the requirement to incorporate the conservation management plan into the plan of development, and may instead permit the substitution of a mitigation plan. Such mitigation plan shall provide for the permanent conservation of an equally or more rare resource off-site where such resource would otherwise not be protected.*

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Article III. Site Plan

Sec. 24-145. Site plan submittal requirements.

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

- (1) 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 equal to 2,000 feet;
- (4) Boundary survey of site;
- (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;
- (7) Existing topography using county base mapping (two-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;
- (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;
- (13) Number of floors, floor area, height and location of each building;

- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (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;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (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 or apartment developments;
- (18) Bylaws of homeowners association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); 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 groups A and 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), and (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% 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 techniques if being used.
- (23) *A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:*
 - a. *Land disturbance on the project area is less than 2,500 square feet.*

- b. *The proposed project is a temporary structure(s) that will not be erected for more than six months.*
 - c. *The proposed project is an addition to an existing structure that is less than 1,000 square feet or, no changes to the building footprints are proposed.*
 - d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.*
 - e. *An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendation have been appropriately addressed as determined by the director of planning.*
 - f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
 - g. *The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.*
- (24) *A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria area met:*
- a. *Land disturbance on the project area is less than 2,500 square feet.*
 - b. *The proposed project is a temporary structure(s) that will not be erected for more than six months.*
 - c. *The proposed project is an addition to an existing structure that is less than 1,000 square feet, or no changes to the building footprints are proposed.*
 - d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning; provided, however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.*
 - e. *An approved natural resource inventory for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.*
 - f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
 - g. *DCR has already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.*

h. The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the natural resource policy.

- (b) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements. *In the event the director of planning disapproves a request to waive a requirement, the applicant may appeal the decision of the director of planning to the development review committee which shall forward a recommendation to the planning commission.*
- (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.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.

Sec24-23Zoning-ord