

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-144, PREAPPLICATION CONFERENCE AND SUBMISSION OF CONCEPTUAL PLAN; AND SECTION 24-147, CRITERIA FOR REVIEW; AND BY AMENDING AND RENAMING SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF ENHANCED CONCEPTUAL PLANS WITH NEW NAME PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS AND ENHANCED CONCEPTUAL PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-144, Preapplication conference and submission of conceptual plan; Section 24-147, Criteria for review; and Section 24-148, Procedure for commission review of site plans and enhanced conceptual plans.

Chapter 24. Zoning

Article III. Site Plan

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

- (a) Before filing an application for approval of a site development plan, the applicant is advised to confer with the planning director or his designee, and such other agencies of the county, state and/or federal governments as the planning director suggests to be advisable concerning the general proposal.
- (b) Prior to the submission of a site plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final site plan approval by the zoning administrator; such action does not constitute site plan approval or preliminary approval. ~~Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.~~
- (d) Conceptual plans shall, at a minimum, identify or contain:
 - (1) Project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties;
 - (2) Vicinity and location maps and site address;

- (3) County tax parcel identification number, site boundary, and parcel size information;
 - (4) Building locations and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as those associated with resource protection areas (RPA) and community character corridors (CCC);
 - (5) Entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.);
 - (6) Greenway connections (on-site and those adjacent to the subject property);
 - (7) Narrative description of the proposed use of site;
 - (8) Location of stormwater management facilities;
 - (9) Recorded easements (conservation, utility, rights-of-way, etc.);
 - (10) Unique natural/visual features (viewsheds, water features, wetlands, etc.);
 - (11) Unique natural/visual features to be preserved (specimen trees, known archaeological sites, etc.);
 - (12) List of currently binding proffers or special use permit conditions;
 - (13) Location of entry signs; and
 - (14) 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.
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

Sec. 24-147. Criteria for review.

- (a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider ~~applications submitted for review~~ *site plans* if any of the following conditions are present:
- (1) The ~~application~~ *site plan* proposes:
 - a. A multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
 - b. A shopping center; or
 - c. A single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.
 - (2) ~~Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan. There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency.~~

Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.

- (b) ~~The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off site impacts and/or density, as determined by the planning director.~~ *Site plans that meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148; however, the commission's designee may consider and review, pursuant to section 24-149, any site plan on behalf of the commission that the economic development director determines to create or significantly expand a use that contributes to the achievement of the economic development goals of the comprehensive plan.*
- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Sec. 24-148. Procedure for commission review of *site plans and* enhanced conceptual plans.

- (a) The applicant shall submit to the planning director, or his designee, ten copies of the ~~enhanced conceptual plan~~ *site plan* and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.
- (b) Upon meeting all submittal requirements of section 24-148(c), the ~~enhanced conceptual plan~~ *site plan* shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the ~~enhanced conceptual plan~~ *site plan* and make a recommendation to the commission.
- (c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the ~~enhanced conceptual plan~~ *site plan*. The *site plan* may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.
- (d) *The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation*

of the DRC and either grant preliminary approval, defer, or disapprove the enhanced conceptual plan. The enhanced conceptual plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further administrative review *administratively* by the planning division and other agencies as deemed necessary by the planning director. *In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.*

- (e) The enhanced conceptual plan shall at a minimum contain:
- (1) Project title, title block, legends, north arrow and graphic scale labeled;
 - (2) Vicinity and location maps and site address;
 - (3) Site owner and developer information;
 - (4) County tax parcel number, site boundary and parcel size information;
 - (5) Setbacks (building, landscape) and Buffers (RPA, CCC);
 - (6) Adjacent property information;
 - (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
 - (8) Existing topography using county base mapping (5-foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
 - (9) Existing and proposed rights-of-way and easements;
 - (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
 - (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
 - (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
 - (13) Location and size of existing water mains and proposed connection point(s);
 - (14) Proposed location of water meters, waterlines, and fire hydrants;
 - (15) Proposed building usage and number of floors;
 - (16) Preliminary water demands based on proposed use and required fire flow;
 - (17) Fire flow test performed to determine adequate capacity;
 - (18) Location of all existing or proposed private wells;
 - (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
 - (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
 - (21) Verification of sewer flow acceptance;

- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's chesapeake bay preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/best management practice (BMP) facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;
- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;

- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

AmdCh24-144Zoning-ord